

FIRST NATIONS LEADERSHIP COUNCIL



BRITISH COLUMBIA
ASSEMBLY OF
FIRST NATIONS

1004 Landooz Rd.
Prince George, BC
V2K 5S3

Ph: 778-945-9910
Fx: 778-945-9916



FIRST
NATIONS
SUMMIT

1200-100 Park Royal South
West Vancouver, BC
V7T 1A2

Ph: 604-926-9903
Fx: 604-926-9923
Toll Free: 866-990-9939



UNION OF
BRITISH COLUMBIA
INDIAN CHIEFS

401 - 312 Main Street
Vancouver, BC
V6A 2T2

Ph: 604-684-0231
Fx: 604-684-5726

TO: FIRST NATIONS CHIEFS IN BC
FROM: FIRST NATIONS LEADERSHIP COUNCIL
DATE: July 21, 2021
RE: 2021 BC WILDFIRE SEASON LANDSCAPE

PURPOSE

To update First Nations Chiefs in BC on the current landscape of the wildfire situation in BC and identify key issues and supports.

BACKGROUND

The "[Trial by Fire: Nadleh Whut'en and the Shovel Lake Fire Report](#)," the Tšilhqot'in report "[The Fires Awakened Us \(Nagwedizk'an Gwaneš Gangu Chinidžed Ganexwilagh\)](#)" and the "[Abbott-Chapman Report](#)" all recommend inclusion and partnership with First Nations in all aspects of emergency management decision making, and all phases of emergency management implementation. These recommendations have not yet been fully addressed or implemented into BC's Emergency Management (EM) policies or legislation. Any follow up reporting has not to FNLC's knowledge included FN perspectives or input. The 2018 EMBC *After Action Review of the 2017 Freshet and Wildfires* states little in the way of increasing capacity at the nation level through funding increases and only mentions exploring the option of a tripartite funding EM services agreement. BC's 2018 *Action Plan: Responding to Flooding and Wildfire risks*, also does not include increasing capacity resourcing for First Nations. The fundamental flaw in the logistical approach to First Nations inclusion in EM is apparent in any of their organizational charts. First Nations are not identified as decision makers or having equal authority as non-First Nations governments.

The Tripartite Emergency Management Memorandum of Understanding (MOU) was signed in April 2019 between the First Nations Leadership Council (FNLC), the Government of Canada (represented by Indigenous Services Canada), and the Government of British Columbia (represented by Emergency Management BC (EMBC) and BC Wildfire Service (BCWS) outlining a relationship as full and equal partners to establish a collaborative and constructive working relationship to advance meaningful recognition and enhanced capacity of First Nations within all pillars of emergency management (preparedness, mitigation, response and recovery), through a joint high-level dialogue process that focuses on a mutually developed agenda and Tripartite Emergency Management Working Group (TEMWG).

In 2020, BC began the process of modernizing the *Emergency Program Act* (EPA). This legislation aims to be the first DRIPA-aligned (Declaration on the Rights of Indigenous Peoples Act) modernized legislation. The EPA sub-committee, appointed by the FNLC, is in place to ensure that matters of First Nations jurisdiction, rights and title are addressed.

A letter to the province of BC and the federal government was sent by the FNLC on June 30, 2021 (enclosed) to address the ongoing emergency management (EM) funding gap for First Nations in BC, which exists despite the Tripartite EM MOU being in place.

The July 1, 2021, Lytton fire forced the sudden evacuation of the Town of Lytton and Lytton First Nation; everyone had 15 minutes to evacuate. There was no evacuation alert issued, as is protocol, due to the immediate nature of this fire. Wildfires continue to rage throughout BC.

Transport Canada issued a Ministerial Order, which took effect at 12:01AM PDT on July 9, 2021, for a period of 48 hours unless revoked earlier in writing, requiring:

- the Canadian National Railway (CNR) to cease movement of trains except for emergency fire response, and maintenance and repair work on its Ashcroft subdivision between Kamloops and Boston Bar; and
- the Canadian Pacific Railway (CPR) to cease movement of trains for emergency fire response, and maintenance and repair work on its Thompson Subdivision between Kamloops and Boston Bar.

RECOMMENDATIONS

It is recommended that:

1. First Nations review their emergency management plans and ensure there are identified contacts for Chief, an acting Chief in the event the Chief is unavailable, and an EM contact. It is recommended to share this information with FNESS and EMBC, if you so wish. This allows for all ESS providers to know in advance of any emerging situations how best to serve each nation and to decrease gaps in communication. It is highly recommended that the plans in place are shared with members to decrease risk to health and safety of individuals.
2. First Nations identify any gaps in their emergency management plans and advance with BC and Canada. FNLC is available for support in advancing upon request.

