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September 29, 2020
UBCIC

QUESTIONS/COMMENTS

231

1 (MEETING COMMENCED)

2 TYRONE MCNEIL: [Native language].
3 Good morning, everyone. Again, thanking each and every one
4 of you for your patience. We've had some technical
5 glitches on this end. We've had some issues from chiefs
6 and delegates who just weren't getting the link to get on
7 properly. So, for the most part, those seem to be
8 resolved. The registration piece may be a little bit
9 ongoing. So, if you hear from somebody that's not making
10 it into the ZOOM meeting, we are doing everything we can
11 to get them in. As well, just a quick clarification that
12 if you're a voting delegate of the Union of BC Indian
13 Chiefs, you've joined us by ZOOM. If you're anything
14 outside of that, you actually registered with us, but
15 you're watching on the YouTube channel. So, we're going to
16 dive right into it, welcoming Debra Baker asking you to
17 come forward to start us off in a good way. Siem.

18 DEBRA BAKER: [Native language].
19 Good morning, everyone. And thank you to our chair, Tyrone
20 McNeil from Seabird Island, and thanks to the Creator for
21 working on fixing those technical difficulties. I want to
22 acknowledge the shared territory of the Squamish, Tsleil
23 Waututh and Musqueam nations and welcome each and every
24 one of you to the 52nd Annual General Assembly of the
25 Union of BC Indian Chiefs.

1 I just want to share a few words and send
2 out prayers to each of our communities, especially those
3 who are dealing with the COVID-19 pandemic, which I'm
4 certain we all are. And some of us -- we've had some cases
5 in our communities and I really want to thank everyone who
6 stepped up and wanted to support and help our families who
7 were going through the difficult times in each of our
8 communities. And today I'm happy to say that we haven't
9 had any new cases recently.

10 And I think for my relatives and
11 neighbours, Tsleil Waututh and Musqueam, I think they're
12 in a similar situation. But I know that there's all a lot
13 of discussion around the second wave. So, I just want to
14 thank our healthcare workers, frontline support, who are
15 there day in and day out 24/7 for some to ensure that we
16 are doing the best we can to be safe and mindful of what
17 is happening around us, not only locally, regionally,
18 nationally, but globally as well.

19 And a big thanks to Dr. Henry for her
20 calmness, her emotional intelligence and intellect on
21 handling this manner with the Province of BC. So, with
22 that Mr. Chairman, I'd just like to say a short prayer.

23 (OPENING PRAYER)

24 TYRONE MCNEIL: Au siem. Thank you,
25 Debra. And jumping right into it. As we're missing,

1 acknowledging where we are. I'm gathered here at 312 Main,
2 the Union's office, along with the executive and a small
3 handful of staff, and certainly showing appreciation and
4 respects for the Squamish, Tsleil Waututh and Musqueam for
5 where our office here is located. So, thank you for
6 starting us off in a good way, Debra.

7 **REVIEW AGENDA**

8 TYRONE MCNEIL: You've got the agenda
9 in front of you and certainly appreciating for those of
10 you receiving the digital kit. There's a ton of different
11 attachments there. I certainly hope you found the agenda.
12 It is a pretty healthy agenda over a two-day digital
13 meeting. And before diving into the rest of the process,
14 I'd look for a mover and seconder to adopt the agenda
15 should there not be any requests for any changes or
16 revisions. Being mindful that right now, all of you guys,
17 all of you chiefs and delegates your mics, microphones, or
18 on, or you have the ability to unmute them. So, looking
19 for a discussion on the agenda, then a mover and a
20 seconder, please.

21 WAYNE CHRISTIAN: Kukpi7 Christian, I
22 so move.

23 TYRONE MCNEIL: Seconder?

24 BYRON LOUIS: Byron Louis, Okanagan
25 Band. I second.

1 TYRONE MCNEIL: Limt lim, Byron. Thank
2 you. There isn't a formal resolution for this. So, I'm
3 looking for any discussion opposing the motion, if not,
4 we'll consider it carried. Hearing none, we'll consider
5 the agenda carried as is.

6 (RESOLUTION PASSED)

7 TYRONE MCNEIL: Just a couple of
8 housekeeping pieces from me. We've got a number of screens
9 in front of us trying to monitor the conversations the
10 chats the putting your hands up. Chief Byron. I'm not
11 sure if you're keeping your hand up or you're just
12 seconding the resolution, but we are certainly dealing
13 with technology. I don't have the ability to see you and
14 see you well. We've got a number of you on the screen in
15 front of me that I could see so much. If you raised your
16 hand, I could see you, but we've got so many delegates
17 online that I can't see everybody.

18 So, just raising your hand, physically,
19 that doesn't really help me as your chair. Raising your
20 hand within the function of ZOOM? Certainly does. And
21 right now, my chat function within ZOOM, isn't working for
22 some reason, but we have a whole team here to help monitor
23 chat, and you get message to me, if there's any comments
24 or questions coming up in that chat. So, with that, I'm
25 going to turn it over to Josh, who's going to walk us

1 through the ZOOM protocols. I'm sure everybody's aware,
2 but we we'd like to just provide friendly reminders for
3 those of you that know already, and then maybe bring some
4 of you that are new to the technology up to speed in this
5 meeting. Cause it will be wholly in digital form. Josh.

6 JOSH: Thank you very much. So, this
7 will be a review for many of us, but this is just a brief
8 introduction to participating in a virtual meeting and
9 using the ZOOM platform. And so, there are two main modes
10 of seeing speakers in ZOOM. Either the speaker view where
11 you're focused on the person actively speaking, or the
12 gallery view where you can see more of the delegates who
13 have joined and there is a button at the top right corner
14 of your ZOOM screen, where you can toggle back and forth
15 between the speaker and the gallery view, depending on the
16 situation. At the bottom of your screen there's a toolbar
17 and the most important parts here are the audio and video
18 icons. In order to -- for the rest of the meeting to hear
19 you speak, you need to have yourself unmuted, so you have
20 no red line through your microphone icon. If you're
21 joining us via the phone you will want to use the command
22 star six in order to unmute yourself. And otherwise you'll
23 be using the toolbar on your device.

24 In order for the Chair to know that you
25 wish to participate in the conversation, you'll need to

1 let them know. So, in order to do that, you want to open
2 up the participants tab using the button that's
3 highlighted here, which will open up the participants
4 screen on the right side of your ZOOM window. And then
5 there should be a button that says raise hand. And then
6 when you click that button, you will notify the Chair that
7 you wish to speak, they'll call on you. And then you can
8 unmute yourself in order to speak.

9 If you're joining us via the phone, in
10 order to raise your hand, you want to hit star nine and
11 then the Chair will be made aware that you wish to speak.
12 In order to control the video using the, again the toolbar
13 on the bottom of your window, the start or stop the video
14 button, there may be points to your technical difficulties
15 where we cannot hear you very well because the connection
16 is slow. In that case, the Chair might call on you to stop
17 your video so that we can hear what you're saying better.
18 That that may happen during the meeting. But otherwise you
19 can stop and start video. It will help also let the Chair
20 know, you know, if you have your hand up and would like to
21 say something, just having your video on helps in that
22 sense. There's also a chat window, which you can use to
23 kind of monitor the general discussion.

24 I will also be posting the bios of the
25 presenters that we have on the agenda today and tomorrow.

1 And there, you can also use it to raise an issue or a
2 concern. You can also direct your chat comments to a
3 specific person. So, if you need to get in touch with
4 somebody, you can try to chat. I'll be monitoring the chat
5 quite regularly. So, I am a Josh Keoki [ph] in the chat.
6 So, please let me know if you have any concerns. For the
7 public voting that we'll be doing. We'll be using the
8 following procedure; the Chair will read out the
9 resolution being considered. Delegates using ZOOM, raise
10 their hands with the raise hand function to indicate
11 support. In the event that this does not work, we will ask
12 people to raise their physical hands with their video on.

13 The Chair will also call for anyone who
14 opposes the resolution or abstains to voice their stance
15 at that point, delegates who are attending the AGA via
16 telephone and raise your hand virtually using the star
17 nine function. And you can also speak up to voice your
18 support opposition or abstention to a resolution.

19 If there's any uncertainty regarding
20 support for a resolution you UBCIC will move to using the
21 polling feature in ZOOM for that resolution. In the event
22 that this happens, a poll will show up on the screen and
23 you will need to click delegates who are eligible to vote,
24 you'll click either support, oppose or abstain for that
25 resolution, the Chair will also ask those of us joining

1 via the phone to provide their vote verbally for the staff
2 to record. We will tally up the ZOOM poll with the votes
3 from the phone and the Chair we'll relay that to the
4 delegates.

5 In order to access the documents for the
6 AGA you'll need to have an account at the UBCIC website, I
7 am going to post a link in the chat, but this is also
8 accessible via the notice email that went out most
9 recently. If you search final AGA notice in your email
10 inbox, you'll be able to find this information, but it's
11 also posted in the chat. So, you want to be able to -- if
12 you don't already have an account, you need to create one,
13 it is just a relatively quick process, once you visit that
14 link. And then you'll go to resources, drop down menu, and
15 then as Chiefs Council, you will just select the 52nd
16 Annual General Meeting. If at any point you are having
17 difficulty accessing particular documents that is being
18 discussed at the AGA please email Tracy at
19 keypoint@UBCIC.ca to request any assistance, finding any
20 documents. And I'll also post that email in the chat as
21 well.

22 But other than that, unless anyone has any
23 specific questions, I will leave that and then hand it
24 back to the Chair.

25 **OPENING REMARKS**

1 TYRONE MCNEIL: Thank you, Josh. I'm
2 not seeing any hands going up in the participant profile.
3 So, I think there's a growing capacity amongst our
4 community on how to use this technology provided the
5 technology works as it's supposed to, because there are
6 glitches from time to time.

7 And just before turning it over to opening
8 remarks, I just wanted to share with the chiefs and
9 delegates that if any of you joined late, if you're on
10 ZOOM, you're a voting member of the Union. If you're
11 watching us on YouTube, you're not a voting member,
12 although at key times participants will be allowed in to
13 ZOOM because we'll be -- they'll have control of the
14 PowerPoint when they are walking us through in terms of
15 their updates. So, the paid-up delegates who are full
16 members have access to ZOOM, have the ability to chat the
17 full functions of ZOOM. And those that aren't are just
18 kind of watching a TV channel on YouTube of the events
19 happening here at the 52nd Annual General Assembly of the
20 Union. So, with that I'll turn it over to the executive
21 for opening remarks, starting with Chief Don Tom siem.

22 DON TOM: Thank you, Mr. Chair. And
23 thank you to Debra for the opening prayer this morning.
24 And certainly, I appreciate being on the territory of the
25 Tsleil Waututh, Squamish, Musqueam, my Coast Salish

1 relatives here today. And thank you to the chiefs joining
2 us today. Certainly, times are different during COVID and
3 it has changed how we live our lives, how we do business
4 in our communities. And there's just certainly, you know,
5 the lives of our elders and young people in our
6 communities. So, certainly recognizing that this is a
7 trying times for many of us in our communities and to have
8 limited resources and to be able to provide to all
9 membership. I know that recognizing the challenges that
10 exist within our communities during this time, and also
11 not only we're going through world pandemic, but you know,
12 it was in the last few months very apparent of the racism
13 that exists within the hospitals and becoming more
14 apparent and something that we knew already that has been
15 taking place.

16 So, I just wanted to sort of just share
17 with you, I think the times that we're in are very
18 unprecedented and certainly, I appreciate everyone's
19 efforts in our communities. And it's you know, just as
20 I'm sitting here with our team at the Union where you'll
21 see Kukpi7 Judy Wilson's wearing a mask and it just
22 completely changes everything.

23 So, I just want to say that I appreciate
24 your time to continue the business and the work that we're
25 doing here at the Union. And so, I am just very

1 appreciative of the opportunity to share with you today
2 and appreciative of your time and commitment to be here.
3 Certainly, doing the AGA from our Union office in being
4 virtual it looks different sitting from this table as
5 well. We have a room full of cameras, monitors, and
6 screens and all sorts of things. So, I will stop there.
7 Thank you, Mr. Chair.

8 TYRONE MCNEIL: Kukpi7 Judy.

9 JUDY WILSON: Okay. Can you hear me?
10 Okay. [Native language]. Thank you to Debra Baker for the
11 wonderful prayer to set us off in a good way. And also,
12 I'd like to acknowledge Musqueam, Squamish and Tsleil
13 Waututh territorial homelands. And I just wanted to speak
14 briefly this morning.

15 I know it's a little challenging, as chief
16 Don Tom was saying with the virtual presentations and who
17 are going to do our best and thanks to the technical team
18 and Tyrone for managing to lay it out in such a good way.
19 I think one of the biggest things before us here in the
20 province, basically, is the implementation of Bill 41, the
21 alignment of laws and getting rid of those colonial based
22 laws and policies that we've talked about many, many
23 years. I think Louise Mandell called it the, the ghosts of
24 the doctrine of discovery.

25 So, we have a lot of work and we've seen a

1 lot of the different provincial legislation come out and
2 policies, and they still don't go far enough in regard to
3 recognition and jurisdiction of our First Nations. And
4 even with some of the amendments, we're still having to go
5 back even post Bill 41. So, we're going to be talking
6 about that through the next two days and the
7 implementation and the resolutions to that effect, and
8 also the Union BC are drafting a terms of reference. Chief
9 Don Tom's been working with the technical staff on a
10 principled framework for dealing with negotiations outside
11 the BC Treaty Process. As you're aware, we weren't part of
12 that process for the 2019 negotiations directive policy.
13 And also, the draft is moving beyond the BCTC process into
14 proper negotiations based on recognition and
15 implementation of Aboriginal title and rights.

16 I think that's so important because it
17 follows our symposium for May 22nd, 23rd of 2019
18 implementing title and rights and upholding self-
19 determination through a nation-to-nation consent-based
20 negotiations and agreements. And Chief Don Tom would be
21 talking about that tomorrow.

22 I think it's really important to pay
23 attention to those because it does affect, you know, like
24 our forestry issues, they're still putting unilateral
25 legislation policies through without proper engagement and

1 consent and consultation. I think that's really important
2 to look at like FRPA and look at the old growth
3 strategies. Cause now a lot of the logging will happen in
4 our sacred mountains and things like that. So, I think
5 that's really important. But also, we have to keep an eye
6 on the federal legislation. You know, what's going on with
7 the UN Declaration at the federal level.

8 We see parts of the legislation with
9 C-92 and the child and family legislation and the language
10 legislation - pay attention to it. And also, the movement
11 to look at the UN Declaration at a federal level.

12 I also just wanted to make some comments on
13 the federal national inquiry on missing murdered women. I
14 know Melissa Moses is going to be talking about that, but
15 we do need a national action plan, but it seems very
16 government-led still, and we do need a BC plan on missing
17 murdered Indigenous women for implementation.

18 Many of the groups I've been working with
19 the Coalition, we've been working on our own
20 implementation plans because of the lack of the provincial
21 one and also the way the national one is unfolding.

22 So, we have a lot of work in those areas.
23 And I have to also mention Bob Chamberlin, we had a DFO
24 fisheries press conference on open pen fish farms. And
25 DFO is still doing unilateral decisions on keeping a lot

1 of the open pen fish farms opened. And we were looking, I
2 think it was 101 First Nations that want closed
3 containment fish farms and the movement towards that. But
4 they're completely being ignored. And DFO is just aligning
5 themselves with the national foreign companies to continue
6 the fish farms that bring disease and viruses to our
7 salmon. And our salmon are very important to our nations.
8 I really want to congratulate the Statliem nation and some
9 of the other nations here that are really standing up for
10 the fish farms and Eddie Gardener for the work he does
11 too.

12 We have a lot of work before us in the next
13 two days. We have to pay attention to it. And I just
14 wanted to also congratulate the upcoming appointments for
15 Emilia Washington and also Chief Byron Louis, he is the
16 only one who applied for the First Nations Energy and
17 Mining Council. So, there's a few new appointments. But
18 sadly, missing still George Saddleman, who did a lot of
19 work for our elders. I really hope his work that he
20 started that we can continue on. Cause there's just as
21 much elders abuse and elders neglect, especially you can
22 see that coming out with COVID-19 with all the old age
23 homes. We can really see there's a lot of issues in
24 protecting our elders that we need to pay attention to as
25 well.

1 So, thank you, Tyrone, and those are some
2 of the remarks from looking at the agenda. Thank you.

3 TYRONE MCNEIL: Kukstemc, kukpi7. We'll
4 go to Grand Chief.

5 STEWART PHILLIP: [Native language]. I
6 want to acknowledge the Musqueam, Tsleil Waututh and the
7 Squamish people. As you heard, we're on 312 Main here.
8 This is undoubtedly the strangest UBCIC AGA I've ever been
9 to. It's definitely virtual. We're in a room with a bunch
10 of laptops and microphones and screens and people wearing
11 masks and so on and so forth. But I want to commend the
12 staff for working so hard to arrange this method of us
13 being able to contact our communities and have these
14 important discussions vis-à-vis the agenda.

15 I want to speak to the unprecedented times
16 and challenges that have all of our communities face in
17 regard to the pandemic and everything that that represents
18 - the wildfires, the floods, not to mention the opioid
19 crisis. And the missing and murdered women issue continues
20 to plague our communities. So, I want to also commend our
21 community leadership who are working so hard with limited
22 resources to combat all of those issues.

23 I want to thank our staff for the good job
24 that they always do in terms of our AGAs. And I want to
25 express a concern of mine that has been growing over the

1 last several weeks and months. And that's a preparation
2 for the second wave of the pandemic.

3 I think it's going to be far worse than we
4 can imagine. And I don't think we can afford to waste any
5 time in terms of gathering together supplies for our
6 families, our communities, and for our nations to prepare
7 for a pandemic, which will run concurrent to the annual
8 flu epidemic. So I think there's going to be some real
9 challenges throughout the fall and winter months. But I
10 know that by working together British Columbia rocks,
11 because we have been blessed with exceptional and extra
12 ordinary leadership that was able to come together and
13 work together, set aside differences and ideologies, and
14 work for the good of our people.

15 And that's paying out now in terms of all
16 the crises that we're facing. So, I want to thank you all
17 for that. And I look forward to the virtual world of the
18 next couple of days here.

19 And just in closing, I want to thank all of
20 you who have reached out to Joan and me in regard to my
21 health issues. As most of you know, I'm suffering from
22 chronic kidney disease. So, fifth stage end of life, I'm
23 on active dialysis now, three times a week, Monday,
24 Tuesday, and rather Monday, Wednesday, and Friday. And now
25 through the testing for my kidney transplant, they've

1 discovered I have very significant blockages in my heart
2 of 17 actually, so the medical team is debating on whether
3 to do bypass surgery first and the transplant second or
4 the other way around. But we do so greatly appreciate
5 those messages of support and love and consideration.

6 So, with that weyt limt lim.

7 TYRONE MCNEIL: Limt lim, Grand Chief.
8 Just in case anybody out there is wondering the room we're
9 in would probably normally hold between 50 and 70 people
10 and I think there's 13 of us in here right now. We're all
11 spaced out six, seven feet apart. When we're comfortable
12 in our stations, we don't wear a mask, but if we
13 communicate with each other, we've all got masks in front
14 of us. We just use it when we're, you know, getting within
15 proximity. So, I just wanted to send that message out to
16 you that we are taking those, those COVID provisions.
17 Cause we are serious about protecting ourselves and
18 protecting our loved ones at home as well. With that I'll
19 invite Ardith Walkem forward for an update on the
20 elections piece. Ardith.

21 **ELECTORAL ANNOUNCEMENT**

22 ARDITH WALKEM: Hi. So, I'm here to
23 provide an update. Some of the business that remained
24 outstanding from the last chief's council. We hadn't had a
25 complete nomination for the position of elders

1 representative and then the public health crisis hit. So,
2 the deadlines for this have been extended by myself as the
3 electoral officer appointed for this.

4 So, we had a call for nominations, and we
5 had one nomination come in and that was Amelia Washington,
6 a member of the Nooaitch community. And accordingly, as
7 that was a valid nomination and the only nomination that
8 we received, I am prepared at this time to announce that
9 she has been elected to the position of elders,
10 representative of the Union of BC Indian Chiefs by
11 acclamation. Thank you, Tyrone.

12 TYRONE MCNEIL: Thank you, Ardith. And
13 with that, we're going to turn it right over to our new
14 elders representative, Amelia, Washington, are you with
15 us, elder?

16 AMELIA WASHINGTON: Yes. Good morning.

17 So, good to be here with you all today. I
18 just want to acknowledge the ancestral and traditional
19 territory here and acknowledge all the presence of our
20 chiefs, elders, and youth that are present here. I'd like
21 to take this time to introduce myself today. [Native
22 language]. My traditional name is [Native language] and
23 that translates to Little Bear. I come from a small place
24 called [Native language], which is West of Merritt, and I
25 belong to the Nooaitch Band. I have been a mother to five

1 children, five adult children, and a grandmother to six. I
2 am very, very happy to be nominated here into this
3 position and I want to acknowledge our local chiefs, Chief
4 Marcel Shackelly of the Nooaitch Band and Chief Lee Spahan
5 from the Coldwater Band and Chief Jordan Joe from the
6 Shackan band, as well as my family and my colleagues at
7 NBIT and a scwexmx-cfss Scw'exmx Child and Family
8 services.

9 I'm very pleased. I've done many, many
10 things as an elder. I'm going into my 16th year at NVIT
11 here in the Valley. I've been on the Nicola Valley Justice
12 Elders Council here for the past two years, and also just
13 recently joined the scwexmx-cfss Scw'exmx Child and Family
14 services as a resident elder. Among the things that I
15 enjoy passionately is protecting our land. As you see on
16 my by biography, my mission statement is our land and
17 water are sacred. And I pursue that interest. You know,
18 I'm quite involved in anything to deal with protecting our
19 land and our waters. Last year at the international
20 woman's day, I was nominated and accepted an award for
21 outstanding and positive commitment into the community of
22 Merritt and the Nicola Valley. I also received an
23 honorary degree from Kootenay Art Therapy, an
24 acknowledgement for my contribution to language cultural
25 practices for the colleagues and the community.

1 So, I have a vast experience in child
2 welfare, as well as you know, I've been in child welfare
3 for 11 years. I've taught our language from the middle
4 school to elementary level. I've retired now from teaching
5 the language, but I'm still very connected in preserving
6 our language and teachings. I've also been a clinical art
7 therapist for five years. And currently I'm a registered
8 in the NDIT degree language because I feel it is so
9 important to pass our language to our youth.

10 So, with that, I just want to thank you.
11 And just looking forward to be the elders rep. Kukstemc.

12 TYRONE MCNEIL: Kukstemc, elder, thank
13 you very much. And welcome to the Union as our elders rep,
14 we look forward to hearing from you each of our
15 assemblies. Kukstemc.