KEY ENTITIES AND ROLES IN FN EM LANDSCAPE

Federal Role

Indigenous Services Canada (ISC) defines themselves as funding support through the Emergency Management Assistance (EMAP) Program. The EMAP funds are part of their global budget that is approved at the Treasury Board level. ISC provides EMBC with the funding for operational First Nations EM services through reimbursement. They also provide funding to BC through their bilateral Emergency Management Service Agreement with EMBC. This agreement ends in 2027. If there are costs incurred by a Nation that do not qualify under EMBC qualifiable expenses, such as a purchase of a generator, then ISC is able to be a secondary level of support. Once a disaster moves into the recovery phase, ISC becomes the funder for First Nations, as opposed to EMBC. They provide funding and support for rebuilding, but the activities associated with the recovery phase such as seeking funding, hiring project managers, creating request for proposals (RFP) for reconstruction of housing and infrastructure, etc. remains the responsibility of the Nation.

Provincial Role

The lines of authority and communication are unclear between the provincial departments of Public Safety and Solicitor General (PSSG), EMBC, Ministry of Indigenous Relations and Reconciliation (MIRR), Ministry of Transportation and Infrastructure (MOTI) and Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). At the time of writing, the requested flow chart of lines of authority or an organizational chart were not provided. An org. chart of the Provincial Regional Emergency Operations Centre (PREOC) was provided (attached).

Operationally, EMBC is contacted by a Nation or community through the regional offices. The regional offices reach out directly and through coordination calls to First Nations and local governments for the purpose of alerts and orders.



Figure 1. ISC DRAFT Roles and Responsibilities - Surrounding First Nations Health Emergency Management Services in British Columbia 2019

FNESS

Since June, [First Nations Emergency Services Society](#) (FNESS) has been embedded in the Provincial Regional Emergency Operations Centre (PREOC); this is the first year and the first time that FNESS or any First Nations organization has been included in the PREOC. Being embedded in the PREOC means that they are in an operational position in logistics, operations, planning, etc. They are now formally integrated into the provincial structure.

FNESS is providing supports to First Nations communities that reach out to them to provide inter-agency coordination and support, evacuation alert and order coordination, emergency plan implementation and coordination, such as state of local emergency (SOLE) declaration processes.

FNESS has been provided a task number from EMBC which allows them to provide services without the burden of seeking reimbursement. This, as well as the embedding of FNESS in to

the PREOC, is a small but significant change directly tied to ongoing implementation of the MOU.

CURRENT STATUS

As of July 21, 2021, according to the [BC Wildfire Dashboard](#), there are 299 active wildfires burning in BC. Given the dry conditions at this early point in the summer, predictions are for continued wildfires throughout the summer.

BC is currently in a Category 5 level of risk from the current wildfires. Category 5 fires are fast spreading and difficult to control and therefore, actions taken focus on controlling the path of the fire rather than taking direct action against the head of the fire. BCWS has indicated that they are operating at a labor capacity of approximately 2600, a 50% reduction compared to 2017/18 when they had capacity of approximately 4300 individuals. They are operating at full air fleet capacity and currently have little in the way of supports from surrounding regions, as Alberta, Saskatchewan and Ontario are all facing challenging wildfire seasons. COVID-19 has also exacerbated this issue by preventing firefighters from other countries, such as Mexico, from entering Canada. The federal government is currently trying to find solutions to this issue. FNESS is seeking First Nation individuals with emergency management experience to help support FNESS or other community Emergency Operations Centres. Those with limited experience will be trained by FNESS immediately.

On July 20, 2021, BC Minister of Public Safety and the Solicitor General, Mike Farnworth declared a provincial state of emergency to support the provincewide response to the ongoing wildfire situation based on recommendations from EMBC and BCWS. The declaration is in effect for 14 days with possibility of extension. The state of emergency of applicable to the whole province and is on place to ensure a coordinate response and delivery of resources amongst the federal, provincial and local governments.

ACTIVITIES

First Nations-Canada-BC Leadership Table on EM and Wildfires

On July 7, BC pulled together an initial call of a First Nations-Canada-BC Leadership Table on EM and Wildfires, co-chaired by Tyrone McNeil (chair of the Tripartite Emergency Management Working Group) and Wayne Schnitzler (ED of FNESS). Minister Farnworth was in attendance along with EMBC, CPR and CNR. This table will continue to meet, and information will be shared with leadership. The focus will be on directly impacted Nations but will be open to all First Nations leadership because wildfires could happen anywhere in the province.

FNLC- Canada-BC leadership table on Emergency Management and Preparedness

On July 8, Canada pulled together an initial call with the FNLC, BC, and FNESS on the immediate needs to address gaps identified by First Nations and FNESS that have become apparent in this year's wildfire season. Deputy Minister Michael Keenan of Transport Canada and Deputy Minister Christiane Fox of Indigenous Services Canada were in attendance, along with EMBC and BCWS. The focus was on addressing immediate needs for First Nations and FNESS and to identify the gaps in current inter-agency processes. On July 13, FNLC was given a tour of FNESS offices, EMBC PREOC and BCWS control centre in Kamloops. This tour provided FNLC much insight into EM operations.