16 As mentioned at the onset, we are going to
17 be doing rolling resolutions through this process before
18 we move into the formal agenda or the rest of the agenda,
19 we do have the minutes from the last AGA, and typically we
20 have the resolution for that. And you'll find that minutes
21 under the 51st AGA, for those of you that may have read it
22 already. Appreciating for those of you that have the
23 visual kits, you've got a whole number of different
24 attachments to search through, and I just hope that we got
25 it out to you early enough that you become familiar with

1 the documents.

2 But just before we go to that resolution, I
3 just want to repeat a, a voting procedure that was laid
4 out in the guide to virtual UBCIC meetings under COVID-19
5 health restrictions that should have gone out as one of
6 those attachments in your kits. So, on page five, voting
7 public to participate and record the vote in all public
8 votes. For example, on resolutions, the following
9 procedure will be used. One, the Chair will read out the
10 resolution being considered, delegates who are using ZOOM
11 cameras will raise their hands with the raise hand
12 function to indicate support in the event. This does not
13 work. We'll ask people to raise their physical hands. The
14 chair will also call for anyone who opposes a resolution
15 or abstains to voice their stance. Delegates who attend
16 the AGA via telephone can raise their virtual hand as
17 well. And can also speak up to voice their support
18 opposition or abstention. In the event that there's
19 uncertainty regarding support for resolution UBCIC will
20 we'll shift to using the polling feature in ZOOM for the
21 resolution only. In this event, a poll will show up on
22 the screen and only those who are delegates will be able
23 to vote in support opposition abstention. The chair will
24 also ask those on the phone to provide their vote verbally
25 for staff to record. Staff will tally the ZOOM poll with
26 the votes from the phone, and then the Chair will read

1 those out to the delegates. And then just as piece where
2 we shouldn't need to, but in the event there's a secret
3 ballot vote. A secondary platform will be used called
4 simply voting to allow members to register votes by secret
5 ballot, more information will be provided if the platforms
6 use.

7 So, we'll do a big pause there and make
8 sure everybody's brought up to speed on that.

9 So, with that, I'll draw your attention to
10 resolution 2020-16 REGARDING ADOPTION OF THE 51ST AGA
11 MINUTES.

12 Therefore be it resolved the UBCIC Chiefs
13 in Assembly adopt the minutes of the 51st
14 Annual General Assembly, October 2019 as
15 presented in the 52nd Annual General
16 Assembly kit.

17 Looking for a mover and seconder, please.
18 If you don't want to use the raise hand function just
19 unmute your mic, please.

20 GREG LOUIE: Can you hear me?

21 TYRONE MCNEIL: I can hear you, Greg.
22 I'm not sure what that is in the background.

23 Sounds like there's another meeting
24 happening. Could you mute, please.

1 GREG LOUIE: Chief Greg Louie
2 representing Ahousaht move the resolution.

3 TYRONE MCNEIL: Yes. Thank you, Greg.

4 Good to hear your voice. You're not showing
5 up on my screen, Greg, but good to hear your voice. And I
6 believe Keith Crow is seconding. There you are. Hi, Greg.

7 It really does sound like there's
8 another meeting happening in the background. Could you
9 mute your microphone, please? Cause somebody else is
10 moving and seconding motions as well. And it's not me. I
11 didn't hear confirmation from Chief Crow, looking for a
12 seconder to accept the 51st AGA minutes.

13 LEE SPAHAN: Chief Lee Spahan.

14 TYRONE MCNEIL: Kukstemc, Kukpi7. Any
15 discussion? Question has been called, not hearing any
16 discussion in the contrary will consider the resolution
17 passed by consensus. Thank you.

18 (RESOLUTION PASSED)

19 TYRONE MCNEIL: With that we're going
20 to move into our first agenda item. Inviting forward.
21 Charlene Belleau from the First Nations Health Council,
22 Dr. Shannon McDonald, First Nations Health Authority,
23 Judith Sayers, Chief Marilyn Slett, and Chief Don Tom. And
24 for those of you with the electronic kits, it should be in
25 tab three. And we've allowed 45 minutes for this initially

1 | it's 10:30. Now we're off to a late start, but we'll get
2 | as close to 45 minutes as we can in terms of the
3 | presentation and any questions or comments resulting from.

4 | Charlene. Go ahead.

5 | (Track 4)

6 | **FIRST NATIONS HEALTH COUNCIL**

7 | CHARLENE BELLEAU: Yes. Thank you. I
8 | will start and in the interest of time, I will just make a
9 | few brief comments and then leave a lot of the operational
10 | issues to Dr. Shannon McDonald, who on the line as well.

11 | I want to thank Deb Baker first for the
12 | opening prayer into the Musqueam, Squamish and Tsleil
13 | Waututh, for allowing us to meet and have this important
14 | meeting.

15 | I want to start by expressing my
16 | appreciation to your leadership during the pandemic. The
17 | early lockdowns were beneficial. I also acknowledge Grand
18 | Chief Stewart Phillips concerns regarding a second wave
19 | and the need to be prepared. My condolences to the
20 | families and the community that lost loved ones during
21 | this difficult time due to COVID, as well as the current
22 | opioid crisis.

23 | Regarding the lockdowns funding is now
24 | available through the First Nations Health Authority for
25 | the safety checkpoints. This is for the period April to

1 September, and there's a need for ongoing advocacy to make
2 sure that you've got resources available for further
3 lockdown in the event of the second wave.

4 Going forward, I just want to finish that
5 portion by saying that we need to do what we can do as
6 individuals, as leaders to keep our circles small, take
7 all health precautions for the health and safety of our
8 nations, no large gatherings, weddings, funerals, it's
9 difficult, but we'll get through this.

10 We faced a lot of challenges I think,
11 through COVID-19 and again, I will leave a lot of the
12 demographics of the cases to Dr. Macdonald, but I want to
13 mention a few. The biggest impact I think, has been on the
14 notification the leadership and health leads are positive
15 cases. There is the need to balance the privacy of
16 individuals by keeping your families and communities safe
17 and the responsibility of chief and council and your
18 health, please have in that process. I'm aware and have
19 had one meeting with the legal counsel on the application,
20 by the Heiltsuk, the Nuu-chah-nulth and Tsilhqot'in
21 national government through the information and privacy
22 commissioner. Early on BCCDC did issue interim guidance
23 for the management of cases and contact tracing. In April
24 of 2002, the regional health authorities, along with the
25 First Nations Health Authority established a communicable

1 disease protocol that outlines the roles and
2 responsibilities of the Regional Health Authority, the
3 First Nations Health Authority, and the First Nation
4 Service Organizations. In May of 2020 the First Nations
5 Health Authority released its notification pathway,
6 basically, the Regional Health Authority, notable Regional
7 Health Authority, chief medical officer notifying the
8 First Nations interim CFO, the First Nations interim CEO
9 notifying the regional executive director and then
10 regional executive director to the leadership and the
11 health lead.

12 We're experiencing some problems in the
13 implementation of those protocols and processes that we're
14 working on now. And we only encourage, I think our leaders
15 and members to let us know when you have a case. Sometimes
16 things are on Facebook and anyhow, we need to improve that
17 process. There are rural and remote framework agreements
18 that are being developed within each respective region in
19 response to COVID-19.

20 The second issue that we want to make sure
21 and continue to advocate for is First Nations contact
22 tracers. To me that's important and critical when there is
23 a positive case and any time we can cut we know our
24 community members and we know where to find them and can
25 expedite contact tracing to provide culturally appropriate

1 supports. I know that the First Nations Health Authority
2 has applied for positions and is waiting for response and
3 training will be required so that we can have access to
4 our own contact tracers within our nations.

5 Early on, we had problems with the federal
6 and provincial institutions in the pandemic. I understand
7 that there are protocols now in place where they need to
8 properly inform you, if any federal or provincial inmates
9 are released into your communities.

10 Just in closing, I want to just close by
11 encouraging you to continue to engage with Mary Ellen
12 Turpel Lafond's investigation into racism in the BC
13 healthcare system, perhaps some of these challenges that
14 we're currently facing could be addressed through her
15 process as well.

16 Again, just in closing we will be
17 continuing our engagement process through virtual
18 meetings, ZOOM meetings with the different nations and
19 family caucuses proceeding this fall and the regional
20 caucuses as well. So, Kukstemc for allowing me time on the
21 agenda and thanks for making health a priority with your
22 leadership. So, Dr. Macdonald,

23 TYRONE MCNEIL: Just before going to
24 Dr. McDonald, thank you, Charlene, just reminding chiefs
25 and delegates, there is a resolution on COVID-19 it's

1 number 17, in your kit, and we'll go to that resolution
2 immediately after this presentation, Dr. MacDonald,

3 DR. SHANNON MCDONALD: There is a slide
4 deck. I don't know if that can be put up.

5 TYRONE MCNEIL: That's news to us, Dr.
6 Macdonald.

7 DR. SHANNON MCDONALD: Okay. Dr. Richard
8 Jock's office, he sent his apologies. He's not able to
9 attend today, and I have been assured that you had
10 received that slide deck.

11 TYRONE MCNEIL: Do you have that deck,
12 doctor? Do you have that deck?

13 DR. SHANNON MCDONALD: I do. But it'll
14 take me a minute to try to get some help to make sure it
15 gets sent to you.

16 TYRONE MCNEIL: No, I mean, we could
17 share the screen with you so that you could actually go
18 through it on your own.

19 DR. SHANNON MCDONALD: I don't know if I
20 have it electronically. In the interest of time, maybe I
21 should just go ahead, and share. I want to acknowledge and
22 thank for the prayer. It has been so, so important to be
23 grounded in spirituality during this period of time. It
24 has certainly been a huge challenge. I want to acknowledge
25 the Musqueam, Tsleil Waututh and Squamish people where we

1 work every day and the people from Tsawout who allow me to
2 live as a guest on their territory.

3 We've been working hard for a long time,
4 but we're not working alone. And I want to acknowledge all
5 of the leaders who have played such a huge role in helping
6 us move forward, bringing questions for us to follow in
7 terms of policy procedure and on. As of yesterday, we had
8 490, four nine zero cumulative cases of COVID among First
9 Nations people in the province.

10 Yesterday I was informed of 11 new cases.
11 So, they're coming in, but nowhere near as quickly as they
12 had been for a bit. We have had tragically eight people
13 pass away as a result of COVID, two very recently, and a
14 total of 20 people right now in hospital. And four of
15 those individuals are resident on reserve.

16 We work with the federal government and
17 they are only interested in the on-reserve numbers, which
18 of course does not reflect the complete impact of COVID on
19 our community members. And so, I want to make sure that
20 you understand both the provincial impact and those in
21 community.

22 So, right now, nine communities in the
23 province have active cases. And there are a couple of
24 clusters in communities that we are following up on and
25 working with community leadership and health service

1 providers and our Health Authority partners on. We've been
2 very proud of the response that communities where cases
3 have existed and the work that they have done to support
4 individuals who are positive cases through the process and
5 effectively undertaking support for contact tracing. And
6 we have been able to successfully slow and then stop the
7 transmission of COVID in those communities. And they are
8 to be celebrated.

9 In the slide deck that I was given to share
10 by Richard Jock, we talk about the fact that we really
11 started work on this in January, on January 20th when we
12 started having FNHA web and social media updates,
13 beginning as news came from China and elsewhere that this
14 was a new and emerging disease. But it wasn't until
15 January 30th that the World Health Organization declared a
16 global outbreak. Before that happened, we had already
17 enacted a level one response structure at FNHA and began
18 weekly coordination calls. We worked with the provincial
19 COVID calls working very closely with Dr. Bonnie Henry for
20 health sector readiness and national communicable disease
21 network calls to support First Nations readiness on a
22 national basis.

23 We were represented in the health emergency
24 management BC response, and worked in the areas of
25 communications, infection, infection prevention and

1 control, surveillance and public health measures. And we
2 started doing all that work on a daily basis. We had some
3 of our public health staff that worked for 79 days
4 straight without a break. And I really want to acknowledge
5 the work that they did. By mid-March we had raised our
6 structure to a level two and that was in about the same
7 time that the provincial health officer declared the COVID
8 pandemic a public health emergency. And that has continued
9 to be the case that was first declared on March 18th. And
10 by March 27th we were advising very strongly the
11 cancellation or postponement of community gatherings.

12 I was not popular when it came to some of
13 the events, the all native basketball tournament and the
14 youth gathering were both events that we recommended
15 against and people were pretty angry about that. But I
16 don't think any of us realized the impact of this
17 infection at the time. By the end of March, we had
18 received the first delivery of 24,000 pieces of personal
19 protective equipment and distributed it out into province,
20 recognizing that it wasn't enough. And we continued to
21 procure that material. And the communications on staying
22 connected during the pandemic hand-washing harm reduction
23 webinars, radio ads. The physicians on my team were very
24 front and center and very involved in engaging communities
25 in those pieces of work.

1 We got to level three pretty quickly. We
2 were at level three; it was activated on March 30th.
3 Emergency Management BC training was held for 18 First
4 Nations Health Authority liaison staff to work in
5 partnership with Emergency Management BC and our regional
6 teams and our provincial emergency coordination team. We
7 set up the health surveillance system and data tracking by
8 April 1st. So, we were able to monitor COVID clusters. And
9 we were very lucky that Dr. Bonnie Henry put forward a
10 verbal order that allowed the linkage of the First Nations
11 client file to the list of positive cases of COVID. And it
12 started my receipt of daily reports. Somewhat delayed,
13 usually two to three days delayed from the positive test,
14 but I did receive notification of every case in a First
15 Nations individual resident in BC.

16 We continued to deliver personal protective
17 equipment as it came into us. There was another big
18 shipment on April 3rd. But we also knew that at community
19 levels, there was a lot of work being done. Lots 40 First
20 Nations in BC had active states of emergency and band
21 council resolutions and recognizing that work as well as
22 absolutely essential in the work that we were doing.

23 Our communications team has been very, very
24 busy in podcast development, articles, blogs and our
25 health benefits team were putting in extended hours to

1 make sure that we had medical transportation needs and
2 isolation needs met as quickly as possible. And very
3 proudly, it was when we launched the First Nations virtual
4 doctor of the day. We recognized and heard quite clearly
5 that as physician services were being shut down in many
6 communities, access to healthcare services were very
7 challenged. And the First Nations virtual doctor of the
8 day has been very successful in providing care to
9 individuals where they... where they are and where they need
10 to be. And hopefully that's been of support to individuals
11 in your communities.

12 We have been really engaged heavily in
13 partnership to support not only what we do, but what
14 communities do and what health authorities do with and for
15 us. We have been engaged on provincial, rural, remote and
16 Indigenous COVID-19 response framework meetings, first
17 provincially, and then in each of the health authorities
18 and regions. Those pieces of work were developed and are
19 ongoing. Our Emergency Management BC liaisons played a
20 really significant role in them being embedded in the
21 emergency coordination center and the provincial regional
22 coordination centers. And we have been asked many of those
23 people were reassigned from their roles at FNHA to do that
24 work. And so, we're very proud of the work that they've
25 done. And many of the regions have asked that that
26 continue. We've worked out regional pathways on positive

1 case notifications, as Charlene has mentioned, with
2 regional health authorities and communities. And we
3 continue to refine that.

4 The challenge of course, is that there are
5 always delays. If an individual, for example, receives
6 notification of a positive test on a Friday, and the
7 health system does not have the ability to respond until
8 Saturday. I'm often not contacted until the Sunday. And by
9 then, the news is on Facebook. And often the individuals
10 have already reached out to their communities for support.
11 We recognize that that's not the most efficient way to do
12 this, and we are working very hard. And I want to
13 recognize some of the nations that have come forward very
14 strongly to say that that's not good enough. They want a
15 different way of doing that.

16 Regular communication with the Ministry of
17 Health and regional health authorities continues to go on
18 and continued partnership with Indigenous Services Canada.
19 This is a very long deck and I apologize. With regard to
20 personal protective equipment just to let you know that as
21 of September 17th, 1,409,329 pieces of PPE have been
22 delivered to communities. And the new standard that's been
23 established as a three-week supply to be held in community
24 and a further three-weeks supply stored regionally for
25 rapid distribution as required.

1 And the allocation is based on the
2 population of the community, the number of funded health
3 services physicians, and the recommendation of four sets
4 of PPE per day for a full-time health worker. So, that
5 piece of work is ongoing as well.

6 So, just to talk about how we've made quick
7 shifts in the way that we do work. I mentioned the virtual
8 doctor of the day program, which has been highly
9 successful. And in addition to the primary care doctor of
10 the day, we have now been able to add a virtual substance
11 use in psychiatry service to that, to support, especially
12 to support community-based workers in responding to some
13 of the unintended consequences of things like the
14 shutdowns related to COVID. While we are trying to control
15 the spread of infection, we're also realizing that that
16 has impacts on people's mental health. And we have seen
17 rises in issues around substance use and potentially
18 family violence.

19 We have our mobile app, with real time
20 information sharing, and there is a lot of information on
21 the FNHA website for First Nations individuals, for
22 community leaders, for health professionals. And then we
23 have a latest news button. The Indigenous people's day of
24 wellness grants were distributed. There were 114
25 communities that received funding for that. And the

1 virtual delivery of treatment and aftercare supports an
2 Indian residential school health support services
3 continue. We recognize that just because of COVID and the
4 travel restrictions, that didn't mean the need for those
5 services ended. So, it has been certainly a challenge, as
6 Charlene mentioned we have recognized and heard very
7 clearly about the need for culturally safe contact
8 tracing. And we do have a funding submission into the
9 province. There was a distribution of contract tracing
10 resources to the regional health authorities.

11 We were not included in that and have made
12 it very clear that it was our expectation that First
13 Nations would be included in that. So, we are waiting for
14 a response. The checkpoint funding was secured, but only
15 up until September 30th, which is the end of the mandate
16 for this budget. So, we're hoping, and are lobbying hard
17 to make sure that that money will continue to be
18 available.

19 The one-stop community support guide has
20 been completed and is available and talks about how
21 communities can access resources that are available to
22 them. And there is a fair amount of work continuing to be
23 done on the services resumption planning guide to support
24 community back to work. If that's the most important thing
25 we have. And many of you have participated with us on our

1 biweekly webinars, and we will continue to do that work.

2 And I look forward to hearing from you and
3 working with you. We have been working very closely with
4 Dr. Bonnie Henry. I was witness to a really important
5 meeting this week that I'm sure that will be talked to
6 about working together on policy change going forward that
7 better supports the needs for communities to receive
8 information to protect themselves. When that is resolved,
9 I fully look forward to working within the new guidelines
10 and protocols. Thank you and I look forward to questions
11 if that's possible.

12 TYRONE MCNEIL: Thank you, Dr.
13 Macdonald. Judith, do you have any thoughts? I'm just
14 going by the speakers list of names in my kit here.

15 JUDITH SAYERS: Maybe Marilyn could go
16 first and then I'll follow her.

17 TYRONE MCNEIL: Okay. Thanks. Chief
18 Slett.

19 MARILYN SLETT: Hi. Can you hear me
20 okay?

21 TYRONE MCNEIL: Yes.

22 MARILYN SLETT: Okay, great. My name is
23 MARILYN SLETT, I am the elected chief councillor for the
24 Heiltsuk Tribal Council. And I'm really pleased to be here
25 today and to see all of you virtually. So, I have a few

1 minutes that I'll take to provide a bit of an overview in
2 terms of a coalition that Heiltsuk have been working with.
3 We've been working with the Nuu-chah-nulth Tribal Council
4 and the Tsilhqot'in on a number of issues. And I'll go
5 over that with you.

6 First of all, I wanted to share, you know,
7 and acknowledge the prayer and you know raise my hands up
8 to the executive. It's really good to see you and to all
9 of the leaders joining us here today. As First Nations
10 communities, we have a history of pandemic in our
11 communities. And one of the things that one of our
12 hereditary chiefs shared with us early on is what sets us
13 apart today is we should have the information at our
14 fingertips in order to be able to protect our communities.
15 And that is something that, you know, as the pandemic you
16 know, carried on, you know, we knew that we didn't have
17 that information at our fingertips.

18 We have heard some of the presentations and
19 comments before us, around, you know, the work that our
20 communities have undertaken to keep our communities safe.
21 You know, we have elders in our communities, members with
22 compromised health issues and we have you know, limited
23 health resources within our communities. So, these are all
24 factors, you know, that, you know, motivated us to make
25 sure that we were doing all that we can to protect our

1 communities.

2 We started with some really basic safety
3 measures that the province, you know we were asking the
4 province to share and provide to our communities and that
5 included rapid testing and, in our communities, cultural
6 contact tracing, information sharing and screening. And
7 screening was really important because this was when, you
8 know, BC was, you know, going through their phased
9 approach to restarting the BC restart plan.

10 So, more recently you know, we've really
11 worked hard on you know, communicating with the health
12 authorities and the province around why we need this
13 information. And I'll just go through really briefly what
14 that information is.

15 So, the information we've been seeking is
16 the location, not the personal identity of proximate
17 presumptive and confirmed cases. So, this is so, you know,
18 our communities can, you know, work you know, effectively
19 with any measures that we need to take in our communities
20 and whether or not the proximate case that, you know,
21 whether or not those people have traveled, you know,
22 through to any of our nations.

23 And lastly, the name of an infected person
24 with COVID for the sole purpose of cultural contact
25 tracing, and that wouldn't be shared with anybody than the

1 contract tracer in our communities, and also with the
2 consents of the member.

3 So, you know, these are all things that
4 we've been working hard towards and, you know, just to,
5 you know, really briefly go through the reasons why it's
6 important, so we can activate emergency measures within
7 our communities. And that can include curfews, enhanced
8 travel advisories, stay at home orders, enhanced measures,
9 you know, in our essential services for our communities.
10 And it's also so our contact tracer can, you know, begin
11 work in the community. You know, our people know, you
12 know, the social networks, they know the, you know, the
13 families and the people, and it's most appropriate, you
14 know, that, you know, someone, you know, and, you know,
15 these really tough times talk to someone that they know
16 and trust. So, that's been one of the issues that we
17 brought forward, but those are the information requests
18 that we've brought forward.

19 And this has been, you know, back to, I
20 would say May that we've been pushing this forward. And I
21 just really need to acknowledge that we've worked with you
22 know, so many communities and reaching out and supporting
23 one another you know, up and down the coast and, you know,
24 throughout British Columbia. And that's really heartening
25 because we know that we're going through some pretty tough

1 times right now. And, you know, the information that we're
2 seeking is lifesaving information for our communities. And
3 I think I'll stop there and pass it onto Judith.