First Nations Emergency Management Forum

The First Nations Emergency Management Forum is tentatively scheduled for October 20 and 21, 2021. This forum will provide the opportunity to collectively discuss the gaps in emergency management, ongoing jurisdictional issues, and to better understand the current First Nations emergency management capabilities.

ANALYSIS

Lack of consistent and transparent communications and lack of understanding re: jurisdiction continue to be the key challenges. The evacuation activities and emergency support services (ESS) that followed the Lytton fire are best described as non-existent and chaotic. The Thompson Nicola Regional District (TNRD) has faced much criticism for their lack of support in the wake of the evacuation and the lack of evacuation centres for evacuees to go to. The lack of coordinated communication post-evacuation between EMBC, BCWS, TNRD, Nlaka'pamux Nation Tribal Council (NNTC), and Lytton First Nation was exacerbated by the lack of communications infrastructure, as it had all been destroyed in the fire. The lack of personal cell phones amongst the evacuees and the lack of cell service, and the lack of readily available SAT phones, were all factors in the chaos.

Jurisdictional issues are highly problematic. There have been multiple instances where Chiefs and Tribal Chiefs have not been informed of an evacuation order directly. This prior notice would allow for internal First Nation governance mechanisms, such as declaring a state of local emergency (SOLE) through BCR be enacted that would streamline processes necessary to have business continuity and access to approved funding for emergencies (EAF's).

Lines of communication amongst the multi-agency system are not clear. Neither the PREOC and FNESS organizational charts (enclosed) clearly link First Nations to these EM procedures or lines of authority. Communications going out to First Nations may become overwhelming.

Frontline staff burnout is a real risk, as this fire season is projected to continue into the fall and may be one of the worst fire seasons in history; this is compounded with the COVID-19 health emergency measures that everyone has been dealing with since March 2020.

In the Lytton fire, once evacuation centres were set up, NNTC found it difficult to track down evacuees as they had all been evacuated to various locations for shelter without having their shelter locations tracked. TNRD also struggled with the tracking of evacuees, as they had no member lists to work from or even a firm number of how many people lived on reserve. EMBC, BCWS, and the RCMP were late in arriving to the site and were not able to achieve any above imaging due to the heat and toxicity of the fire and smoke. Evacuation centres were in place within 24 hours, but due to the lack of protocol in issuing the alert, ESS was not able to implement services that would create a sense of safety or direction for evacuees in a timely manner.

There have been many reports of ESS staff being insensitive to the trauma of the evacuees and treating them without basic decency. Further clarification from EMBC regarding ESS brought to light that ESS is run by volunteers. There is a risk for ESS to fall short of what an emergency situation requires when those who are carrying out the work are not paid. Volunteers are not beholden to anyone, and it would be difficult to have them vetted properly if there is no budget attached to this process. Every jurisdiction, which includes First Nations, regional districts, and cities are responsible for their own ESS and there is no centralized service provision or oversight body.

The tripartite emergency services agreement is yet to be negotiated. First Nations continue to lack oversight or input into the disbursements of funds for First Nations emergency management in BC. FNLC continues to monitor the various issues that have become known and seeks to proactively problem solve with the various provincial and federal agencies.

The lack of funding at all levels of First Nations emergency management must be addressed immediately, as it is the reason that First Nations continue to be underserved and put directly at-risk during times of disaster. There are many protocols, agreements, MOU's, legislation at the provincial level (the DRIPA) and new federal legislation (C-15)) in place, yet there is no real commitment to action and needed resourcing. At its worst, these are discriminatory, paternalistic, and ambivalent bureaucracies and at its best, this is the crippling of federal and provincial bureaucracies through their own internal onerous, burdensome, and unyielding policies and procedures.

KEY RESOURCES

FNESS July 8 Briefing Note

EMBC 2017 Freshet and Wildfires Provincial After-action Review

BC Government's Action Plan: responding to wildfire and flood risks

NEXT STEPS

1. FNLC will continue to support transparent, Nation-to-Nation communications with BC and Canada to address funding, capacity, and jurisdictional issues.
2. FNLC and FNESS work on communications, such as a bulletin, on EM for all First Nations, during this wildfire season.

APPENDICES

1. Copy of June 30, 2021, letter from FNLC to federal Ministers Marc Miller and Catherine McKenna, and provincial ministers Mike Farnworth and Katrine Conroy re: Addressing First Nation Emergency Management Funding and Application Processes
2. Bilateral Emergency Management Service Agreement
3. PREOC Organizational Chart
4. FNESS Organizational Chart