4 JUDITH SAYERS: Thank you, Marilyn. And
5 thank you to UBCIC for the invitation to present on some
6 very important to work. We think we know all of the First
7 Nations are striving hard to prevent the spread of the
8 virus in their communities.

9 At the beginning of the pandemic, we had
10 weekly calls with the Minister of Indigenous Relations,
11 Scott Fraser, and we put forward our points of things that
12 we wanted to see with no success. We, as the Nuu-chah-
13 nulth put forward our demands on June 9 publicly through a
14 press release. So, all three communities that we've been
15 working with, the Heiltsuk, the Tsilhqot'in and the Nuu-
16 chah-nulth. We've been trying really hard to get attention
17 and we on the 24th of June put forward and op-ed in the
18 Globe and Mail and putting out our concerns. This was the
19 day that John Horgan opened up the province, and we felt
20 that these four conditions or that hadn't been met.

21 And so, in July, we set up a table a main
22 table and four sub tables for the four issues. And we
23 have, from the very beginning, asked that we have this
24 information on approximate location of COVID cases,
25 because we really feel that when there's a COVID case in a

1 nearby town where we shop, gas up and all those kinds of
2 things creates a greater risk for us.

3 So, because we had the province saying no
4 to us on this, we decided to launch an application before
5 the office of the information and privacy commissioner. We
6 did that on September the 14th and asking for a ruling
7 that under FRPA, this information, it puts us at greater
8 risk to our group of people. We have had really great
9 response from the commissioner. He knows how important
10 this is.

11 We're not the only people asking for this
12 information, there's many others. So, we fast tracked. We
13 had a date for October 7th for the hearing BC asked for a
14 couple of weeks. And so now we're set for October the
15 22nd, where the privacy commissioner could possibly would
16 hear the hearing. And then we don't know quite how long it
17 would be for him to rule on that. But what has happened in
18 the meantime, is Doug Caul intervened just days before the
19 election. We all knew the election was going to be called,
20 and he was trying to see what he could do. So, on Monday
21 we had a conversation with him and Bonnie Henry and Deputy
22 Minister, ADM. And we were cautiously optimistic about
23 that meeting that maybe we can work together. I know Dr.
24 Shannon had mentioned this, you know, we have work to do
25 before we give you any good news, but, you know, we have

1 | been pushing very, very hard to get this information to
2 | you because we do know it is definitely a matter of life
3 | saving.

4 | And, you know, we watch this virus just
5 | balloon in our communities from one to 26 or 30, or, you
6 | know and it's too late. You know, when it becomes, you
7 | know, an outbreak it's too late, we need to stop all
8 | cases. And we need to have control over that, as First
9 | Nations, about what that happens. And we have to use
10 | information that's available to us to make those
11 | decisions. And we feel not being given this information,
12 | stops us from making those decisions that could otherwise
13 | be, you know, otherwise be made. And we know there's a
14 | growing number of First Nations that are escalating their
15 | efforts for Premier Horgan and Minister of Health Dix,
16 | which may or may not happen depending on the election, to
17 | honour transparency and reconciliation by sharing this
18 | information. Yeah. I mean, we have UNDRIP, we have all
19 | kinds of things.

20 | You know, we really feel that, you know, in
21 | the months leading up to the opening of the province at
22 | the third stage, the province didn't do anything really to
23 | help meet our conditions. And it's a shame that we've had
24 | to fight so hard because that's all we've been doing for
25 | all these months is to get what we think we need rapidly,

1 and Maryland outlined what those four conditions are. So,
2 I'm not going to go into them.

3 So, really looking forward to either of
4 concluding discussions with BC or the ruling of the
5 privacy commissioner, whatever comes first. But just
6 knowing... we just wanted to share all of this with you, our
7 efforts, because we've seen, you know, in other provinces,
8 of course they share information immediately when there's
9 outbreaks or even one case next... in a town it's all out
10 there, Saskatchewan does, Ontario actually has an app and
11 we've seen them balloon.

12 And that's what we're worried about is the
13 second wave that we're into now. It's just crucial. And
14 so, you know, appreciate having the opportunity to inform
15 me about our efforts in this regard. And we did reach out
16 and get some support letters for our application, and we
17 appreciate those that have come forward, UBCIC, of course,
18 provided us with that letter as well as all of the
19 Leadership Council. So, you know, we just don't want
20 another Spanish flu and other smallpox epidemic kind of
21 thing happening in our communities. And so, we're just
22 making those efforts. So, thank you very much for your
23 time and letting us share this with you.

24 TYRONE MCNEIL: Thank you. Judith.
25 We'll go to Chief Don, Tom for update on the Union's work

1 on this, Don.

2 DON TOM: Thank you. I just got a text
3 from Andrea saying I'm up next. Thank you, everyone. Thank
4 you to Chief Slett, President Sayers and Dr. MacDonald and
5 particularly, thank you for sharing the information, Chief
6 Slett and President Sayers. And I think as we look at the
7 concerns that we have in our communities and having First
8 Nations to be able to mitigate the risks of COVID on our
9 own and to be able to be supported and to have that data
10 is important. And I think when we're in 2020, and we look
11 at recognition our communities should have that data
12 available so that we can mitigate the risks in their
13 communities.

14 As some of you may recall a few months ago
15 we had some of our staff from the Union reach out to, it
16 may have been your administrator, band managers or
17 yourselves as chiefs, to, I think, get a snapshot of
18 what's going on and how your response has been and what
19 are some of the challenges that you have in your
20 respective communities? The COVID-19 pandemic has
21 disproportionately impacted... impacts on Indigenous
22 communities and introduces new challenges to Indigenous
23 peoples health, economies, cultures, and wellbeing. Along
24 these new concerns, the pandemic is exacerbated pre-
25 existing barriers to Indigenous wellbeing, including

1 gendered violence, racism, discrimination, the opioid
2 overdose crisis, the housing crisis and limited access to
3 culturally appropriate health care, internet connectivity
4 clean drinking water and sanitation supplies. Many First
5 Nations have spoken to the government inadequate piecemeal
6 response to their challenges that have forced nations to
7 deplete their own resources in funds and to implement
8 their own strategies and measures in combating the
9 pandemic. In this context, UBCIC recognizes the need to be
10 an advocate in the province's response to the public
11 health crisis and created a report which sought to bring
12 UBCIC's memberships voice forward to push for concrete
13 change.

14 This report is the product of a month's
15 work and, as I described, some of our staff reaching out
16 and sorry... asking about the diverse challenges experienced
17 in meeting the existence in emerging needs of the
18 communities during the COVID pandemic. We thank all those
19 who participated in the phone call and emails and
20 interviews. And I took part in the interviews as well, and
21 it took about 45 minutes to an hour. So, it wasn't a quick
22 interview. So, we appreciate everyone's time who is
23 available to help us with this.

24 Some of the biggest concerns we heard that
25 the communities don't have sufficient access to personal

1 protective equipment, PPE, and sanitation supplies. This
2 has been an uphill battle for many communities, especially
3 rural ones, without these necessary supplies in person
4 medical care and in-home services have been suspended,
5 which has had a negative impact on health of many,
6 especially those with pre-existing medical concerns and
7 our elders.

8 Another key issue in insufficient access to
9 timely COVID testing. As we heard, and significant
10 barriers to testing, including access to transportation
11 licensing travel requirements and financial burdens.

12 Another key issue is technology and
13 connectivity, substandard infrastructure connectivity,
14 especially in rural communities has created a myriad of
15 concerns relating to the delivery in excess of vital
16 services. Lack of connectivity is a pre-existing issue
17 that has worsened our ability to respond to COVID. Many
18 First Nations have also reported that they don't have the
19 infrastructure capacity to support 14-day isolation
20 protocols. This highlights the pre-existing shortages, a
21 shortage of adequate housing in Indigenous communities and
22 the need for sufficient and adequate housing. COVID has
23 also had a significant impact on mental health, physical
24 wellbeing, feelings of loneliness and alienation from
25 suspension of family and community events have been have

1 been a large part of this and being felt across all
2 communities, UBCIC continues to work its membership with
3 the First Nations Leadership Council and the provincial
4 health authorities to address these core concerns.

5 The report includes priority actions and
6 recommendations, all of which UBCIC supports. Excuse me,
7 it's dry in this room. So, with this report, this is why I
8 recommend UBCIC's executive advancing this report through
9 resolution 2020-17 titled addressing priority concerns and
10 needs of BC First Nations around COVID-19.

11 The findings of this report are essential
12 in advocating for the needs of our communities to be met
13 in the face of this public health crisis.

14 Thank you. Mr. Chair.

15 TYRONE MCNEIL: Thank you, Don. From
16 there, we do have a few minutes for any questions or
17 comments chiefs and delegates may have before going to the
18 resolution. I don't see a speakers list in the hands up
19 function. Are there any questions or comments from chiefs
20 and delegates? Kukpi7 Judy?

21 **QUESTION/COMMENTS**

22 JUDY WILSON: Thank you. I just want to
23 appreciate all the speakers on the COVID updates. It's
24 really essential, as our grand chief said, the times that
25 we're facing. In our community, we did face a lot of the

1 gaps and communication issues when we had a couple of
2 cases identified in our community and we had to call on
3 First Nations Health Authority and Secwepemc Health to
4 help us navigate through it and identify the issues. We
5 did send a press release out. And then also we met with
6 Interior Health and further identified those issues. And I
7 think both Charlene and Chief Don Tom are speaking to
8 them, which were about the communications and
9 notifications, the delayed time factor, which in our case
10 we weren't notified. And our wellness director had to
11 reach out and contact a different... do her own legwork if
12 you will say that and then find out the details so we
13 could provide information and support to our members, our
14 households that were affected. And then also the Interior
15 Health did commit that they are going to follow up those
16 issues. And we were looking at a joint statement for our
17 community members. And I think we issued that already.

18 But the issue is around the communications
19 notifications and the First Nations doing their own
20 contact tracing, because what we're finding with Interior
21 Health they might have someone assigned to phone the
22 individual, but the individual might not even answer the
23 phone, not knowing the number and also not knowing the
24 person they will not provide additional information. So,
25 we have a lot of barriers and issues towards contact
26 tracing. And, you know, there's also cultural barriers

1 | there too.

2 | So, I did want to say, I heard that they
3 | were spoken on, but I really think we do have to push for
4 | First Nations contact tracing, because right now it's only
5 | Interior Health and I think First Nations Health Authority
6 | had a proposal. So, those are my questions. Those are the
7 | things I'm raising our experience from our community.
8 | Thank you,

9 | TYRONE MCNEIL: Kukstemc, Kukpi7. I'm
10 | not seeing any hands raised and we're within three minutes
11 | of our allotted time and appreciate we started a little
12 | bit late. If it's okay with the chief and delegates, I'm
13 | going to draw your attention to the resolution 2020-17
14 | regarding ADDRESSING PRIORITY CONCERNS AND NEEDS OF THE BC
15 | FIRST NATIONS AROUND COVID-19.

16 | Therefore be it resolved the UBCIC Chiefs
17 | in Assembly recognize UBCIC's membership
18 | feedback report and recommendations on
19 | COVID-19 as a critical document identifying
20 | immediate remedies to social injustice and
21 | economic insecurity BC First Nations need
22 | and are requesting as a result of COVID-19
23 | pandemic' and

24 | Therefore it further be resolved the UBCIC
25 | Chiefs in Assembly direct UBCIC executive

1 and staff to work with likeminded
2 organizations and continue in advancing the
3 needs and requests of First Nations and to
4 urge the provincial and federal governments
5 to rectify any inequities in their efforts
6 to aid and support First Nations
7 communities during the pandemic; and
8 Therefore finally it be resolved the UBCIC
9 Chiefs in Assembly direct UBCIC executive
10 to advance and bring you UBCIC's feedback
11 report and recommendations to the
12 provincial and federal governments and will
13 call upon them to actively address the
14 concerns and needs of UBCIC members by
15 providing informed and organized support
16 funding and resources.

17 Looking for a mover and seconder please.

18 WAYNE CHRISTIAN: So moved. Kukpi7
19 Christian, Splatsin.

20 TYRONE MCNEIL: Kukstemc, Kukpi7. And
21 I see Kukpis Lee Spahan seconding. Thank you. Opening up
22 to discussion. Chief Don.

23 DON TOM: Yes. Thank you. And I am
24 remiss. I also would like to acknowledge the work that
25 Charlene Belleau and the First Nations Health Council have

1 done in supporting our communities and advocating for
2 them. Just an oversight on my part in in the
3 acknowledgements. And so, I just wanted to thank you
4 Charlene, Huychqa.

5 TYRONE MCNEIL: Thank you, Chief.

6 Any discussion on the resolution? Not
7 seeing any hands up and I don't see anybody waving, not
8 that I can see everybody. Are we prepared to go to
9 question? Thank you. Is there any opposition to the
10 resolution? Either demonstrate that by raising your voice
11 or raising your hand in the raise hand function. Not
12 seeing or hearing any, are there any abstentions to the
13 resolution? Again, not hearing anything we'll consider the
14 resolution passed. Thank you. Thank you to the presenters.
15 Any vital or critical wrap up comments from any of the
16 presenters. Are we good to go? I don't see anybody
17 speaking up. So, thank you to all the presenters.

18 (RESOLUTION PASSED)

19 TYRONE MCNEIL: So, now we're going to
20 consider or sorry, move right into our next agenda item,
21 which is our legal update and inviting forward, Elin
22 Sigurdson from Mandell Pinder. There is a deck we'll be
23 going through and there's a memo in your digital kits,
24 under legal update. And, again, we're allowing about 45
25 minutes for this or close to it, and there will be times

1 for questions and comments after the presentation.

2 (Track 5)

3 **LEGAL UPDATE**

4 ELIN SIGURDSON: Thank you. I can see
5 the deck on the on the slide now. So, thank you so much
6 for including me in the AGA and for inviting Mandell
7 Pinder to deliver the legal update. I acknowledge my
8 presence as a guest on the unceded lands of the Musqueam,
9 on the Squamish and Tsleil Waututh people. And I recognize
10 the presence of all of you chiefs, grand chiefs, staff,
11 delegates and honoured participants in all of the lands
12 that you're located on. And the almost magic of our
13 ability to do this meeting together despite not being able
14 to be within proximity of one another's faces and bodies.
15 And I thank you for all the work that everyone is doing to
16 remain safe. And especially given the last update it's
17 remarkable the work that all of your communities are doing
18 in concert. I really strongly acknowledged that.

19 I do note that we're a few minutes behind
20 schedule, and I also recognize that the legal update can
21 be a little bit dry, especially in a digital format. So, I
22 aim to touch on some high points and leave some time for
23 discussion. So, with that I'm going to launch into the
24 legal update, which you have a version of in your
25 materials, in a memo form. And these slides are

1 essentially to summarize and supplement that.

2 I'm going to skip ahead a little bit in my
3 presentation to touch first on a couple of matters that
4 the UBCIC has been involved in. And to do that I'm going
5 to refer you to the case of *Gamlaxaxyltxw v. British*
6 *Columbia*, which is the judicial review that was brought by
7 Gitenyow hereditary chiefs, challenging the failure to
8 consult by the Province of British Columbia in relation to
9 two decisions that are related to moose hunting. And that
10 judicial review, initially, resulted in a decision from
11 the BC Supreme Court where the Supreme Court found that
12 the duty to consult had been carried out in relation to
13 one of the decisions, but had not even been triggered for
14 the other.

15 The remarkable part about the case was that
16 the trial judge concluded in her decision, that in that
17 case where the rights at stake were quote unquote asserted
18 section 35 rights that required consultation if it was
19 required to consult in relation to those rights in respect
20 of one of the decisions, and that had the effect of
21 impacting on the Nisga'a Treaty, the court decided that
22 the duty to consult wasn't even engaged and said you know,
23 as a result, it makes sense to change the Haida test to
24 include a whole new factor that considers what happens
25 when you have rights that are essentially intention with

1 one another. On the appeal of that decision UBCIC
2 participated as an intervener. And to do that we advanced
3 an argument or UBCIC advanced an argument that the judge's
4 decision had created a hierarchy of rights between section
5 35 rights and of other forms and treaty rights. And that
6 this was not consistent with the proper understanding of
7 inherent Aboriginal rights. And it was not consistent with
8 the desire or the path towards reconciliation.

9 So, in the appeal, which came down in July
10 the Gitenyow were not successful in their specific
11 judicial review result. Essentially, the court said in
12 relation to one of the decisions, the duty to consult was
13 carried out adequately. And in relation to the other, the
14 duty to consult was not triggered because it did not have
15 the possibility of affecting the rights in question. So,
16 in the result, the Gitenyow were not successful. However,
17 Gitenyow and UBCIC were successful in persuading the court
18 that in situations where consulting with one nation with
19 asserted rights would affect the treaty rights of another
20 nation.

21 The Haida test still applies, and the Haida
22 test still requires that consultation be carried out where
23 a right could be affected. So, well on this specific facts
24 being highlighted by the Gitenyow in their case they
25 didn't achieve the result that was sought.

1 The thing that was achieved was the court
2 was persuaded not to create a hierarchy of rights between
3 these types of rights. One thing that that I would just
4 note about the decision other than it is, you know, it's
5 pretty specifically factually oriented as these duty to
6 consult cases tend to be. It doesn't address the context
7 of this particular dispute with the Crown. So, it doesn't
8 address the broader context of the case being in a setting
9 where treaty rights and other Aboriginal rights have the
10 potential to be intention.

11 So that was a one that, you know, we would
12 sort of describe as a mixed result, but from the
13 perspective of the UBCIC, the intervention achieved the
14 argument that we were trying to advance.

15 The other case that I'd like to highlight
16 in terms of the involvement of the Union is one that's
17 coming up in the Supreme Court of Canada. And that is the
18 case of *Southwind*. So, *Southwind* is a case that's brought
19 by Lac Seul First Nation. Lac Seul is a Treaty 3 nation.
20 And they had 11,000 acres of their reserve land flooded
21 for a hydroelectric project in back in 1929. And when that
22 happened Canada took no steps to properly or lawfully
23 allow the use of the reserve lands for that purpose.

24 So, this a case about compensation for a
25 fiduciary breach. And Lac Seul was successful in the

1 Federal Court in the sense that they proved that the Crown
2 had breached its duty. And they proved that the steps that
3 the Crown had taken were not sufficient to discharge its
4 fiduciary obligation and that these lands were essentially
5 lost for eternity, despite being part of their reserve. On
6 appeal, the issue is how should compensation for this kind
7 of a breach be worked out. What the courts did below was
8 the courts decided, well, we'll look at hypothetical
9 situation and decide, you know, what would have happened
10 if Canada had acted properly. And in doing that the court
11 said, well, if Canada had acted properly, they would have
12 just gone ahead and expropriated and then Lac Seul would
13 be entitled to a sum of money based on that expropriation.

14 The problem with that is that approach
15 doesn't effectively respond to what was lost by Lac Seul
16 case Lac Seul didn't lose an expropriation fund, they lost
17 a fifth of their entire reserve forever. So, the appeal is
18 about how to properly design this type of compensation.

19 And in that case 19 intervention
20 applications have been received by the Supreme Court of
21 Canada. One of them is from a UBCIC, hand in hand with
22 Penticton and Williams Lake. And that coalition is
23 applying to argue that as an intervener, that from their
24 experience in the Specific Claims Process this kind of
25 hypothetical approach does not achieve an equitable

1 result. It's not a result that restores a First Nation or
2 an Indigenous community to the place they would have been
3 if their rights hadn't been breached so egregiously.

4 The other thing that the Union is going to
5 seek to argue, if they get leave, is that Indigenous laws
6 have to be understood and incorporated as part of the
7 Indigenous perspective on these types of breaches, given
8 the connection of those laws to lands and governance. So,
9 as I said, applications come in from across the country
10 from in BC, Tseshahat has applied, as has West Moberly, and
11 as this has Coquitlam. So, this going to be a hearing
12 that's anticipated in December because of you know, case
13 numbers going up and down a bit in Ontario. We don't know
14 if it's going to be in person or whether it will be
15 delayed somewhat, but that's the current status of that
16 one.

17 I would like to go back a bit in my
18 presentation now and talk to you about another case that
19 has put the opportunity for potential interventions in
20 case this inspires your interest. This is a case that
21 deals with a rarely interpreted section of the Charter
22 section 25. So, this a section you'll probably have some
23 knowledge and interest in in other contexts. But this is a
24 case taking place in the Yukon. Ms. Dixon is a member of
25 the Vuntut Gwitchin First Nation and VGF fan is a Yukon

1 First Nation in a self-government agreement, or I'm sorry,
2 with a final agreement and a constitution. And part of
3 their constitution requires that if you've run for office
4 you must live in the settlement lands of the nation, in
5 Old Crow. And Ms. Dixon wanted to run for office, but she
6 lived in Whitehorse. So, she was denied the ability to
7 run. The General Assembly of the nation then changed the
8 law to say, well, you do have to be a resident once you're
9 in office, but after you're elected, you have 14 days to
10 move to Old Crow and be part of the seat of government.

11 So, Ms. Dixon brought a challenge based on
12 section 15 of the Charter alleging discrimination on the
13 basis of Aboriginality and residence, which is a form of
14 discrimination that was dealt with in the *Corbier* decision
15 of the Supreme Court of Canada years ago. And the upshot
16 of the case, I'll skip to the conclusion and then just
17 tell you about how we got there.

18 At the end of the day, the court decided
19 there can be a residency requirement in this context but
20 decided that the residents' requirement that had been
21 imposed was too stringent and had to be revisited. So, the
22 arguments that are made are of potential interest to many
23 members of the Union, because they have to do with, what
24 does self-government really mean? When you have a final
25 agreement, when you have your own constitution and those

1 arrangements have all been negotiated, what does that
2 self-government really entail?

3 So, there were a few arguments that were
4 advanced to the court. One was advanced by the First
5 Nation to say, well, it's not up to the court to decide
6 whether the Charter applies. This a political question
7 that's worked out between the nation and the Crown and is
8 to be sorted out as a matter of negotiation. The court
9 concluded no, it is a question of legal interpretation,
10 whether the Charter applies, and it can decide. So, that
11 threshold issue was, was decided that way.

12 The second legal issue that was raised was
13 also raised by the First Nation to say the Charter
14 actually does not apply in this context because the Vuntut
15 Gwitchin First Nation, is not a federal or provincial
16 government. So, section 32 of the Charter, which describes
17 when it is applied, doesn't bring that First Nation into
18 the fold of the constitutional requirements.

19 Given that it's a self-governing Indigenous
20 nation, and it has in fact passed its own constitution
21 that includes individual rights protections the Charter
22 shouldn't apply. The court also didn't agree with that.
23 The court concluded that the Charter does apply to laws
24 that are passed by the Vuntut Gwitchin First Nation and
25 said, you know, their self-government agreement was

1 explicitly to be in conformity with the Constitution of
2 Canada. So, the Charter is a component of that.

3 The other thing that the court said was,
4 you know, the final agreement says, it's not going to take
5 away the rights of citizens of the First Nation as
6 Canadian citizens. So, it can't take away their ability to
7 bring claims under the Charter, which is a right that
8 Canadian citizens have. So, the court said, you know, the
9 Charter should be interpreted to apply. This an entity
10 that the First Nation is an entity that exercises an
11 inherently governmental activities and so comes under that
12 umbrella. So, those two threshold issues were you know,
13 won basically by, by Ms. Dixon and by the interveners
14 Canada and Yukon.

15 The third legal issue was this central
16 issue of does a residency requirement cause discrimination
17 and Ms. Dixon said, you know, I'm discriminated against
18 because I would be put to an incredible burden. I have a
19 family member who requires, you know, consistent
20 healthcare. It would be a considerable burden for me to
21 have to relocate 800 kilometers away to be able to take
22 part of me in the seat of office of the nation. And that
23 infringed... she says that infringes my equality rights. The
24 court actually said that while Ms. Dixon is being treated
25 differently because of her residence of where she lives

1 that that treatment is not discrimination. And in
2 particular, it highlighted the fact that there's not a
3 historic disadvantage being perpetuated against Ms. Dixon
4 by this requirement. It doesn't impose a prejudice or a
5 stereotype that is kind of the hallmark of discrimination.
6 Instead, the court said, you know, the purpose of the
7 residency requirement is to enhance the Homeland, to
8 preserve that Homeland and its governance for all Vuntut
9 Gwitchin citizens, and this is to address the historic
10 displacement and alienation of those members of the
11 nation.

12 So, the court said, no, it's not contrary
13 to section 15. And, and as some of you probably are aware,
14 some of the cases of this issue in Canada have gone the
15 other way. They have concluded that either it is
16 discriminatory to draw a line between where people reside..
17 whether people reside locally or off-reserve or within or
18 without the territory. And in this case, the court said it
19 was not discriminatory.

20 Then the court said, but is that 14-day
21 restriction allowable? And there the court said, you know,
22 the 14-day limit can create potentially arbitrarily
23 disenfranchise somewhat. So, it's arbitrary and it doesn't
24 have a proportionate effect on the person who is going to
25 be affected by it. So, that restriction didn't survive the

1 challenge. The court said, you know, I'm going to sever
2 those words within 14 days, and the nation can go back to
3 General Assembly and review the matter before the next
4 election. Of interest and while this issue was not
5 entirely dispositive of the case, it operated as one of
6 the arguments and was interpreted. Section 25 was
7 addressed by the court.

8 And so, section 25 of the Charter says,
9 The guarantee in this charter of certain
10 rights and freedoms shall not be construed
11 so as to abrogate or derogate from any
12 Aboriginal treaty or other rights or
13 freedoms that pertain to the Aboriginal
14 peoples of Canada.

15 And so that section sets up a bit of a wall
16 or a shield or a protective zone around Aboriginal rights
17 from challenged by other sections of the Charter. And it's
18 not been used very often. And it's not been interpreted
19 very often by the courts, but it was interpreted here. And
20 in this case, Vuntut Gwitchin First Nation argued section
21 15 shouldn't limit the right to self-government. And the
22 court said in this case, section 58(25) did act as a
23 shield to the residency requirement as part of the
24 nation's self-government right and provided space for the
25 nation to "protect, preserve, and promote the identity of

1 | their citizens through unique institutions norms and
2 | government practices." So, so that is sort of a new
3 | articulation of what section 25 is meant to achieve. And
4 | it's a notable one.

5 | So, the update on that case is that, you
6 | know, it came down a few months ago and is now going to be
7 | under appeal by both sides, actually. Ms. Dixon has
8 | appealed the decision on whether or not it's
9 | discriminatory and the residency requirement can stand.
10 | And the nation has cross appealed on the issue of whether
11 | the Charter applies at all.

12 | So, for those who are interested or
13 | affected by these types of issues around you know,
14 | election and residency requirements or other requirements
15 | or who are interested in the question of whether the
16 | Charter applies in your particular circumstances. There
17 | will be potentially room for interveners to apply. And
18 | those will be received by the Yukon Court of Appeal by
19 | February 5th of next year.

20 | I'm going to touch very, very briefly on
21 | two other matters that have to do with the Supreme Court
22 | of Canada. One is that the Supreme Court of Canada
23 | recently refused leave to appeal to Coldwater, Squamish
24 | and Tsleil Waututh in the Trans Mountain appeals. And this
25 | is the end of the road for those particular decisions.

1 So, the federal approvals people will
2 remember that the federal approvals were originally
3 granted by the governor and council in Canada, were then
4 judicially reviewed by a number of nations and were... and
5 Canada was required to go back and engage in further
6 consultation. Canada took those steps and made the
7 decision again, concluding that it had done what it needed
8 to do. And then four First Nations applied again for
9 judicial review, concluding or on the basis that the
10 consultation, the renewed consultation that had been
11 carried out was insufficient again, and that they hadn't
12 done what they ought to have done.

13 And then the Federal Court of Appeal
14 concluded that the consultation in the end was sufficient
15 and the decisions to approve... the approvals should stand.
16 The Coldwater Squamish and Tsleil Waututh applied for
17 leave to the Supreme Court of Canada and the Supreme Court
18 of Canada said, no. When that happens, we don't get
19 reasons from the Supreme Court of Canada. So, we don't
20 have the, you know, the basis for the decision. If I were
21 going to speculate the court often will refuse matters
22 where they think it is overly fact specific, where it owes
23 deference to a decision maker below. Of course, my
24 personal view is that this is a matter of national
25 importance, so it probably would have been a helpful
26 appeal to the Supreme Court of Canada. However, that is

1 the end of the road for those particular approvals. That's
2 not to say that nations are not thinking about other ways
3 of challenging those, the progress of that project.

4 The other quick mention that I wanted to
5 make, because it's a bit of an arcane case, but it's
6 potentially of interest for nations in you know, what's
7 now known as British Columbia is this case from the
8 Supreme Court of Canada called *Newfoundland and Labrador*
9 *(Attorney General) v. Uashaunnuat (Innu of Uashat and of*
10 *Mani-Utenam)*, which was a case brought by new nations in an
11 area sort of straddling Newfoundland, Labrador in Quebec
12 and in their claim they challenged the effects of mining
13 operations that straddled a provincial boundary. And so,
14 some of the relief that they were seeking extended outside
15 of the provincial jurisdiction of the one court. And the
16 court issued a very divided decision on whether or not the
17 court of the province, where the claim is filed, can
18 adjudicate claims that extend beyond their provincial
19 boundary, because the classic understanding is that a
20 provincially constituted court can only make decisions
21 about lands within its own territory.

22 Here the court said in this, you know, sui
23 generis context of Aboriginal rights and title claims the
24 issues about the land are unique and are nationally
25 applicable and the provincially constituted court can make

1 a decision about lands that extend outside of its
2 boundaries. And the court said, you know, access to
3 justice was a primary consideration in the majority's
4 decision, at least, and required that jurisdictional rules
5 like this had to be applied flexibly. And it would not be
6 just to require litigation in multiple courts,
7 particularly given that provincial boundaries were imposed
8 far after the use and occupation of the lands and the
9 ownership of the lands by the First Nations since time
10 immemorial. The dissenting opinion also referred to access
11 to justice by saying, you know, this going to overly
12 complicate matters. This is going to actually lead to more
13 litigation rather than less. But for the moment, what we
14 know from the Supreme Court of Canada is if you have a
15 claim that straddles a provincial boundary, it's possible
16 to bring it in a single provincial court.

17 The last thing that I want to just make
18 note of and following from the prior presentation, which
19 was terrific and so informative for me and I appreciate,
20 is one of the challenges people may have faced over the
21 course of the last, you know, six or nine months is how to
22 hold elections in a COVID context. And one thing on the
23 legal update that we know is that regulations have been
24 passed. Federal regulations have been passed to amend how
25 elections can take place if extensions are required.

1 So, this just in there for your information
2 and I'm sure that councils are well informed on this, but
3 just so that it's fulfilled... it fills out part of the
4 legal brief that lets you know, and lets you know that the
5 extension provisions are applicable and that terms of
6 office can be extended up to twice for a six month period.
7 We know that presently these are going to be in place
8 until April 7th. And I think it will depend on what
9 happens with pandemic response between now and then
10 whether there'll be extended or not.

11 So, that is the end of my comments. And I'm
12 happy to have a discussion about any of the things I've
13 raised or anything else.

14 TYRONE MCNEIL: Thank you, Elin, just a
15 reminder to the chiefs and delegates that there is
16 information in your e-kits with regards to the broader
17 legal update, along with the PowerPoint, as well. And just
18 before opening up the discussion, I appreciate there might
19 be some timing issues that chiefs and delegates might be a
20 little bit frustrated about and just a respectful reminder
21 this an Annual General Assembly. It's not a chief's
22 council meetings. So, to be entered into the ZOOM meeting,
23 it's like wearing the red lanyard at an in-person meeting
24 where you've got voting privileges. If your dues are paid
25 up, you've got voting privileges if they're not paid up

1 and even if you're in the process of paying them up,
2 you're temporarily parked in the YouTube channel. And then
3 once the Union is notified that your dues are paid, then
4 you re-entered into the ZOOM meeting.

5 So, I understand there's at least a few
6 chiefs in YouTube right now. And just asking for your
7 patience while we work through some of these things and
8 just ensure that you are in fact paid and in good
9 standing.

10 So, with that, coming back to the legal
11 update, are there any questions or comments from the
12 delegates. I'm not seeing any hands raised in the...

13 WAYNE CHRISTIAN: Tyrone's it's Kukpi7
14 Christian.

15 **QUESTIONS/COMMENTS**

16 TYRONE MCNEIL: Kukpi7 Wayne.

17 WAYNE CHRISTIAN: Yeah. Thank you,
18 Tyrone. I really appreciate the presentation. And I'm
19 wondering in the context of UNDRIP and British Columbia
20 specifically what's starting to appear in terms of the
21 courts and the judges in terms of implementation in
22 relation to title and rights issues? Is that starting to
23 percolate in the course? Or are there any decisions or any
24 of those things being done in British Columbia?

25 I think it's quite significant, but I'm

1 just wondering if the courts are starting to deal with
2 this in relation to the DRIPA in terms of the provincial
3 legislation, and I'm wondering the impact that'll have on
4 the constitution nationally in terms of section 35.
5 Because yeah, I'm just kind of curious as to what's
6 happening on the ground because the courts, you know I
7 think some of the activities would be suspended, but I'm
8 wondering if, because of the provincial DRIPA legislation,
9 if there's been any action taken by anyone in relation to
10 that legislation in the province. Thank you.

11 ELIN SIGURDSON: In terms of... thanks for
12 the question. In terms of the courts and whether any
13 decisions have been rendered on DRIPA, as far as I know I
14 would say not yet. What I can say is I'm aware that
15 council are consistently raising DRIPA as an interpretive
16 tool, you know, alongside on UNDRIP and alongside other
17 sort of principle arguments to emphasize its importance
18 and its uniqueness in British Columbia. I think it's, as
19 far as I know, too parties are using DRIPA to advance
20 negotiations and make proposals about strategies and
21 agreements that can be achieved. But I would say that I
22 don't have a very comprehensive update right now about the
23 status of what's emerging from DRIPA, except that it is
24 certainly a thing that people are kind of productively and
25 imaginatively trying to roll out in a number of different
26 areas, both in the courts and in another context.

1 I will say that I don't think it's probably
2 commonly understood across Canada at this point, and it's
3 certainly not something that other provinces have really
4 taken up specifically. So, in terms of how section 35 is
5 going to be interpreted, it's going to be something that
6 nations in BC are probably going to be pushing ahead and
7 using to inform the interpretation of section 35.

8 WAYNE CHRISTIAN: So, just a
9 supplementary question then, there has been no formal
10 pleadings put forward to the courts at this point? Are you
11 aware of, or is that happening or is it just being
12 discussed on negotiating tables versus actual?

13 ELIN SIGURDSON: I actually don't know.
14 It's possible that people have grounded their pleadings in
15 DRIPA at this point, but I don't know of them.

16 TYRONE MCNEIL: Thank you. Any other
17 questions or comments? Just a reminder to the chiefs and
18 delegates that majority of you have your cameras turned
19 off. So, if you're waving at me, there's no way I can see
20 you either turn your camera on or use the hand up
21 function, please. But I'm not seeing anything else right
22 now and appreciating once again, we're a little bit
23 pressed for time. Thank you, Elin.

24 And just a reminder, there's lots of
25 information in your e-kit as well.

1 (Track 6)

2 TYRONE MCNEIL: One more agenda item in
3 before breaking lunch at 12:15, and that's Advancing
4 Justice. We have Doug White and Rosalie Yazzie from the BC
5 First Nations Justice Council. Ardith Walkem, and Judith
6 Sayers from National Indigenous Justice Summit, and Mike
7 McDonald. Doug and Rosalie will provide a verbal update on
8 the BC First Nations Justice Council. Material can be
9 found in your digital kits under Justice Council. Ardith
10 and Judith will discuss the National Indigenous Justice
11 Summit and key current issues. All justice material can be
12 found in your digital kits under justice.

13 And a reminder, there are two resolutions
14 on this topic, number 18 and number 19.

15 So, Doug or Rosalie who would like to
16 start.

17 DOUGLAS WHITE: Great. Thanks. Thanks so
18 much, Tyrone, good afternoon or good morning everybody.
19 Doug White here, Kwulasultun, Kleeshan over in Snuneymuxw.
20 I'm the chair of the BC First Nations Justice Council.
21 It's good to have an opportunity to give you an update on
22 the work that's happening that the First Nations Justice
23 Council has been leading. It's been a very remarkable year
24 I think, where we set out a number of years back saying to
25 the province that we need to make some serious change to

1 the justice system, that the status quo is pulverizing to
2 our people, and that has to come to an end and we need to
3 get together and work in partnership to create fundamental
4 change here.

5 So, back in May, or September of 2017, we
6 entered into the MOU with the province to craft a strategy
7 and, over the next couple of years, and while we were
8 doing that work, we said we would start to take immediate
9 steps to make a difference as soon as we could.

10 So, some of the work that began right then was a proposal
11 and some support from the province for the establishment
12 of 15 Indigenous justice centers across the province.
13 We've got three so far up and running. Obviously, the
14 pandemic has had an impact on the functionality of those
15 justice centers. So, we've been, also seeking to advance a
16 proposal for a virtual Indigenous justice center and
17 hopefully we'll get some word one or the other sooner or
18 later about that to make sure our people are getting the
19 legal advice when they need it as soon as possible.

20 So we, we began the work of getting the
21 Indigenous justice centers in place. And in the first year
22 there was discretionary funding that was provided by the
23 province. And then in the provincial budget from, I think
24 it was February 18th, it was announced this year.
25 The justice centers are now a line item budget in the

1 provincial budget. So, progress there in terms of
2 certainty of funding. At the same time, we also took steps
3 to begin working on Gladue and taking what is a very
4 important principle, an idea from in the criminal code and
5 in the jurisprudence about, like understanding how
6 Indigenous people should be sentenced differently and why
7 and looking to develop and propose and put forward and
8 start to create a pathway to get to a systemic
9 implementation of Gladue. So that work's been underway as
10 well.

11 And, as you know, over those couple of
12 years, we had a number of... a lot of different engagement
13 in provincial forums on justice, Indigenous justice
14 summits, and also, regional forums that we held around the
15 province to engage with everybody, to get a sense of
16 where are the priorities what's important? What do you
17 want to see happen?

18 And out of all of that work, out of all of
19 those discussions, we crafted the First Nations Justice
20 Strategy that ultimately was adopted and signed on March
21 6th of this year, right before the pandemic hit. And so,
22 this strategy lays out and maps out very important shifts
23 and there are two main pathways to it on the one hand,
24 an approach of addressing the status quo of the criminal
25 justice system and making changes that will make it less

1 harmful to our people and more appropriate to our people
2 and more respectful over the course of time. There's no
3 doubt this is a real national crisis in the justice system
4 and the systemic racism that exists and the overt racism
5 that exists. We've seen this time and again. At the time
6 when the Black Lives Matter movement in the United States
7 really became loud and clear because of the serious
8 problems that were happening down in the United States.
9 At the same time we were having a very grim and similar,
10 events happening in Canada with respect to our people,
11 that's with people like Everett Patrick in Prince George,
12 a Lake Babine member, Chantel Moore back East, who was
13 killed during a wellness check and Rodney Levi also back
14 East. The list of names is very, it's a tragically long
15 list of names, even just during this pandemic time. But we
16 all know how long the list goes back in history before.

17 I think that there's a real window of
18 opportunity. It's a very significant high-profile topic
19 right now. And so, we've been working with Regional Chief
20 Teegee and his mandate at the BCAFN justice, the First
21 Nations Leadership Council, Indigenous Bar Association,
22 and the National AFN to make sure that we're putting our
23 views forward wherever we can to make that difference.

24 One of the more important opportunities for
25 discussion, at least, provincially was the *Police Act*

1 reform initiative review that was being led by Nick
2 Simons. And that's unfortunately been put aside now during
3 the election time period. So we have a communique that, as
4 Tyrone mentioned is in your package, I'm going to stop
5 talking there now, just to let you know that we've shifted
6 into the implementation phase of the justice strategy work
7 that's, all mapped out in the justice strategy itself.
8 It's going to be an enormous amount of work over the
9 coming number of years to do the changes to the stream
10 one, which is to change the status quo and to change the
11 existing system in response to all of the ugly realities
12 that we understand and we're grappling with.

13 And then the second major pathway of this
14 strategy is a longer term one. It's about creating space
15 and having the Crown recognize that Indigenous peoples, if
16 we're being serious about the UN Declaration and moving
17 into patterns of recognition and implementation of your
18 rights, then with respect to self-determination, the
19 strategy has to map out space and opportunity for the
20 Indigenous peoples of British Columbia to operate and to
21 occupy the field of justice in this province. So, there's
22 an agreement there, too, to do that work. So very historic
23 important work.

24 I'm going to stop there and I'm going to
25 pass it over to Rosalie to share a few comments to round

1 out the update from the First Nations Justice Council. So,
2 chiefs, grand chiefs, everyone that's there, elders, I
3 appreciate very much for the time and the opportunity to
4 share a brief update with you. I'll stop there, Tyrone,
5 and pass it over to Rosalie. Thank you.

6 TYRONE MCNEIL: Thank you, Doug. Just
7 before going to Rosalie for the chiefs on ZOOM, if you're
8 not having your chat window open, I encourage you to open
9 it as Ardith has placed some information there as well.
10 Rosalie.

11 ROSALIE YAZZIE: Great. Thank you. So my
12 name is ROSALIE YAZZIE, I am the vice chair of the First
13 Nations Justice Council. I'm also a practicing lawyer. I
14 believe there's some bio information available in the chat
15 box. I just wanted to make a quick couple of comments in
16 terms of what the Justice Council has been currently
17 doing.

18 So, in addition to some of the larger
19 issues related to implementation of the strategy, we're
20 also concurrently building our own organization. Since
21 receiving our mandate, we have been actively working to
22 build up our staff compliment. Obviously, the
23 implementation of the strategy is going to take a number
24 of people. So we've been busy doing that, in terms of
25 hiring new staff, as well as designing a new website. The

1 website will be serving as our primary communications tool
2 in the interim in the next little while, given the
3 restrictions that we have of COVID, and as we're doing
4 right now, holding a virtual AGA here with UBCIC.

5 So, just in terms of some of the next steps
6 that the First Nations Justice Council anticipates is that
7 as we know, a lot of dialogue is occurred with the
8 Province of British Columbia, but we also recognized that
9 we can't do this alone just with the Province of BC, that
10 the federal government had to play a critical role in
11 terms of advancing the activities outlined under the First
12 Nations Justice Strategy.

13 So, to that end, we'll be working jointly
14 to engage Canada on this work, along with the Province of
15 BC. And we're currently developing an MOU with them.

16 Provincially, you know, in respect to the
17 implementation of the justice strategy, we'll be working
18 on a work plan and implementation framework to begin this
19 important work in the new year. However, some of the work
20 has already begun with the establishment of the Indigenous
21 justice centers, which are located in Prince George,
22 Prince Rupert and Merritt. These worked to align with the
23 BC laws with DRIPA and the advancement of a comprehensive
24 Gladue strategy, which is already underway.

25 So in terms of implementing the strategy,

1 we're going to require extensive engagement with BC First
2 Nations and with the cons, like within the context of the
3 current pandemic restrictions, the First Nation Justice
4 Council is exploring opportunities to engage with First
5 Nations virtually, and we'll be reaching out in the coming
6 months on a number of key strategies that we have planned
7 to advance those priorities outlined in our strategy.

8 We encourage you to use the website for
9 ongoing updates in relation to the First Nations Justice
10 Strategy. We also have an extensive presence on social
11 media, which you can access through Facebook, Twitter, our
12 website and whatnot, which we'll be focusing on providing
13 updates on the strategy implementation, our upcoming
14 events, and also the engagement dates.

15 So, if you have any questions or concerns,
16 please either reach out to me or Doug. As well, I believe
17 in your kits, the contact information for our executive
18 director, as well as our staff is available to you. Limit
19 lim.

20 TYRONE MCNEIL: Thank you, Rosalie. Now
21 we'll move on to Ardith and Judith. I'm not sure who'd
22 like to go first or Mike McDonald as well.

23 JUDITH SAYERS: I've got to unmute
24 myself. Good morning. It's Judith Sayers. I know Ardith is
25 going to share her time with Mike McDonald on the very

1 critical issue that's now presented itself.

2 So, as Doug White mentioned on June
3 4th, Chantel Moore, a young Tla-o-qui-aht woman, Tla-o-qui-
4 aht Nuu-chah-nulth woman was shot and killed in her own
5 apartment in Edmundston, New Brunswick. This was done
6 during a wellness check where someone had reported her...
7 they're worried about her because she had been being
8 harassed. And we don't know why it ended up in being shot.
9 And there's a lot of facts that we don't know because it
10 has now been taken over by the Quebec Bureau of
11 Investigations, BEI, as they're known and who have never,
12 ever recommended charges against a police officer. So, you
13 can see what we're up against.

14 One of the things that, you know, we've
15 been working on critically has been, of course, changing
16 wellness checks. And I asked Ardith, you know, is there
17 anything that we can do? I need some ideas and suggestions
18 on wellness checks.

19 And so together we plan this Indigenous
20 Justice Summit, and she called on all her friends, you
21 know, people who are well known in the law and human
22 rights. And we put on Indigenous Justice Summit, like
23 within 10 days in order to move some of the issues around
24 Chantel Moore, it was awesome. We had a great committee,
25 we put this two-day conference. It was over two days. And

1 we, at one point I think we had 1400 people on the video,
2 on the webinar. But throughout the two days, we certainly
3 had a lot of people.

4 We had five of the most effective families,
5 recent families that had been affected by shootings,
6 police violence, et cetera, on as well. We had the
7 Indigenous bar associations Drew Lafond do some... they've
8 been doing some research. And so, there's so many studies
9 out there, the missing and murdered Indigenous women, of
10 course, being one of the prime documents. But there's so
11 many out there where the work has already been done on:
12 how do we reform the Indigenous justice or the system that
13 would better serve Indigenous people?

14 And so, we pulled together the 10 points,
15 that you've probably seen or can review. And I just really
16 wanted to, more or less, address two really quickly. I
17 know we don't have much time. And so I think, you know,
18 it's quite well determined that police shouldn't be doing
19 wellness checks. We should be sending in trauma informed
20 teams that can deal well with Indigenous peoples. Why are
21 we using guns? You know, those are the things I think that
22 we wanted to use. Trauma informed counselors. We need to
23 defund the police.

24 So, one of the conversations I had was with
25 Bill Blair and I talked to him about this and he says, Oh,

1 we have no money. And well, why can't you take it out of
2 your budget to do these teams? And he just says, no, well,
3 that's just not what we're going to do. He thinks the only
4 answer is reforming the *Police Act*, which is quite
5 shocking to me. I had asked him, could we put together a
6 federal task force to look at wellness checks in the
7 interim? And he absolutely refused.

8 I went on to ask Perry Bellegarde and he
9 talked to, I'm assuming, the regional. And they said, no
10 as well, or I didn't get any response. So, what I had
11 wanted to do was to put a task force in place to pull
12 together recommendations and to just lobby them through
13 the government, let's get something done. And various
14 police forces, RCMP, they do use trauma informed teams.
15 They're not unused, but unusual. And we need to figure out
16 a way that it's across the board.

17 And so, it was a bit... I'm still trying to
18 work on that. We just want to do a task force with
19 whoever's interested. So we have lots of work to do with
20 the Minister and I did talk to the Minister about making
21 sure that when they're starting to review the *Police Act*,
22 but they need to talk to the families. They need to talk
23 to First Nations communities and not just the national and
24 provincial organizations.

25 Some of the recommendations that we asked

1 for, we had meetings with Jagmeet Singh, and he's been
2 amazing. He's raised this three times in the house, but
3 the police need to make immediate changes to policies,
4 procedures, and training with regard to wellness checks
5 and money to come from existing police budget to work
6 collectively with other First Nations families who've been
7 affected by violence, and the First Nations and work
8 towards eradicating racism and policing. And you heard
9 that from Doug and Rosalie. And utilizing Indigenous led
10 solutions to eradicate systemic racism and policing. And
11 so, we need to include Indigenous people, of course, and
12 an oversight body, independent investigations, and have
13 our own complaint system, because we know that every time
14 there's a complaint, we never find it. And so that's why I
15 asked for our own citizens taskforce so we could do this,
16 lobby it through. There should be whistleblower policy for
17 police to report racist acts and comments on actions,
18 campaign to respect Indigenous women, campaigns to not
19 call nine one, one, and so many other things.

20 Community wellness, and it's not just
21 Indigenous people in our communities. It's people who live
22 in the cities. And we have an example of a police force,
23 Indigenous police force in Winnipeg. We need to be able to
24 do so much more. And it's such a big, big issue. But we've
25 been saying for too long, no more Indigenous women taken,
26 no more Indigenous people being killed by police or

1 otherwise. And, you know, we do need to use community-
2 based models, but community can be on-reserve in the
3 cities. And, you know, in the longer term, we need to talk
4 about the role of police. Do we need the police? Is this
5 the best bottle? What is the most effective way? We need
6 to rethink police. And a lot more people are looking at it
7 this way.

8 So, you know, bottom line, no more
9 Indigenous, no more Indigenous people shot by police, no
10 more wellness checks going wrong. Because Rodney Levi was
11 one of those. And, Regis Porchinski, Baird. There are so
12 many people. The list is way too long and we've got to
13 stop it. And I think this action plan that we have is
14 good, but I also think, you know, like we're going to
15 continue to work on this issue, as Nuu-chah-nulth and
16 continue... I have an action plan in place, the things that
17 we're going to do to... so nobody will forget these names.
18 Nobody should forget these names. And it's because of
19 those names that we make the changes. Thank you very much.

20 ARDITH WALKEM: Thank you. I just want
21 to say that I will be sharing my time with Mike McDonald,
22 who wants to share with you a very distressing example and
23 asked for support. The thing that I... Judith talked about
24 the National Justice Summit that we helped to organize.
25 And one of the things that I wanted to say was, I know the

1 numbers have shifted subsequent, but at the time that we
2 called for that justice summit, there had been more
3 people, some way into the national health epidemic that
4 we're facing with COVID. But nonetheless, we had had more
5 Indigenous people die as a result of involvement in police
6 activity than had passed as a result of COVID. And one of
7 the things I think that this emphasizes to us now, I want
8 to tell you very quickly about two projects is that,
9 Indigenous peoples right now are not feeling as though the
10 human rights framework in this country or province is
11 adequately protecting us because we're still seeing those
12 massive over representation and very different outcomes,
13 in involvement with police and involvement in child
14 welfare. And I think we can't really achieve a sense of
15 access to justice until we address that.

16 And I wanted to tell you that one of the..
17 about two that the UBCIC is involved in right now. One is
18 an application that we have made to the Law Foundation. We
19 won't know if it's funded, but part of that was looking at
20 this human rights problem. and identifying. We talked
21 about UNDRIP earlier. And one of the things that I think
22 has a big, sort of stumbling block in the human rights
23 arena is that we've tended to see this as something
24 fundamentally individual, but for Indigenous people, this
25 is a human rights violations or something that have to do
26 with land denial, have to do with law denial, have to do

1 with our collective identity. And there's a real need to
2 shift what we understand as human rights to say.

3 It's not just for example, discrimination
4 based on race, because Indigenous identity is so much
5 more. Indigenous identity talks about nationhood and
6 citizenship. And when we're discriminated against within
7 this country that it's a lot different. That
8 discrimination looks a bit different.

9 So, I wanted to tell you about two
10 particular things. One is I've posted a link to a survey
11 there. And what that survey does is in a recent report
12 that I did with the BBC Human Rights Tribunal, we surveyed
13 Indigenous people and said, how are you experiencing
14 discrimination? And the number one area almost that
15 Indigenous people said is what we like to call sort of
16 shopping while Indigenous, banking while Indigenous it's,
17 those sort of areas of discrimination that we see every
18 single day or week when we're out about our communities,
19 when we're, denied service and we're treated differently.

20 I know we'll hear from Mary Ellen Turpel-
21 Lafond on the more agreed... just examples that we've seen
22 and reported at healthcare. But it's asking Indigenous
23 peoples and lawyers and advocates to look at that and to
24 consider filling it out because we're asking in your
25 interaction with the justice system, which could be the

1 police, which could be the Sheriffs in the courtroom, the
2 registry with lawyers, with judges, what is that
3 experience? Because we're hoping to use this to be able to
4 highlight that there's a problem.

5 And also the overall project that I've
6 mentioned that the UBCIC has applied for funding from the
7 law foundation is to create a human rights project that
8 will in part raise awareness. I just posted on the public
9 chat, a link to the Southern Poverty Center in the States
10 hate maps. So, they've created a hate map where there's
11 all of these instances of discrimination and it sets it
12 out based on type of discrimination and area. And in a way
13 the project, in addition to educating about human rights,
14 is what we to be able to ask, can we do this in British
15 Columbia or Canada? Can we start to aggregate and gather
16 together all of those stories about discrimination?

17 So what I want to.. I want to just cut this
18 short because there's an ask Mike McDonald to join us.
19 Judith and I are still here. Mike, are you there? If you
20 could just...

21 TYRONE MCNEIL: Thanks, Ardith. Just
22 before we were going to Mike, we were basically up to our
23 time now. So if you could you make it as brief as you
24 could to get your message across effectively. Thanks.
25 Mike.

1 MIKE MCDONALD: Hi. so I'll just take
2 just a really quick couple of minutes. I am Mike McDonald
3 [Native language], I'm a member of the First Nation of the
4 Peguis First Nation in Manitoba. I've been practicing law
5 in the Indigenous law area for 30 years in British
6 Columbia. And I just want to pass on to you when one
7 matter is an example of this type of discrimination and
8 ill treatment of an Indigenous young fellow, I have been
9 asked to assist a mum who lost her 17 year old son,
10 apparently under... well, apparently to suicide, but under
11 very suspicious circumstances that are outlined in our
12 press release that's gone out by the UBCIC.

13 Her son's body was found in a group home
14 bedroom closet, approximately four days after he passed
15 on. And the investigating officer of the Abbotsford police
16 completed his investigation and called it a suicide within
17 hours, not days or half a day, within hours. The local
18 child coroner refused... also refused to call for an
19 autopsy. And we didn't get a lot... the family didn't get a
20 lot of support from anyone else for this. Fortunately,
21 through the significant voice of Indigenous leaders and
22 lawyers and friends, the coroner, the chief coroner
23 intervened, and an autopsy is being performed.

24 I've been doing work in the context of
25 Aboriginal law for 30 years, but it's been different than

1 this, because there is a lot... in my work in natural
2 resources, some companies are saying, First Nations,
3 you're asking for this and we don't think you're entitled
4 to, and First Nations respond well yeah, we are because
5 this is our land, these are our resources. So, let's sit
6 down and negotiate something that we're agreeing to share,

7 In a sense it's more corporate and less
8 personal. But in this case, what could be more personal
9 than the loss of your 17-year-old son? And what could be
10 more personally, an affront when you lost your son and the
11 police complete their investigation in hours, when a
12 coroner refuses to call an autopsy without even
13 interviewing you as the mom or asking you to check
14 handwriting, see if there is a suicide note, whether
15 that's verified, and what could be more personally
16 offensive thing.

17 And so I wanted to say two things. One is
18 that this is an example, a harsh example of what's still
19 happening to Indigenous people. And so, because there
20 isn't a cultural safety that's been trained or ingrained
21 into police, or perhaps local coroners or people working
22 within the child and family agencies, and there needs to
23 be that. Because of that continues to happen.

24 And the second thing is that while we work
25 on longer term solutions, we need to maintain our voice as

1 Indigenous people for what is still happening. And as a
2 young lawyer starting out 30 years ago what happened in
3 the last 72 hours never would have happened 30, 70, 30
4 years ago. Because suddenly you've got Aboriginal leaders,
5 regional chiefs that can pick up the phone and talk to the
6 caretaker minister, Carole James, about this. We have the
7 director of communications for the First Nations Justice
8 Council who's on a first name basis with the chief coroner
9 of BC. We have Indigenous leaders that can pick up the
10 phone and talk to people and get their calls answered. We
11 have Indigenous lawyers that can round up and raise
12 support and organize support. We've got in house people
13 that are legally trained that have gone through the child
14 welfare system that know and understand the issues.

15 And so, the strength of voice is stronger
16 than it's ever been. And that willingness to hear that
17 voice has been better than it's ever been. So even though
18 these terrible things still happen, I want to celebrate
19 that voice and encourage younger lawyers, younger leaders,
20 chiefs to just keep saying what needs to be said. And I
21 just want to celebrate that while calling a spade a spade,
22 unfortunately.

23 So, I wanted to pass that along. Thank you
24 very much. Migwich.

25 TYRONE MCNEIL: Thank you, Mike. I

1 don't see any hands up in the hand up function or in the
2 chat session. So, I'm wondering if there's willingness to
3 go immediately to our two resolutions. Does anybody
4 disagree with that?

5 Not seeing or hearing anything I'll draw
6 your attention to resolution 2020-18, REGARDING
7 IMPLEMENTATION OF THE NATIONAL INDIGENOUS JUSTICE SUMMIT
8 IMMEDIATE ACTION POINTS.

9 Therefore be it resolved the UBCIC Chiefs
10 in Assembly fully support and endorse the
11 immediate action points from the National
12 Indigenous Justice Summit as a strong
13 framework of reform that compliments and
14 strengthens the ongoing work of the BC
15 First Nations Justice Council to implement
16 the BC First Nations justice strategy and
17 rebuild the relationship between Indigenous
18 peoples and the criminal justice system;
19 and

20 Therefore further be it resolved the UBCIC
21 Chiefs in Assembly call up on a federal
22 provisional governments to work
23 collaboratively with First Nations to
24 implement the Indigenous Justice Summits'
25 immediate action points, including the

1 transformative redistribution of justice
2 service funding towards community-based
3 safety practices, programs and initiatives
4 that are culturally appropriate, reflective
5 of Indigenous people's needs and non-
6 reliant on the institution of policing; and
7 Therefore it finally be resolved the UBCIC
8 Chiefs in Assembly direct the UBCIC
9 executive and staff to work with likeminded
10 organizations and the BC First Nations
11 Justice Council to continue advancing the
12 BC First Nations justice strategy, the
13 immediate action points and advocacy
14 related to the vast inequities in Canada's
15 human rights, policing and justice systems
16 that lead to the over-incarceration and
17 over criminalization of Indigenous people.
18 Looking for a mover and seconder, please.

19 BYRON LOUIS: Byron Louis, Chief of the
20 Okanagan Band.

21 TYRONE MCNEIL: Thank you, Chief.
22 Seconder? Looking for a seconder, please.

23 CHRIS LOUIS: Councillor Chris Louis,
24 Squamish Nation.

25 TYRONE MCNEIL: Huychqa siem. Any

1 discussion? Not seeing or hearing the need for discussion
2 are we ready to go to question. Thank you.

3 Any opposition to the resolution within
4 ZOOM or within the phone lines for those that have only
5 phoned in? Any abstentions? Hearing and seeing neither the
6 resolution is carried, thank you.

7 (RESOLUTION PASSED)

8 TYRONE MCNEIL: For anyone on the
9 phone. I'd like some comment at some point later today on
10 my ability to move that quickly through a resolution if it
11 is problematic on the phone, let me know, and I'll slow
12 things down, but unless I hear from me, I'll carry on in
13 that fashion.

14 So the second resolution I'll bring to your
15 attention, 2020-19, REGARDING SUPPORT FOR THE FNLC MOU
16 WITH THE BC OFFICE OF THE HUMAN RIGHTS COMMISSIONER.

17 Therefore be it resolved the UBCIC Chiefs
18 in Assembly fully supports UBCIC executive to sign the
19 attached draft protocol between the BC Assembly of First
20 Nations, First Nations Summit, and the Union BC Indian
21 Chiefs working collectively as a First Nations Leadership
22 Council and the BC Office of Human Rights Commissioner;
23 and

24 Therefore it finally be resolved the UBCIC
25 Chiefs in Assembly direct UBCIC executive, working with

1 the First Nations Summit and the BC Assembly of First
2 Nations, as the First Nation Leadership Council and the BC
3 Office of Human Rights Commissioner to provide regular
4 reports to the UBCIC Chiefs in Assembly on the ongoing
5 collaborative objectives and efforts as identified in the
6 attached protocol.

7 Looking for a mover and seconder, please.

8 WAYNE CHRISTIAN: So moved, Kukpi7
9 Christian. Secunder.

10 TYRONE MCNEIL: Kukstemc, Kukpi7.
11 Secunder? I see chief Harvey McLeod's hand up in the
12 function. So you're seconding, Chief Harvey? Just to
13 confirm.

14 HARVEY MCLEOD: Yes.

15 TYRONE MCNEIL: Limt lim, Chief. Any
16 discussion? Hearing or seeing any discussion are we
17 prepared to go to question? Thank you. Any opposition to
18 the resolution? Any abstentions to the resolution? Seeing
19 and hearing none we'll consider the resolution carried.
20 Thank you.

21 (RESOLUTION PASSED)

22 TYRONE MCNEIL: So with that, we are
23 breaking for lunch. Thank you to our justice, all of our
24 justice presenters. Appreciating we got through that in
25 relativity time that we allowed. So with that, we provided

1 that... or the agenda is calling for a half hour lunch. We
2 probably have to stay close to that as 12:25 now. So we'll
3 reconvene at 12:55.

4 Debra Baker, are you still with us? There
5 you are. Could you provide a blessing, please, siem?

6 (LUNCH BLESSING).

7 TYRONE MCNEIL: Thank you, Debra. As we
8 break for lunch, can I ask the chiefs and delegates not to
9 exit ZOOM? You probably took quite a while registering and
10 our folks here had to modify your names. You have appeared
11 in the chat in appropriate orders, so just remain muted.
12 And if you like turn your camera off, but please do not
13 sign out of the ZOOM. Otherwise it's a process to get back
14 in. So we'll reconvene until 12:55. Thank you.

15 (LUNCH BREAK)

16 (Track 7)

17 TYRONE MCNEIL: Good afternoon, chiefs
18 and delegates. I hope you had time to enjoy a brief lunch.
19 As mentioned, we're starting again 12:55, we're very close
20 to that. So, the next agenda item is a DRIPA
21 implementation update by Kukpis Judy, Regional Chief Terry
22 Teegee, and Cheryl Casimer. Once we get into the
23 PowerPoint deck, Kukpis will do an introduction and then
24 after that each of the three delegates will do two slides,
25 speak to two sides. Just say next slide when you're ready

1 to advance to the next slide. It includes First Nations
2 organization and engagement guide, communicating to First
3 Nations seeking input on the action plan for DRIPA. After
4 the PowerPoint, we'll put a slide back... we're asking a
5 specific question, so we'll come back to the question at
6 the end of that PowerPoint presentation. But with that,
7 I'll turn it over to Kukpis Judy.

8 **DRIPA IMPLEMENTATION**

9 JUDY WILSON: Kukstemc. Thank you,
10 and those that weren't able to join us for lunch, we had
11 sort of a themed lunch. Greek, Mexican and some beef, I
12 think. So, that was nice, we were surprised, because we
13 thought we just had 30 minutes to have some water or
14 something. Yeah. Some bread and water, and that was it.
15 But we were surprised.

16 I just wanted to say, the introduction to
17 Bill 41 for the implementation of DRIPA in the province is
18 important.

19 But I just wanted to say I thought there
20 was a slide deck that was going to go up? Thank you. So,
21 the Declaration on the Rights of Indigenous People, as you
22 know it was passed last year, and I think it's important
23 that our chiefs have had time to review the Bill 41, but
24 most importantly the full Declaration on the Rights of
25 Indigenous People, I think that's important. Then also

1 | there's been a lot of work that's been going on. We just
2 | had a First Nations organization meeting, where we had
3 | summary and advice from our FNOs, and also, we sent out a
4 | First Nations leadership communique on the issue, and then
5 | also a First Nations organization and engagement guide.

6 | Okay. Just maybe I'll pull it closer. Okay,
7 | it's fine? Okay. Sorry, there was a question about whether
8 | the mic was on or not.

9 | So, when we're looking at the Bill 41, I
10 | think we still have to look at the national context. I
11 | remember Ed John bringing up the outcome document, and I
12 | was wondering why he kept putting that before us, and I
13 | actually had time, believe it or not, through the COVID
14 | epidemic, to review that document, and I did find a lot of
15 | relevant, important information in how our Indigenous
16 | leadership met and actually already drafted what they had
17 | wanted for an outcome document, and how it should be
18 | implemented, and I think that's important to look at the
19 | international context on how we're doing that in BC, and
20 | federally.

21 | So, it's the UN high level plenary outcome
22 | document. I think we can have our group review that.
23 | Also, it should be viewed by the UBCIC as a reference work
24 | in our declaration work, and also at the same time, the
25 | national action plan, we need to examine the upcoming UN

1 Declaration Bill. I've had different seminars across
2 Canada, and internationally and locally here, and also
3 with some communities regarding the national plan, and
4 some discussion on it.

5 So, we need to I think, support that work,
6 but also be careful and cautious in regard to the actual
7 text that the federal government will be using to
8 implement federally. So, we need to take that all into
9 context when we're looking at the provincial work, when
10 we're developing it.

11 Also, I just want to call your attention to
12 the 10 principles that were developed. I think that's
13 important to review when we're doing the work as well,
14 because that has been used in some agreements already. The
15 ten principles are usually cited as part of the framework
16 for these new agreements. It was cited in Lake Babine as
17 well. We were just reviewing that last week, and we need
18 to look at the 10 principles and review them back to our
19 DRIPA work, and for the chiefs to understand that, because
20 the provincial 10 principles they are drafts still. So, we
21 do have opportunities to go back and talk with the
22 province on the 10 principles for the province. We were
23 assured by Minister Scott Fraser they were still draft.
24 So, we have to look at those in regard to the work we're
25 doing.

1 Of course, you remember the comprehensive
2 claims and the inherent right to self-government, those
3 policies, there's still an existing policy framework for
4 Canada. We have to be able to make sure that, because what
5 they're saying is, they weren't amending them or changing
6 them, reforming them at that time, but we have to see how
7 that work proceeds. Also, there's been a lot of questions
8 coming up about historic Métis communities in BC, and I
9 know we do have to report that back to the UPCIC Assembly,
10 because it's starting to impact us in our work that we're
11 moving forward in regard to on the ground.

12 Also, the work that, I think I recall Chief
13 Darrell Bob at the time, he had called for resolutions,
14 and we do have a resolution today, the 2020-20 UN
15 Declaration resolution. But I remember some of that work
16 was brought forward by Chief Darrell Bob, and recalled
17 that he wanted a working group, or a group of chiefs to be
18 working on that. I also acknowledged Kukpis Christian's
19 question about court decisions and files, case files being
20 interpreted by the Attorney General, and how is it being
21 used in courts and in agreements. So, I think that's
22 important to note that, when that question came up.

23 Then also just really quickly now, just
24 following up that we do have to take note of the different
25 pieces that are happening internationally, nationally and

1 in our province, and one was the 2019 BC Treaty
2 Negotiation Policies, and I know Chief Don is reporting
3 out on that tomorrow. I did look at his speaking notes,
4 and I already had some questions.

5 So, I think it's important for us to pay
6 attention to that too, because many of us are outside the
7 BC Treaty process, and it still remains the main policy
8 here in BC, and also a lot of it's based on a lot of the
9 colonial doctrine of discovery, and I think it's important
10 that we look at the full Truth and Reconciliation
11 Commission: 94 calls to action, which has a fuller
12 interpretation of that.

13 I think it's really important to be able to
14 be clear where we're going with the work that the Union
15 has been historically working on for many, many years, and
16 regarding to the outstanding title and rights in our
17 province. Next slide, sorry, that was a long-winded
18 introduction. The Declaration on the Rights of Indigenous
19 People's Act brought into force November 28th, 2019 and
20 then requires the province in consultation and cooperation
21 of Indigenous people to ensure new and existing laws are
22 consistent with the UN Declaration, and that's a big part
23 of the work that I was just talking about. Development and
24 implementation of an action plan to achieve objectives of
25 the UN Declaration, and monitor progress through annual

1 public reporting.

2 So, it enables new decision-making
3 agreements between the province and Indigenous governing
4 bodies, and what I was just setting the context out is all
5 the things we have to be mindful of.

6 Okay, next slide. It's a distinct legal
7 obligation from the action plan that's the alignment of
8 provincial laws under section three, and a joint First
9 Nations leadership and BC working group is in place to
10 advance the work. The progress has been limited to date,
11 the Leadership Council continues to emphasize alignment of
12 laws as a positive obligation that applies to the
13 province, meaning that as laws are modified or created,
14 they need to be aligned to the UN Declaration, they need
15 to transform and decolonize the legislative process.

16 We see that really importantly in the
17 forestry sector, the mining sector, because the referral
18 process should change, and I know I did make those
19 statements, because it's based on the other Haida and Taku
20 and Delgamuukw decisions why we have such a low level of
21 referrals processes in BC, and First Nations organizations
22 have shared a number of numerous priorities for laws that
23 need to be amended to align with the UN Declaration. I
24 know we were setting out a list of what the priority for
25 the laws were, and I know the province was sending out

1 their list. But that's my section on there, and Cheryl's
2 on the next slides, and then after that Regional Chief TJ.
3 Thank you.

4 CHERYL CASIMER: Thank you, Kukpis
5 Wilson, can you hear me?

6 TYRONE MCNEIL: Yes.

7 CHERYL CASIMER: Thank you. [Native
8 Language 00:09:37]. Good afternoon everyone, thank you for
9 the opportunity to present to you an update on the recent
10 developments related to DRIPA. Thank you, Judy for
11 providing the detailed introduction. So, my section is in
12 relation to section four, and that's really... Is the slide
13 up? Okay. It's in relation to the development of an action
14 plan, the action plan is one of the commitments out of the
15 DRIPA, and so in this slide we just talk about how we need
16 to ensure that there's full engagement, consultation and
17 cooperation with First Nations in the province, to work
18 towards achieving the objectives of the United Nation's
19 Declaration.

20 We invited expertise from the FNOs, the
21 First Nations organizations, and I believe that that was
22 on September 9th. We had a very good turnout of FNOs
23 participate with us virtually, in terms of identifying
24 their priorities that they would like to see form a part
25 of the action plan. At the end of that session we had

1 ministry reps, including Jessica Wood, and I believe that
2 there were representation from 40 ministries. Sorry, not
3 40 ministries, we had 40 reps from various ministries who
4 sat in and listened to what the FNOs had to say, and what
5 they identified as priorities that needed to be included.

6 We had an original target for the end of
7 the calendar year, but as we are all aware, an election
8 has been called, so it most likely will be towards the end
9 of the fiscal, which is of course going to impact the
10 content of the next annual report.

11 Next slide, please. So, the action plan, we
12 identified some themes, high level themes, and you'll see
13 that there. Ending racism and discrimination, recognition,
14 promotion, implementation and protection of rights and
15 freedoms, self-determination and sovereignty, land and
16 territory, economy and fiscal relations, culture and
17 language, children and family wellbeing. We're seeking
18 your input, so considering the UN Declaration themes, what
19 bold goals would you recommend, and what specific actions
20 would you recommend for the declaration action plan? I
21 believe the next section is regional chief.

22 TERRY TEEGEE: Thank you. Can you hear
23 me?

24 TYRONE MCNEIL: Yes.

25 TERRY TEEGEE: All right. So, one of

1 the commitments last year that was made when this
2 legislation came into act on November 28th, 2019 was to
3 have submitted a report on the progress on implementing
4 the Declaration and the province admitted that its first
5 report to the legislature on June 20th, covering the
6 period from when that came into force, November 28th to
7 March 31st. The future of annual reports will directly
8 comment on progress that has been made with the action
9 plan as well alignment with provincial laws, so that's
10 really important for your communities to under that the
11 priorities that have come forward for the action plan, we
12 need to make progress on that.

13 Next slide. Agreements section six and
14 seven, really provides and enables the province to enter
15 into agreements with Indigenous bodies to make different
16 arrangements with your communities. Section six agreements
17 could deal with various collaborative processes, not
18 involving shared decision making, and section seven,
19 decision making agreements deal with the joint exercise of
20 statutory decision, or where consent is indicated before a
21 statutory decision is made. So, perfect example of section
22 seven is in forestry, they have decisions made on timber
23 supplier abuse, or annual allowable cuts, that's just one
24 example. Those are section seven agreements.

25 This has been emphasized as a key priority

1 for First Nations, this where there is a collaborative
2 process to make a shared decision, and also have
3 involvement before statutory decisions are made.

4 Next slide. So, next steps, sharing
5 information and keeping title and rights holders at the
6 forefront of all the work. Reporting to chiefs and making
7 space for chiefs to be informed and advised on the views
8 of feedback of all aspects of the declaration act
9 implementation. Continued joint First Nations Leadership
10 Council BC technical work, and engagement while election
11 period is underway. We are in caretaker mode, so not much
12 can happen during this period of the election.

13 Seeking views of each provincial political
14 party regarding Indigenous rights and declaration act
15 implementation. Re-engagement at a political level
16 following provincial election October 24th. Continued goal
17 to release action plan by end of calendar year, or as soon
18 as possible thereafter, and this where we need involvement
19 from your communities and direction.

20 Next slide. Further information, you can
21 contact our technical people, Maureen Bouchan from BCAFN,
22 Colin braker from the First Nations Summit, and Andrea
23 Glickman from the Union of BC Indian Chiefs.

24 Just a final note that as you heard in last
25 week's Speech from the Throne, the only real commitment

1 that was made to Indigenous peoples was to implement the
2 Declaration as legislation federally by the end of the
3 year. There was a time constraint to that, so that's some
4 of the work that we're doing as the Leadership Council as
5 well, in terms of our engagement with Minister Mettie [ph]
6 and the two Ministers Bennett and Millar.

7 So, with that, I pass it back to you,
8 Tyrone. Thank you.

9 CHERYL CASIMER: Tyrone?

10 TYRONE MCNEIL: Go ahead, Cheryl.

11 CHERYL CASIMER: Yeah, sorry. Just a
12 couple of things to add. I know that the presentation that
13 we were sharing with you makes it look like things are on
14 schedule and things are all hunky dory, but I think that
15 most of you know that that really isn't the case. Just
16 wanted to share with you that we have heard the
17 frustration, particularly through the FNO discussion that
18 we had back in September 9th, about decisions that
19 continuously are made unilaterally by the province in
20 terms of putting forth pieces of legislation for amendment
21 or for consideration without engagement from First
22 Nations, and we've made it very clear to them that that's
23 totally unacceptable, and it certainly isn't in line with
24 the spirit and intent of what DRIPA was meant to be.

25 So, I just wanted to let you know that as a

1 Leadership Council team through the joint core working
2 group, that continues to be a message that we relay fairly
3 strong and clearly to them, because we've heard that
4 frustration coming from you. But given that the election
5 has now been called, we believe that it allows for a clean
6 slate. So, that gives us some time now to start revisiting
7 when the legislative agenda is and start working on
8 identifying those priorities and the alignment of laws
9 that is necessary.

10 Further to the FNO session that we had, we
11 talked about how we are open to further engagement with
12 First Nations, we also welcome written submissions. So,
13 if you don't have the time to partake in one of the
14 virtual FNLC sessions on engagement, please feel free to
15 provide a written submission on your thoughts about what
16 the priorities should be in the action plan, and submit
17 them to the contact list that was at the end of the slide
18 presentation for you.

19 So, I just also wanted to just quickly say
20 that at our last joint core working group meeting, a
21 couple of things did take place. We finalized terms of
22 reference for the joint core working group itself, as well
23 as the forestry subcommittee.

24 I know that there's been some concerns
25 around forestry, and particularly working with the

1 province, because they just haven't really been engaging
2 with us in terms of the amendments that they're proposing
3 to the act. But now that we've got a finalized terms of
4 reference, we believe that that's going to assist us in
5 being able to carry on with those conversations on a more
6 productive basis. But again, everything is kind of at a
7 halt now because of the election. But while that's in
8 place, we will continue to do the work that we can do on
9 our end, thank you.

10 TYRONE MCNEIL: Thanks, Cheryl, we will
11 be coming back to the main put that this group was looking
12 for, and also, we got a resolution on the topic that we'll
13 get to shortly. Kukpis Judy?

14 JUDY WILSON: Follow what Cheryl was
15 saying, as we've got to remember that what was happening
16 in November, December, when the Bill 41 was being passed,
17 we had Wet'suwet'en Strong, we had the Wet'suwet'en
18 unceded territory and their forced removal by the RCMP,
19 and we can't forget what was happening to the Wet'suwet'en
20 people, and that went national across Canada, in their
21 opposition to a coastal gas link pipeline, and also the
22 resulting Wet'suwet'en draft of their agreement that
23 they're working on. I think we have to pay attention to
24 that as well.

25 But the alignment laws is going to be

1 important work because it's going to affect many of our
2 nations directly on the ground, and we still have issues
3 of the strength of claim, and depth of consultation,
4 because of Haida, Taku and Delgamuukw, which I mentioned
5 earlier. So, we have to deal with that, and also, I didn't
6 see that in the First Nations organizations that came
7 through. So, I'm hoping with Chief Byron Louis on the
8 Mining and Energy Council, or maybe Chief Bill Williams on
9 the Forestry Council, we need to have that strengthened by
10 the advice from those organizations in regard to how we're
11 dealing with those two issues.

12 I know years ago the Interior Alliance did
13 a report, Interior Alliance Land and Resources
14 Information, Needs Assessment, I think that would be good
15 to address regarding the referral process, and that's all
16 of those years I remember working in land and resources
17 and having to deal with those referrals, and I think that
18 has to be reviewed, and if our UBCIC could review it and
19 help with that conversation, that would be really
20 important. Because I suggest that the terms and laws,
21 especially the BC Land Act, and the land use planning, all
22 of that's going to be really important. So, I think in
23 summary, we need to have that world outcome document, I
24 know Grand Chief Ed John did provide it several times to
25 the Leadership Council, and also the Alta document from

1 Norway, and then that Metis Recognition, self-government
2 agreement, it is sort of a template across Canada, needs
3 to be reviewed.

4 Then the First Nations Government
5 Recognition and Self-Government Agreement. So, I know we
6 did some of the analysis I think a year, a year and a half
7 ago, in regard to those kind of agreements. But I just
8 wanted to say that it's a lot to keep in context, but I
9 still recall that Chief Darrell Bob did call for a working
10 group on this, I can see why. It's going to take a lot of
11 work. Thank you.

12 TYRONE MCNEIL: Thank you. Kukpis,
13 Kukpis Wayne, first speaker.

14 **QUESTIONS/COMMENTS**

15 WAYNE CHRISTIAN: Kukstemc, Tyrone. To
16 the Leadership Council, the organizations appreciate this
17 work you're doing on DRIPA, C-41. There are two things
18 that have been emerging for me as I've been thinking about
19 this, and we've seen it play out actually in relation to
20 the Wet'suwet'en and other issues around how the UN
21 Declaration as interpreted by the white lawmakers, in this
22 case the province, is in the context of common law. And
23 that the interpretation of UNDRIP or DRIPA really seems to
24 be the interpretation of, how does their law then use
25 again as another layer to impose upon us and oppress us,

1 and continue to steal our land and resources and water,
2 etc. etc.

3 So, I'm just thinking, we've got to be
4 really clear that provincial legislation is still
5 provincial legislation. It is not our law. So, I think
6 that's one of the things the we have to think about, and
7 the lawyers need to start thinking about. I was asking the
8 question earlier around how many writs have been filed,
9 and the pleadings of DRIPA entering into it, because
10 there's some really good principles in terms of UNDRIP,
11 but it really doesn't deal with the issue of sovereignty.
12 It doesn't really deal with those issues of recognition of
13 Indigenous law.

14 That's the second point is, how does that
15 work look at, how do we open that space so that the
16 situations that happen in Wet'suwet'en in terms of, with
17 the Indigenous law and their legal orders and their
18 systems are then recognized by the common law system,
19 which is the provincial government and the federal
20 government, the regional districts, all of that stuff.
21 That's what we're faced with all the time, is that we're
22 always up against their laws, because they make the laws,
23 we don't, and then they enforce their laws on us.

24 So, what I think DRIPA and UNDRIP could do
25 is open up a new space for us for recognition of our own

1 | laws, and I think it's really important, so that anything
2 | that happens in that context has to be, I think we need to
3 | start thinking about that, and maybe the lawyers that are
4 | online here today, and I ask Mandel Pinder representative,
5 | is to start thinking about that, because how do we start
6 | laying down a track that really opens up that whole
7 | process for Indigenous law to be recognized? Because
8 | that's one of the biggest stumbling blocks we have in
9 | relation to any interaction with the Crown, whether it's
10 | the provincial Crown, or whether it's the federal Crown,
11 | it is always in the context of common law.

12 | It's always in the context of comes within
13 | their preview, their court system, their judicial system,
14 | their enforcement through the RCMP, etc. etc. etc. So,
15 | once we understand that, I think we need to make room for
16 | our own Indigenous law, our own Indigenous legal orders,
17 | our own Indigenous enforcement, all of those things. So, I
18 | really hope that in the context of this work, that this
19 | actually being addressed, because I didn't actually see it
20 | in any of the slides to address those two issues, because
21 | those to me are the primary issues when we're dealing with
22 | the common law system in terms of Canada and British
23 | Columbia.

24 | But I think it's an important process.
25 | You're outlining some very specific themes. One of themes

1 of themes that I think you need to talk about is
2 Indigenous law. How does it become harmonized in the
3 context of provincial orders of law, Indigenous orders of
4 law, and federal orders of law? So, that we become really
5 clear that really, we're here and we have our laws and our
6 own processes. So, I would hope that would be one of
7 themes that would emerge as we move this work forward.
8 Kukstemc.

9 TYRONE MCNEIL: Kukstemc, Kukpis, any
10 other discussion, Chief Don?

11 DON TOM: Yes, thank you, Ty. I just
12 want to thank the First Nations organizations as well for
13 providing some of the important feedback and looking back
14 at the Declaration on the Rights of Indigenous People's
15 Act, and now comes for the part of the hard work and
16 putting into the action plan. So, this where we're at, and
17 I see my collar needs to come in. This where we're at, so
18 it's important that we hear from our respective
19 communities, as to how do we proceed from here. So, your
20 feedback is important, and I think I share the same
21 concern that Cheryl had shared, around legislation going
22 through and I think the standard of DRIPA needs to be held
23 in account, or we need to hold the province accountable.

24 So, through a lot of this work, through the
25 action plan, is important. So, getting your priorities,

1 hearing your concerns, and I think many of us do have some
2 work with the province, whether it be children and
3 families or some of the dirt ministries. So, they do play
4 an active role in some of our day to day lives and the
5 business that we are conducting. So, just wanted to share
6 that, but express my appreciation to the First Nations
7 organizations who took part, thank you.

8 TYRONE MCNEIL: Huychqa siem. Can we
9 bring that slide back up, please? So, just to guide the
10 discussion, before we go to the resolution, just a
11 reminder that the group is asking for some chief's
12 thoughts, and what are the bold goals? What
13 recommendations are relevant and pertinent to you, and
14 what specific actions would you expect around the
15 implementation of the declaration, that in effect would
16 lead to the action plan of implementing the act or
17 components of the act, or articles of the act. You can see
18 a list has started there, but just interested to hear from
19 anybody, do you have anything that's missing on the list,
20 or what is your priority in your area?

21 With the addition of Indigenous laws that
22 Kukpis Wayne raised, yes.

23 Regional Chief?

24 TERRY TEEGEE: Yeah, can you hear me?

25 TYRONE MCNEIL: Yes.

1 TERRY TEEGEE: Okay, thank you. Yeah, so
2 good discussion here, and part of themes and action plan
3 is to, as you can well imagine, is to prioritize some of
4 the legislation that we currently are committed to as part
5 of the Commitment Document, so Declaration needs to be
6 implemented within the environmental assessment, we're
7 already doing it with child welfare, and as part of the
8 subcommittee, I'm the co-chair with Deputy Minister John
9 Allan, as Cheryl relayed to you, the difficulty that we're
10 having on that table is forestry. Really the forestry is
11 not going to be easy, just in my relationship with, I
12 suppose, with some of the longstanding, I suppose, First
13 Nations, really fight for saving the land, but also this
14 continuing fight with corporations, and perhaps the
15 governments. So, it'll be a long, difficult fight, but
16 certainly that's one of the priorities.

17 The issues of racism within the health
18 sector, a report is being developed by [inaudible
19 00:30:28], and hopefully that can provide some legislation
20 and perhaps that's a point where we can really implement
21 the Declaration within the Health Act, if there are any
22 changes or amendments. One of the things that the province
23 is looking at is policing. They're reviewing the Police
24 Act. It hasn't been really overhauled since the 1960s,
25 there has been many amendments over the decades, but I

1 certainly hope that, and I would say it's a priority
2 within policing.

3 We've already seen some of the issues over
4 the many decades with our Indigenous peoples, with the
5 policing. But I think as a co-chair for the subcommittee,
6 it's going to be a challenge with forestry, but
7 nevertheless, with the help of the First Nations Forestry
8 Council, I believe we can really make headway here with
9 the declaration. Thank you, Tyrone.

10 TYRONE MCNEIL: Thank you, Regional
11 Chief. Not seeing or hearing any other hands going up, I'm
12 going to draw your attention to the resolution. Sorry,
13 Grand Chief, I missed you, my apologies.

14 STEWART PHILLIP: Yes, I'd just like to
15 offer a quick comment. The list that we saw of principles
16 in regard to this work, I notice about third or fourth
17 down was self-determination and sovereignty. In the
18 context of this conversation, it should be first. It
19 should be the first fundamental principle, and secondly,
20 just for the record, I agree with Kukpis Christian on the
21 points that he outlined. What we're trying to do here in
22 regard to pass provincial legislation to accomplish our
23 self-determination and sovereignty, just doesn't seem be
24 politically feasible.

25 But at any rate, I appreciate the

1 | tremendous amount of work that's been done at this table,
2 | and we have to keep chipping away at it? Weyt Limt lim.

3 | **RESOLUTION 2020-20**

4 | TYRONE MCNEIL: Limt lim, Grand Chief.

5 | So, resolution 2020-20, REGARDING IMPLEMENTATION OF THE
6 | DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT,

7 | Therefore be it resolved UBCIC Chiefs in
8 | Assembly direct the UBCIC executive to
9 | remind the Province of BC that the
10 | Declaration on the Rights of Indigenous
11 | Peoples Act, here known as Declaration Act,
12 | places a positive obligation on the
13 | Attorney General and Government of British
14 | Columbia to ensure that all laws, policies
15 | and practices in British Columbia be
16 | brought in alignment with the UN
17 | Declaration in consultation and cooperation
18 | with Indigenous peoples.

19 | Therefore be it further resolved UBCIC
20 | Chiefs in Assembly direct the UBCIC
21 | executive to oppose the Province of BC's
22 | introduction of any legislation that has
23 | not been reviewed for alignment with the UN
24 | Declaration, in consultation and
25 | cooperation with Indigenous peoples, as

1 consistent with the Declaration on the
2 Rights of Indigenous Peoples Act.
3 Therefore it further be resolved the UBCIC
4 Chiefs in Assembly direct the UBCIC
5 executive to work with the BC Assembly of
6 First Nations, the First Nations Summit, as
7 the First Nations Leadership Council, and
8 with the Province of BC to immediately
9 identify and implement reforms to the
10 legislative process to ensure that all new
11 and amended legislation is aligned with the
12 UN Declaration and wherever possible enable
13 implementation of the shared decision
14 making agreements described in section
15 seven of the Declaration Act.
16 Therefore be it finally resolved UBCIC
17 Chiefs in Assembly direct the UBCIC
18 executive to work with the BCAFN, the First
19 Nations Summit, as the First Nations
20 Leadership Council and the Province of BC
21 to urgently develop a draft Declaration Act
22 action plan, for review by BC First
23 Nations, that reflects the mandates
24 provided by the UBCIC through resolutions,
25 the summary of advice from First Nations

1 organizations with the implementation of
2 the Declaration on the Rights of Indigenous
3 Peoples Act, and any additional submissions
4 from BC First Nations. Looking for a mover
5 and seconder.

6 WAYNE CHRISTIAN: So, move Kukpis
7 Christian, Splatsin.

8 TYRONE MCNEIL: Kukstemc, Kukpis.
9 Seconder? Kukpis Lee, thank you. Opening up the
10 discussion, starting with Kukpis Judy.

11 **QUESTIONS/COMMENTS**

12 JUDY WILSON: Kukpis Judy Wilson. I
13 just wanted to say in the last therefore be it resolved
14 because the process we're going through right now is
15 asking for input from the proper title holders, the First
16 Nations, the chiefs. So, I was wondering if we could add a
17 line in there saying that right after, through the
18 resolutions, but also the input that we're receiving
19 today, and it shouldn't be just from today, it should be
20 the Nation should be able to provide submissions to the
21 Union BCIC Indian Chiefs for inclusion. I think there
22 needs to be that, so that it's not just First Nation
23 organizations, it's the resolution.

24 So, it would be right after the UBCIC
25 through resolutions, it should be from the input on the

1 dialogue today, and also any subsequent submissions the
2 Nations may submit regarding to this issue. Does that
3 work?

4 TYRONE MCNEIL: You can see it in front
5 of you, Kukpis, is that what you're getting at?

6 JUDY WILSON: Yeah, through the input
7 from today's dialogue, and also any submissions the
8 nations provide in regard to this, so that it's more
9 inclusive and more broader, okay?

10 TYRONE MCNEIL: The last aspect you
11 raised Kukpis, is actually the very end of the last,
12 therefore.

13 JUDY WILSON: Yes, that's correct. It
14 should be in the last therefore it be resolved.

15 Okay, yeah. Yeah, submissions. Okay, so the
16 first one would be from today's dialogue then. Okay, thank
17 you.

18 TYRONE MCNEIL: Kukpis Wayne, Kukpis
19 Lee, are you fine with that addition, you should see it on
20 your screen?

21 WAYNE CHRISTIAN: Yeah, I can see it,
22 it's good. It's actually a good way to do it, so I can
23 just actually see the amendment as it's going up. So, no
24 problem. I have a comment after the discussion, though.

25 TYRONE MCNEIL: Kukpis Lee, are you

1 fine with the amendment?

2 LEE SPAHAN: Yes, I support it, thank
3 you.

4 TYRONE MCNEIL: Kukstemc. Coming back
5 to Kukpis Wayne?

6 WAYNE CHRISTIAN: Yeah, one of the
7 things that's current, and I hope that the Leadership
8 Council can take a look at this, is in relation to the
9 Emergency Preparedness Act, and all the stuff that's going
10 on right now with COVID, and wildfires, floods. The
11 provincial legislation makes no room for us at all, that's
12 what we're faced with all the time. So, how can you, as
13 the Leadership Council, highlight that in terms of actual
14 amendments, because the discussion that's going on that's
15 pertinent right now, with COVID it sounds like it's going
16 to happen over the next 18-24 months. We still have the
17 situation as mentioned by Kukpis Judy, what's going in
18 terms of notifications, and our process is not geared up
19 to actually notify us. That's what we found out in the
20 wildfires. We had communities right next to towns that
21 were totally ignored before they were actually notified by
22 the authorities, because their legislation doesn't make
23 room to notify us and let us know, "Hey, this going on."

24 So, I think in terms of amendments or any
25 kind of legislation, that would be, I think, a real good

1 starting point, to see how this government, or whatever
2 government is formed, actually does something that's
3 actually pertinent and immediate right now, because we're
4 always going to be facing different types of emergencies
5 in British Columbia, whether it's wildfires, flooding, and
6 as things evolve.

7 So, I really ask the Leadership Council to
8 think about that in terms of the action plan and work
9 plan, because that's something that's really critical and
10 on the minds of all the chiefs and all the communities
11 around what's happening right now with the province. So, I
12 think that as a way that we can actually do it, and if you
13 can force it at all of the tables, all the better, because
14 we've been pushing from the community level, and the
15 reaction we're getting is very, very slow, because we're
16 talking about a bureaucracy that is very racist, and
17 inherent racists, they don't even know that they're
18 racist.

19 So, how do we start turning that around?
20 And we can do it by legislation. Force them to recognize
21 and adhere to their own laws. So, I just wanted to add
22 that comment in terms of this discussion, thank you.

23 TYRONE MCNEIL: Kukstemc, Kukpis, and
24 I've just been informed, an email came out from the
25 Leadership Council, this past Saturday, asking for input

1 | like that, Kukpis, and chiefs and delegates online. I do
2 | notice Kukpis, that I don't think emergency management was
3 | on that one list that we're looking at, but by the sounds
4 | of it you're adding it to it. If I could, a part of the
5 | action plan that Kukpis raising is also identifying what
6 | current processes a province has in place on modifying or
7 | amending current legislation such as, you hear EMBC
8 | promoting that they're modifying their legislation, but
9 | for the most part it's without us. So, that action plan to
10 | modify would be a critical step as well.

11 | Any other discussion on the resolution? Not
12 | hearing or seeing any, are we ready for question?

13 | Speaker: Question.

14 | TYRONE MCNEIL: Question has been
15 | called, an opposition to the resolution? Are there any
16 | abstentions to the resolution? Seeing and hearing neither,
17 | we'll consider the resolution passed by consensus, thank
18 | you. Any concluding remarks from our panel, Kukpis Judy?
19 | (RESOLUTION PASSED)

20 | JUDY WILSON: Yeah, I just wanted to
21 | thank everyone for the input and dialogue, it's one of our
22 | biggest, the main work we have as Kukpis, as chiefs, and
23 | hereditary chiefs, and leadership across BC, in regards to
24 | how we're going to make our own action plan and
25 | implementation plan on the UN Declaration Bill 41, and

1 then how we're going to be able to look at the federal UN
2 Declaration as well. I firmly agree with what Grand Chief
3 said, and Kukpis Christian said about Indigenous laws,
4 those are our first and foremost of our Nations. They were
5 from time immemorial, our origin stories, all of our laws
6 that come into effect, how we care take for the land and
7 the water, and our salmon.

8 So, those put us a lot of times, at the
9 juxtaposition of the colonial laws that we have in BC and
10 federal government, and we can see that playing out with
11 DFO on the open pen fishery farm issue that Bob
12 Chamberlin's working on, and fisheries needs to be one of
13 our mainstays of our inherent title and rights work that
14 we did at the Union BC Indian Chiefs, and we stand firmly
15 behind the ones that are opposing those fish farms,
16 because it's about our inherent rights and our laws for
17 our Nation, so I think it's really important to bring in
18 that, and raise that at a higher level, our Indigenous
19 laws, because that's what we follow first and foremost.

20 The UN Declaration we have to remember, is
21 just the minimum human rights standards, and we weren't
22 included in the 1950s in the Universal Human Rights one,
23 so the leadership globally, Indigenous people came
24 together and penned the UN Declaration on the Rights of
25 Indigenous People, that's how it came about. But of

1 course, it's our own Indigenous laws and our respective
2 nation that are on the ground, and that are alive still
3 today, and that's how we govern ourselves, that's how we
4 still make decisions, and that's pushing back on the
5 Indian Act system, and the entirety of the colonial laws
6 we see today, so thank you.

7 TYRONE MCNEIL: Kukstemc, Kukpis,
8 Regional Chief?

9 TERRY TEEGEE: Yeah, thank you Tyrone.
10 This work is much more than the three of us here, it's
11 also Chief Don Tom, Grand chief Stewart Phillip, Robert
12 Phillips and Lydia Hwitsum that are the FNLC that work on
13 this file. Just thinking about some of the comments by
14 Kukpis Christian, and how important in this time, during
15 this pandemic, of how we deal with some of these
16 emergencies, having a neighbouring community that's wide
17 open, and yet our First Nations community that's right
18 next door is closed off, and there's reasons why you have
19 done that, quite simply we don't have the resources,
20 especially if there is an outbreak within the community.

21 So, it's really important that there is
22 some understanding between our jurisdictions, between our
23 sovereignty and self determination to do what we need to
24 do, in regard to the wellbeing of our communities. Also,
25 it speaks to access to information. We've seen a call out

1 from Nuu-chah-nulth, Heiltsuk and Tsilhqot'in to access
2 the information in regard to some of the individuals that
3 might be infected within the community so they can plan
4 accordingly, and that's very important. So, we certainly
5 support their call for information, because information is
6 key during this time of this pandemic.

7 With that, good to see you all, and really
8 stay healthy, and it seems that there's definitely been a
9 spike over the last few weeks, but it seems like the
10 numbers are settling down, so hopefully that translates to
11 the communities out there that are dealing with this
12 pandemic as well. So, thank you, thank you. Mussi.

13 TYRONE MCNEIL: Thank you, Regional
14 Chief. Cheryl?

15 CHERYL CASIMER: Thank you, Tyrone, and
16 thank you to my colleagues for being on the panel to make
17 this presentation. And further to Regional Chief's
18 comments about the other members of the team, just for
19 your information, Robert Phillips from the First Nations
20 Summit, my colleague, he represents the Summit at the
21 Forestry Subcommittee table, and my colleague Lydia
22 Hwitsum sits at the Indigenous Governing Bodies Working
23 Group table. We have an Indigenous bodies working group
24 because if you review the legislation itself, it talks
25 about the Indigenous governing body, being the body that

1 | would enter into certain agreements, and because it hasn't
2 | been really clear in terms of who that is, and what that
3 | is, we have a working group to help us shift through all
4 | of that and be able to come up with some definition that
5 | will be reflective of all the nations in British Columbia,
6 | in terms of how you organize yourself.

7 | I just wanted to thank you for the
8 | opportunity and I look forward to hearing and seeing your
9 | feedback in future dates, and I just wanted to, before I
10 | close, to build upon a little bit about what Kukpis
11 | Christian was saying, and I think that it's really
12 | important what he was talking about, but I also need to
13 | make sure I have it straight in my mind. So, when I hear
14 | you saying, Kukpis, and you can correct me if I'm not
15 | right, is talking about the issue about legal pluralism.
16 | About how two distinct legal orders can coexist and work
17 | together, and I think that when you take a look at the
18 | Campbell case, the court found that jurisdictions are not
19 | exhaustively divided between the federal and the
20 | provincial governments, and that there's space for both,
21 | but more importantly that there's jurisdictional space for
22 | Indigenous legal orders.

23 | So, I think that's what you were trying to
24 | enforce, or reinforce with us, Kukpis, to make sure that
25 | that's something that we hammer away at at the table, to

1 make sure that jurisdictional space is created and
2 respected for our Indigenous legal orders and our laws.
3 So, with that, again, thank you for the opportunity to
4 report, and I appreciate the comments and the input that
5 you provide us, and I know that we're not done, that we
6 still have a lot of work ahead of us. Stay safe everybody,
7 thank you.

8 TYRONE MCNEIL: Thank you, Cheryl,
9 Regional Chief and Kukpis for that. We're going to jump
10 immediately into fisheries. We are a little bit behind,
11 but we'll allow the 45 minutes that we have on the agenda
12 here, inviting forward Jordan Point from the First Nations
13 Fisheries Council, and [Native Language 00:47:55], Chief
14 Dalton Silver, Jordan to provide an overview of fisheries,
15 focusing on deploying of specific salmon and covering the
16 *Water Sustainability Act*, and Chief Dalton will provide
17 supporting commentary. You can find material under
18 fisheries in your digital kit, and water in the digital
19 kit as well, and immediately after-

20 (Track 8)

21 **FISHERIES ISSUES**

22 TYRONE MCNEIL: Who'd like to start,
23 Jordan.

24 JORDAN POINT: Tyrone, can you hear me?

25 TYRONE MCNEIL: Yes.

1 JORDAN POINT: Excellent. Good
2 afternoon, chiefs and dignitaries. [Native language].
3 Good feelings in my heart and good thoughts in my mind for
4 the work that we're doing here today. I wanted to check,
5 Tyrone, you said 45 minutes. Do we have the full time to
6 go through this?

7 TYRONE MCNEIL: 45 minutes for the
8 presentation and questions and two resolutions.

9 JORDAN POINT: Perfect. So, I will try
10 to be mindful of the time and a little move as efficiently
11 as possible. I've asked for the actual briefing notes to
12 be on the screen at the same time for you to refer to.

13 I just want to plant a seed here because I
14 couldn't help but listen in on the conversation in
15 advance. So, I'll just do a shameless plug here for
16 fisheries.

17 In terms of legislation, I I'm thinking of
18 you know Kukpi7 Christian's comments about legislation.
19 And it's interesting to note because we've been talking
20 about this on a fisheries context, the oldest piece of
21 legislation outside the *Indian Act* is the *Fisheries Act*.
22 And you know, the term kind of racist legislation, at the
23 time and the *Fisheries Act* was being drafted and
24 legislated was when the time *Indian Act* reservations and
25 that were being created. So, I think if there's one piece

1 of legislation that needs to be really examined, it would
2 be the *Fisheries Act*, but that's not germane to my
3 presentation today, but it's underlying the bigger issue
4 of the sickness that we face. So, that was free of charge.
5 And I'm sure that you guys would want to ponder on that
6 when we go through the presentation.

7 So, today I was asked to provide a briefing
8 to the Chiefs in Assembly regarding the status of Pacific
9 salmon. And I wanted to kind of refer to the briefing
10 note.

11 The summary box at the top of the briefing
12 note is for your information and it lays out the intent
13 and purpose of the briefing note. But I'll go into the
14 issue farther down.

15 The issue is that the decline of Pacific
16 salmon stocks, Fraser and Southern stocks in particular is
17 best summarize as death by a thousand cuts as described in
18 the Cohen Commission Report, Pacific salmon decline is
19 caused by cumulative effects of numerous stressors,
20 environmental regulatory and administrative, and not any
21 one single threat. There's been numerous studies over the
22 years that have looked into the decline of Pacific salmon.
23 And many of you will recall Canada continues to manage
24 fisheries and with an outdated approach that is based on
25 the abundance of fish model, and they just try to slice up

1 the pie. It's clearly time to move beyond this management
2 model.

3 While First Nations share a common
4 priorities to protect and rebuild pacific stocks, a
5 stronger coherent voices are needed to advance our
6 actions. Coherent messaging requires leadership to be
7 informed by technical expertise of regional First Nations
8 fisheries organizations. We have a strong technical
9 capacity in the province amongst our regional fisheries
10 organization. And we need to begin to capitalize them.

11 In general, the abundance of Pacific salmon
12 has shifted to the North and West to Alaska, Russia. And
13 in general our fish have started to become like fading and
14 declining in the Pacific Northwest. This year, just in
15 terms of like our species here in the Pacific Northwest
16 and in Canada, our salmon stocks are generally declining.
17 There's been some viable exceptions to that, whether it's
18 on the West coast of Vancouver Island or in the Skeena,
19 but we continue to see declines in the fisheries in the
20 Pacific Northwest.

21 And we advise the leadership earlier on
22 that to the Leadership Council, we sent briefing notes
23 that we would probably refer to this as a collapse. We
24 helped to draft a letter to the Minister about the notion
25 of a collapsed fishery and where stocks are facing you

1 know, extinction and extirpation.

2 We also were advising that last year, even
3 with the onslaught of the Big Bar, one of the things that
4 was lost in the shuffle was even without Big Bar, there
5 would have been probably 400,000 missing fish. So, go
6 ahead and screen to slide to the next page, please.

7 One of the things that we want to make sure
8 that we do is in terms of like developing coherent
9 messaging to government, there are models that we have
10 used at the Fisheries Council. For example, when we did
11 the amendments to the *Fisheries Act* to restore laws
12 protections, a couple of years ago, we coordinated 130
13 nations in a BC First Nations coalition response.

14 And a key recommendation at that point was
15 to amend the purpose section of the Act, focus on a
16 rebuilding strategy with language to promote the
17 restoration of fish and fish habitat and consistent with
18 the obligations to Indigenous rights and title.

19 The one thing that I want to focus in on
20 this briefing note today is this analysis right in front
21 of you. The analysis really is to lay out to you - and if
22 you've chance to reveal your kit, you may have read this,
23 but in essence, there's no single factor that can explain
24 the collapse of Fraser Sockeye. Science is attributed the
25 decline of Pacific salmon to decades of cumulative effects

1 from outdated management practices, ocean temperature,
2 climate change, overfishing, effects from outdated
3 management practices, loss and degradation of habitat,
4 changing predator and prey relationships, non-selective
5 harvest disease and pathogens via open net pen operations,
6 et cetera.

7 So, although there's no single factor that
8 identifies the cause, similarly, any single action to
9 rebuild Pacific salmon are unlikely to be sufficient.
10 Mitigation measures should be informed by a comprehensive
11 strategy that follows the full life cycle approach to
12 mitigating limitations and stressors. For example, when we
13 want to make sure that we're looking after fish in the
14 freshwater environments, through the Marine estuary
15 environments and out to open sea environment, we need a
16 collective, holistic view in managing those responses.

17 Canada's management of fisheries is
18 outdated and needs to be changed to be more in line with
19 the reality of the situation. Fisheries can no longer be
20 managed as if fish stocks are abundant. A new approach to
21 fisheries management will require a combination of habitat
22 protection, restoration, reorganization, and
23 reprioritization of fishery management measures and salmon
24 enhancement activities.

25 It's important to note, and I'm going to

1 stress this, that these are cross jurisdictional issues
2 and require collaboration amongst the BC First Nations,
3 federal and the provincial government. That's the critical
4 part of us responding in a coherent fashion because
5 there's cross jurisdiction between the province and the
6 feds and our own Indigenous priorities.

7 So, there's some other opportunities that
8 we can capitalize on. This an opportunity for BC First
9 Nations to more effectively collaborate and speak in
10 coherent approach to rebuild salmon stocks. First Nations
11 will need to lead conversations with federal and
12 provincial governments in order to develop a coherent
13 approach and strategy.

14 TYRONE MCNEIL: Jordan. Sorry, your
15 sound isn't coming across very great. I find what you lean
16 forward, it comes better, but when you lean back it fades
17 out a little bit.

18 JORDAN POINT: Okay. I'll try to lean
19 forward, thanks. Do I need a backup or people are
20 following through the...?

21 TYRONE MCNEIL: We can mostly hear you,
22 but it's way better when you lean forward.

23 JORDAN POINT: Thanks. Okay, great.
24 Thanks.

25 So, essentially the briefing note is really

1 talking about the complexity of all of the different
2 issues that are affecting Pacific salmon and the need for
3 us as First Nations to begin working on a coherent
4 message. I hearken back to the 2010 All Chiefs Task Force
5 Report that indicated that the nations were speaking in a
6 fragmented voice. And the mandate of the councils was to
7 build structured process to help to develop that coherent
8 and cohesive voice.

9 This is the intent of the briefing note.
10 This the time where it's critical for us to be working
11 together in collaboration, and to develop a coherent
12 message. There's been some fragmentation and approaches
13 that we need to be aware of. But we're also aware that
14 we've been working on a number of different initiatives to
15 help build capacity for the nations to be working
16 collaboratively together.

17 We have a First Nations Fisheries Council
18 Salmon Coordinating committee. One of the things that
19 we're working on at that level is a Pacific salmon
20 rebuilding initiative. And one of the things that we need
21 to do as an evaluation framework that identifies what the
22 priorities of the different nations are so that we can
23 begin to identify common priorities that we work on
24 together. We're also developing an Indigenous technical
25 advisory network that starts to bring the technical and

1 science people together from our First Nations
2 organizations to work collaboratively on common priority
3 issues. And we want to investigate limiting factors and
4 vulnerabilities at each stage of the Pacific salmon's life
5 cycle and develop a comprehensive package of mitigation
6 measures.

7 So, I jumped down in the interest of time,
8 Mr. Chair, to the conclusion for the pleasure of the
9 chiefs, because I know you'll probably want to get into
10 some questions in that answer.

11 The issue that we really need to be doing...
12 I'm going to go down to the bottom part of the
13 recommendations, because I just referred to the All Chiefs
14 Task Force. We need to be working more effectively to set
15 up a clear process for decision making to reach consensus
16 on priorities so that we're speaking the same language,
17 whether it's to the minister, to the regional director or
18 to the Premier of British Columbia at all scales of Crown,
19 so that we're working on both fish, water, habitat, the
20 lifecycle of fish and any of the stressors, whether it's
21 fish bonds or disease and pathogens so that we are all
22 staying the saying thing, because I think we're more
23 powerful and more effective when we're saying the same
24 thing and people won't be using a fragmented approach to
25 divide us.

1 I wanted to also make sure that we start to
2 create a coherent process that allows us to advance our
3 issues from, whether it's the regional First Nations
4 fishery organizations, up to watershed organizations, up
5 to the Fisheries Council, up to the Leadership Council and
6 then on up to the national level and even to our national
7 chief, so that we really start to build good, strong
8 process to bring about change. And I think we could -- we
9 have the in place, but we don't really have like a formal
10 structure to make sure that we're all working in
11 collaboration for that end.

12 This is the essence of the resolution
13 that's in your kits. It's really about us working together
14 to identify priorities. If priority is for example, a
15 rebuilding strategy, priority access for our people,
16 protection of water and our habitats that ensure the life
17 cycle of our first species. Those would be kind of like
18 the elements of us working on collective priorities
19 together.

20 So, there's a number of mechanical pieces
21 to that conversation, but in the interest of time, I won't
22 get into that today. So, maybe, Mr. Chairman, I'll pause
23 there on the first a briefing note and the resolution then
24 is in the kits.

25 TYRONE MCNEIL: Thanks, Jordan.

1 Lemxyaltexw, are you online? Do you have any comments to
2 add?

3 DALTON SILVER: Thanks, Tyrone. And I
4 had trouble with audio this morning, but I'm here and
5 video, but no, I want to thank Jordan for the
6 presentation, and I want to acknowledge the executive and
7 all the chiefs and elders, the staff and Tyrone and others
8 for making this happen and Andrea for persistence and
9 making sure we get online one way or the other. But I
10 think, you know, I just want to be thankful of the time
11 for fisheries on the agenda, as well. AS Tyrone said, I am
12 [ancestral name] chief Dalton Silver of the Sama:th.

13 I think Jordan brought up a lot of good
14 points. And one of the ones I talked with the chief early
15 this morning about and they were pretty clear in the
16 message that we need to develop a unified approach. We
17 have quite a few different fisheries organizations that we
18 need to pull together and the fishery, however, you look
19 at it, whether we're talking salmon or halibut or the crab
20 fishery or whatever First Nations are into, I mean, even
21 you talk about I guess I could say, as I've said before
22 staff and we all that we survive on, all that our people
23 have used to sustain us that comes from the water.

24 And I mean trying to get video and I'm not
25 sure how that's working, but I just think that if we all

1 don't get on the same boat and push together, then we're
2 going into what we have in the past. And that's the same
3 path of having the Department divide us. The Department
4 and as well as the province now with different initiatives
5 where we need to coordinate our efforts in getting the
6 funds to further our rights. I think what, you know,
7 Jordan gave a good technical report. And I think really
8 what we need to do is re-establish ourselves in our
9 rightful position in managing our own fishery.

10 I know there's been a lot of talk around
11 the Cohen Commission and people pushing that and then
12 getting responses from the governments that is almost the
13 same as what we've heard in the past. And I think I do
14 recall our former attorney general mentioning in speech in
15 Ottawa that, you know, our rights are there. Our rights
16 are established. We need to implement. We need to push the
17 envelope, politically, to strengthen our position as far
18 as our rights.

19 I've mentioned before and I've mentioned
20 with different fisheries organizations and with different
21 levels of government if we had been given the recognition
22 that we deserve at the beginning in the management of our
23 resources, we'd be in a hell of a lot better position
24 today. How many thousands of years did we exist with
25 everything around us, with no concern around stocks and

1 around conservation? We conserve our own ways. And I know
2 people are worried about what's coming up the river and in
3 other places, other rivers as well, all along the coast.

4 Jordan mentioned some that are going up
5 further North. And even those folks up there have seen
6 rivers that have been just depleted of all their stocks. I
7 think, you know, it's been recommended to me that we
8 really push on the recommendations of the Cohen
9 Commission.

10 And I really liked what Jordan said too,
11 you know, about fish farms. A lot of us are opposed to
12 the fish farms. And the governments, we need to call on
13 their promises they've made to pull those things out of
14 the water and put them on the land. And I mean, that's one
15 factor about the depletion of our stocks.

16 All industry has to be taken into account
17 for the destruction of our habitat for all the fish
18 species. I need to say, you know, that in talking about
19 rights, we have to acknowledge the hard work and the
20 battle that's going on in the East Coast with the Mi'kmaq
21 fishers, the Sipekne'katik people, I used to know this
22 Shubin Makati, but Jordan and I did, and others are
23 familiar with some of the people there.

24 I have friends over there that are in the
25 midst of the battle right now. I talked last week with

1 Brandon Maloney the fisheries manager for the community
2 there. And he tells me he is juggling between his regular
3 job as fisheries manager and also working as a war chief
4 right now. And I mean somehow or other, I think, and I
5 really hope, and I'm talking to the executive and our
6 fisheries reps as well, that we need to show our support
7 somehow for the folks over there.

8 As I know when we're in dispute over on
9 this coast over here or inland or wherever I know at the
10 national level that Mi'kmaq folks are always very
11 supportive of us. And I think somehow or other by way of
12 letter or what have you that we need to express our
13 concern for what's going on over there.

14 And Jordan mentioned, you know, and it's so
15 out there now, the blatant discrimination. I know Tyrone
16 has mentioned that at the fisheries table, too, and it's
17 so absolutely true. And it really goes unnoticed by the
18 general public, but our people have felt the brunt of that
19 for years and years over the last couple of centuries that
20 they stepped up.

21 I just want to, again, thank the organizers
22 for providing a slot for the fisheries on the agenda. And
23 again, thank you all so much for your work. Huychqa siem.

24 TYRONE MCNEIL: Huychqa siem. Thank
25 you, Dalton. Jordan, I'm not sure if you're monitoring the

1 chat, but I've just asked you to.. if you could provide a
2 quick update on where that new *Aquaculture Act* is or where
3 it's going, and then we're going to go directly into the
4 *Water Sustainability Act* update before opening it up to
5 broad questions and comments.

6 JORDAN POINT: So, you want me to on
7 the aquicultural sector, the net pen transition?

8 TYRONE MCNEIL: The Aquaculture Act.

9 JORDAN POINT: So, the Act itself the
10 Department of Fisheries and Oceans has indicated that they
11 will be developing a new *Aquaculture Act*, they're setting
12 up a list of questions and a framework for engaging. Of
13 course, it will be a national act coast to coast to coast
14 and everywhere in between. The focus is that it's part of
15 the blue economy, the world focused on Marine protein.
16 Canada feels that it's well positioned to fill that gap
17 and aquaculture is probably the new emerging economic
18 opportunity in terms of fisheries in Canada.

19 I was looking earlier today at the value of
20 aquaculture to BC First Nations. And I'm talking about non
21 finfish aquaculture. So, we're talking shellfish,
22 scallops, et cetera. And the value currently when we were
23 doing the COVID food security kind of analysis was valued
24 at about 5.9 to \$6 million to BC First Nations, just for
25 knowing fish aquaculture. So, the evolution of the

1 *Aquaculture Act*, the problem is, is that DFO being
2 conflicted as both the promoter and the regulator doesn't
3 develop a robust specific regulations and informing the
4 policy. So, we've been asking, for about eight years, for
5 this rollout for the development of a strong *Aquaculture*
6 *Act* that could inform Pacific regulations.

7 So, I think the signal itself is actually
8 something that is necessary for us to really begin to
9 identify where we can position our inherent rights to that
10 conversation and informing an Act. So, it's anticipated to
11 be something that occurs over the next 18 months. So, it
12 would be probably something that we begin to set up
13 through our aquaculture coordinating committee and
14 informing the process.

15 So, we do have a regional delegates that
16 are part of the aquaculture coordinating committee. And
17 then of course, as Dalton indicated, we work
18 collaboratively with the NAC national agriculture working
19 group with Ken Paul at the AFN team. Is that enough?

20 TYRONE MCNEIL: Yes, that's good
21 Jordan. And just before moving on if folks aren't
22 following the chat Kukpi7 Christian just suggested that we
23 do an emergency resolution in support of the Mi'kmaq as
24 Chief Silver raised. So, we'll work on it today and
25 present it back to the chief and delegates sometime

1 tomorrow.

2 Thank you, for the suggestion, Kukpi7.
3 Jordan, *Water Sustainability Act*.

4 JORDAN POINT: Well, okay. So, the next
5 briefing note is probably a lot quicker to go through.

6 You'll recall that last year we walked the
7 resolutions through regarding the -- from our water for
8 fish team. We had resolutions about informing the *Water*
9 *Sustainability Act* at the provincial scale and indicated
10 that the need, in terms of like complimenting DRIPA was
11 that the *Water Sustainability Act* was rolled out 2015
12 previous to the announcement of the Declaration of the
13 Rights of Indigenous People. This would be one of the
14 fundamental pieces of legislation for us to look at.

15 So, those of you that are not intimately
16 familiar, the *DRIPA Act* indicates that they have to
17 develop an action plan. And part of the action plan is to
18 do an inventory of existing legislation to determine where
19 it is inconsistent with the obligations of fiduciary
20 responsibilities to Indigenous people. This was one of the
21 first ones out of the gate that we identified over a year
22 ago, even before DRIPA was announced to move forward with
23 assessing the *Water Sustainability Act*.

24 So, what we're looking for is the
25 development of this work and meant to enabling

1 collaborative approaches to water governance. Part of this
2 that we've had conversations with the province on is for
3 us to begin building on the work that's already in place.
4 We have engagement tables, water round tables that our
5 staff have been building at various watersheds, like in
6 the Nechako and Nicola, et cetera.

7 So, one of the things that we've been
8 talking to the province about is developing water caucus
9 teams and to begin to have those supported and resourced
10 in a more formal way, and then possibly developing a
11 regional or provincial scale water table to inform
12 inconsistent water legislation, the rights of our people
13 in terms of the licensing and or title on those water
14 bodies. So, this the intent of the resolution that
15 [indiscernible] today, the improve and support that
16 ongoing work.

17 I should also mention, Tyrone, just by
18 passing just before we had the fisheries, you were leading
19 the DRIPA of work. So connected to this water work. We've
20 got an MOU with the province because there's multiple
21 ministries within the province that have jurisdiction and
22 or activities or programs that affect water, affect
23 habitat. And so in looking at the DRIPA work informing the
24 work that we're doing with the province. The fisheries
25 council has established a task group approach to deal with

1 the DRIPA work. And we identified participants to a DRIPA,
2 team. So, we were going to introduce a resolution to that,
3 but we thought it was more procedural and we're talking to
4 Andrea, we'll probably just inform and keep you updated on
5 the work of our task group as we report to the Leadership
6 Council, but it's a connected idea to the work that's
7 ongoing with the water engagement. The briefing note and
8 the resolution or in your kits.

9 But I'm open to questions after. Thank you,
10 Jordan, any questions or comments on fish or *Water*
11 *Sustainability Act*? Chief Don.

12 DON TOM: Thank you. Thank you,
13 Jordan. And thank you, Chief Silver, for the report. And
14 thank you, Chief Silver, for holding the fisheries
15 discussions for the Union.

16 I have some, and I I'm sure I share this
17 with everyone else some grave concerns regarding the
18 salmon stock and the low returns that are coming to the
19 Fraser River. And I know when I look at the steelhead and
20 I think, you know, I think it's time for some
21 considerations for the Sockeye salmon stock to be -- I
22 would consider the species at risk. And I think looking at
23 the decline of the stock over -- at least in my lifetime,
24 I wouldn't think I would see the decline like this in my
25 lifetime. I thought maybe in a few generations, but I

1 think at this rate you know, I think the math isn't on our
2 side, time, isn't on our side.

3 And if we even look at the Southern
4 resident killer whales of who are starving because there's
5 no chum available for them. So, I think we're in a dire
6 situation. And I think we're -- my fear is that in my
7 lifetime we're going to see, and I sure hope it doesn't,
8 but you know, my, my fear is that we're going to see the
9 Sockeye salmon stocks decline. And I think some of the
10 mitigation factors that we're taking right now and I
11 certainly with Big Bar, I know that we're pushing for the
12 province and the premier to declare a state of emergency.
13 And we're encouraging the premier to do so under, I think
14 it was the food supply or emergency stock for
15 considerations under that.

16 But just considering how difficult it is to
17 get government to move on what we consider high priorities
18 and concerns for First Nations. And you know, I recall
19 having hundreds of salmon that our family would process
20 together and collectively. This year we were able to give
21 out two spring salmon to my community for each member. And
22 that's, I think when it comes to a right to at least for
23 coming from Douglas Treaty and the right to hunt and fish
24 as formally, I think there's a significant breach upon, I
25 think, the government's duty to ensure that they're

1 | looking out for our interests as well. And I don't think
2 | they are.

3 | So, I just want to share that we're in a
4 | dire situation and with Big Bar and some of -- right now
5 | time isn't on our side and I genuinely worry. Thank you,
6 | Mr. Chair.

7 | TYRONE MCNEIL: Huychqa siem. Chief
8 | Byron.

9 | BYRON LOUIS: Good afternoon, everyone.
10 | And I have to say, I agree with everything that's actually
11 | being said today. And, you know, there's been a fear of a
12 | lot of our people of not understanding what species at
13 | risk act is all about. But one of the things we need to
14 | recognize, it's the only act that actually sits between
15 | the extinguishment of our rights, through the extinction
16 | of a species, and a government to act. And you know, we
17 | really need to start asking those questions and really
18 | start pushing that species at risk, because we need to
19 | push government towards there. As long as they don't have
20 | to justify their infringement, as long as they don't have
21 | to you know, move towards that. And you know, and you have
22 | them of, I think it was the *Sparrow* decision in 1990 that
23 | talked about justification.

24 | To this date there has been no
25 | justification of the extinguishment of rights to

1 associated with stocks throughout the province that are
2 not only you know, they're for all intents and purposes in
3 some systems they're extinct. And we have to understand
4 one thing and one thing clearly, the extinction of a
5 species equals the extinguishment of a right. And some of
6 the court decisions that were talked about earlier, we
7 need to remember one thing is that there must be a clear
8 and plain and intent to extinguish an Aboriginal right,
9 yet we don't see that. We have the provinces that are
10 moving towards you know, through their action to using
11 section 92 to manage resources across this province that
12 are directly responsible for that. And we forget that the
13 laws out there have said, and it was very clear, that
14 provinces, while provinces may infringe upon an
15 Aboriginal, right they do not have the constitutional
16 authority to do so.

17 So, how many times has the province, using
18 section 92 powers, been at the forefront of the
19 extinguishment of a right, especially in terms of
20 aquatics. But it doesn't end there. We go across there and
21 we see the same thing with terrestrial species. And I tell
22 people, I worked on species at risk from 1998 to present.
23 It does not, you know, it is the only act there that can
24 actually save your rights. And we need to start
25 understanding what that act is all about. And it was the

1 only act that had a hundred percent of Aboriginal
2 participation. And it still stands as the highest level of
3 Aboriginal, direct Aboriginal participation in the
4 development of legislation in Canada. And I think that's
5 one of the things we got to do is get over our fear from
6 that. It is not something that we need to fear, it is
7 there. It strengthens our rights.

8 And from what I hear, it's, you know, how
9 much longer are we going to wait Because right now you
10 look at it, us as a people, this year we're going to be
11 staring down on our plates and how much of her traditional
12 foods do we see on there. None. What does that mean? We're
13 subsidizing government's failure to provide that, and it's
14 coming out of our own pockets. And we, as our people, can
15 barely afford that. Now, you know, I think there's some,
16 you know, we need to act, and we need to stop trying to
17 ring our hands, hoping that DFO is going to fix that and
18 start holding them accountable.

19 TYRONE MCNEIL: Thank you, Chief Byron.
20 It just occurred to me when you mentioned the *Sparrow*
21 decision. I think everybody is aware, we just lost our
22 relative that led -- started to proceedings that led to
23 what we know as the *Sparrow* decision and rely on so
24 heavily. So, I think it was okay with the chiefs and
25 delegates we'll actually speak to that first thing

1 tomorrow morning, and maybe we'll have a minute of silence
2 for him and others that we lost in our community. But we
3 won't right now, but we certainly will start off our
4 morning tomorrow with that recognition could be Judy.

5 JUDY WILSON: Yeah. Thank you for that.
6 Yeah. I was recalling Ron Sparrow there earlier today.
7 Thank you for that, Tyrone, it would be appropriate.

8 But what I was thinking of is because of
9 that *Sparrow* case being front and center, in regard to our
10 fishing rights, I was wondering if we could talk to the
11 family about you know, doing a like a legacy or a
12 statement in regard to our fishing rights even though
13 there is -- I was just talking to Chief Don Tom, he was
14 saying, you know, if there's no fish, what happens to our
15 rights? And the Union are some of our biggest historical
16 stands were on fishing rights. So, I think, you know, the
17 way we shaped out our fishing rights and are upholding and
18 DFO is poorly managing the fishing right, as the chiefs
19 are talking about today, that we really need to come
20 together across our entire nations to stand together to
21 really uphold what our fishing rights are and what they
22 mean.

23 But if we did a *Sparrow* case legacy or a
24 *Sparrow* case statement, I think that would speak volumes.
25 And, you know, we've done that in the past on different

1 | issues. So, I think that might be a good tool to remind
2 | everybody what our fishing rights are and how hard-fought
3 | they were from our past leaders and our ancestral chiefs
4 | that aren't here today, but we can carry them forward and
5 | continue that work. It's going to be harder because of the
6 | degradation by climate change and global warming and all
7 | the other effects.

8 | Thank you.

9 | TYRONE MCNEIL: Kukstemc, Kukpi7. I'm
10 | not seeing a very long speakers list. I've got one on my
11 | list here and we'll go to Chris Lewis, Councillor Chris
12 | Lewis, and then immediately after him, we'll bring the
13 | resolutions to the table.

14 | CHRIS LEWIS: Thank you, Mr. Chairman,
15 | and thank you, Jordan for bringing the fisheries update
16 | and just agreeing just around the notion of a death by a
17 | thousand cuts and just supporting the notion of rebuilding
18 | our fisheries rather than managing our fisheries
19 | throughout the whole life cycle. I think that's a
20 | mechanism and a way that we need to go, but really, the
21 | one thing that I was going to suggest was that we really
22 | need a political strategy. I find that we're way too
23 | technical in terms of the fisheries aspect and need to
24 | develop a political strategy in terms of witnessing kind
25 | of the extinction of our resources. And I worry, as a

1 young leader, that we are witnessing the extinction of
2 Fraser bound Sockeye and other resources. And as the chief
3 said before me, you know, the extinction of those
4 resources or the loss of those resources basically says
5 that we can't transmit our culture and our teachings down
6 to our next generation, cause there's no fish to fish.

7 And in essence, it's infringing on our
8 rights. So, I just really speaking and support of, kind of
9 developing a political strategy to really put DFO on
10 notice. And really what Kukpi7 Christian talked about in
11 the beginning around how are we incorporating the UNDRIP
12 in terms of incorporating our laws.

13 We all have our own fisheries laws of how
14 we should be managing our fish in our homelands, in our
15 home waters. We need to start incorporating those laws and
16 telling the province and the federal government this the
17 way we did things for thousands of years in relationship
18 to management of this stream and start kind of writing
19 down those laws so that the non-native governments can
20 understand kind of what we're talking about in terms of
21 that.

22 I've always seen the salmon is a kind of
23 Keystone species to our culture and our way of life is BC
24 First Nations. And I think we need to kind of reiterate
25 that and continue to state that. We're in unprecedented

1 times where I'm going to meetings in the commercial and
2 sports fishermen are asking us to save the fishery. I
3 never thought I would see a time where we're unified with
4 the commercial fisheries and the sports fisheries around
5 the protection of the resource. I remember 10, 15 years
6 ago, when I worked at the Assembly of First Nations, we
7 were at odds with the commercial and recreational
8 fisheries. Now they're asking for help.

9 And so I'm thinking about how do we
10 reconcile the mismanagement of DFOs abuse to our fish
11 people? How do we reconcile and bring back our own laws
12 and reconcile amongst ourselves as Indigenous people?
13 Because all we've seen is a paved road for industry and
14 the destruction of salmon habitat for our little salmon
15 species, along with pollution and all those other things
16 that we've seen that infringe on our rights for the last
17 150 years.

18 As Jordan mentioned, the *Fisheries Act* is,
19 is the one of the oldest legislation along with the *Indian*
20 *Act*. And I really think we need to kind of change the
21 narrative, but it really needs to be a political
22 discussion. I think Jordan's doing his best job at the
23 technical level to kind of really push the envelope, but
24 we really need to develop that political strategy, and it
25 links in to UNDRIP. It links into water rights. It links -

1 - it's all connected as the fish connects all of us. So,
2 thank you, Mr. Chairman, for that time, and just support
3 of kind of what Jordan was mentioning around development
4 of a political strategy, how it links into all of our
5 other discussions.

6 TYRONE MCNEIL: Huychqa siem. On those
7 comments, Chris, it reminded me that we should have
8 probably provided an update of the working group that the
9 three political organizations struck to do exactly that,
10 Chris. I'm appointed by the BCAFN, the Union has got a
11 couple of appointee and the Summit has got a couple of
12 appointees and we haven't met in a while so, we should
13 actually meet soon and provide more of a substantial
14 update for the next Chief's Council meeting.

15 But with that, I'll draw your attention to
16 resolution 2020-21, REGARDING THE DECLINE OF PACIFIC
17 SALMON AND SUPPORT FOR COHESIVE BC FIRST NATIONS FISHING
18 STRATEGY.

19 Therefore be it resolved the UBCIC Chiefs
20 in Assembly fully support the First Nations
21 Fisheries Council, (FNFC) development of a
22 cohesive BC First Nations fisheries
23 strategy that would let First Nations
24 regional fishery organizations work
25 together to advise the government and

1 coordinate strategic action to restore
2 salmon stocks; and
3 Therefore it further be resolved the UBCIC
4 Chiefs in Assembly Direct UBCIC executive
5 and staff to work with the BC Assembly of
6 First Nations, First Nations Summit as the
7 First Nations Leadership Council, FNLC to
8 help FNFC develop a coherent strategic
9 approach to salmon fisheries in BC by
10 identifying key priorities, including the
11 status of Pacific salmon and priority
12 access, as well as providing resourcing and
13 support leadership participation and
14 coordinated engagement with the Crown; and
15 Therefore it further be resolved [the
16 Chiefs in Assembly urge the federal and
17 provincial governments, alongside the
18 relevant ministries and officials, to
19 reinvigorate their working relationship
20 with the FNFC and FNLC by committing to
21 meet regularly discussing advanced action
22 on Pacific salmon, including the
23 development and implementation of a crease
24 of BC First Nations, wild fishery strategy;
25 and

1 Therefore finally it be resolved the UBCIC
2 Chiefs in Assembly call upon the federal
3 and provincial governments to support the
4 FNFC and FNLC's work on developing a First
5 Nations wild fishery strategy by providing
6 adequate resourcing and funding so that
7 FNLC and FNFC can consult and engage with
8 First Nations communities and communities
9 ensuring priority dialogue to inform the
10 strategy.

11 Probably a bit of a typo in that last one.
12 We didn't need communities twice, but with that looking
13 for a mover and a seconder, please. I see Paul Sam
14 Councillor Paul Sam is moving; Councillor Chris Lewis
15 seconding. Thank you. Any discussion? Any discussion?
16 Chief Silver.

17 DALTON SILVER: Text her I don't know
18 how I figured out how to get that, but. I like the
19 resolution. I think if it could be brought back up again,
20 or is it, I was looking at the last line where you said
21 maybe there's a bit of a typo there. I would suggest, and
22 as I mentioned, there are so many other different
23 fisheries organizations within the province and lots are
24 working on habitat restoration projects. I think -- or it
25 had engage with First Nations communities and communities.

1 I would suggest if it's okay with the mover and seconder
2 to engage with First Nations communities and fisheries
3 organizations. And that one of the things talked about,
4 and Chris Lewis mentioned it, is the is the need to
5 collaborate, the need to have a unified approach. And I
6 think, politically, we need to move together as one group.
7 And I think with all -- it was brought to my attention
8 early this morning by chiefs that there's so many
9 different fisheries organizations that we need to develop
10 a common approach, move forward on this whole initiative.
11 And I think if that's okay with the mover and seconder, I
12 would recommend that.

13 Thanks, Tyrone.

14 TYRONE MCNEIL: Councillor Paul, you
15 fine with that amendment?

16 PAUL SAM: That's fine. Alright,

17 TYRONE MCNEIL: I appreciate elder
18 Emilia's hand is up, but we're dealing with an amendment
19 here first. The mover agrees. Councillor Chris, do you
20 agree with the amendment?

21 CHRIS LEWIS: I agree, as well, Mr.
22 Chairman, thank you.

23 TYRONE MCNEIL: Huychqa Siem. Elder
24 Amelia.

25 AMELIA WASHINGTON: Good afternoon.

1 Amelia Washington here. I thoroughly agree with the
2 comment about community engagement. You know, I wanted
3 things that I find continually being out harvesting on the
4 land is, you know, that where we're having a lot of --
5 we're not able to access water to do our ceremonial
6 practices because of a lot of fences being put up and no
7 trespassing signs. And also the extent of the pollution on
8 our waters. You know, I really feel that we need to have -
9 - to be able to manage our waters, you know, because we
10 see a lot of pollution happening. We see a lot of you
11 know, just really total disrespect of water, you know
12 sometimes at a point of, you know, I guess it would be
13 burning a little bit of money.

14 So, that was my comment to add. As an
15 elder, I feel that it's really important for us to look
16 after our waters, you know, because our land and our water
17 is sacred. All my relations.

18 TYRONE MCNEIL: Thank you, elder and
19 water is our next resolution. And to that effect, we're
20 bringing the Declaration into the *Water Sustainability*
21 Act. But thank you for those comments,

22 Jordan.

23 JORDAN POINT: Thanks, Mr. Chairman. I
24 just wanted to put an exclamation mark on the rationale
25 for that coherent and cohesive collaboration that we need

1 Each nation wants to bring forward their
2 priorities, but struggle to advance them sometimes because
3 of their limits to the sphere of influence. And the notion
4 of a provincial scale strategy, it remains elusive. And
5 this is because each nation tends to prioritize local
6 issues versus common objectives.

7 This motion is about really identifying a
8 way for us to identify clear priorities. And the reason
9 why I say this is a specific example that I recall when I
10 first took this position, I was in Kamloops for a meeting
11 and we were talking at the time about early Stewart
12 exploitation, and the DFO manager in the room had about 35
13 nations in the room talking about exploitation rate of
14 early Stewart. And somebody gave their opinion and
15 somebody else gave another opinion. And then this manager
16 looked at those people and said, well, we heard that from
17 you, but we didn't hear it from them. So, we'll just have
18 to make our own decision on this.

19 So, the idea and the notion is, is that we
20 start to identify clear priorities that we can all say in
21 a unified fashion to avoid DFO's [indiscernible] the
22 province, whatever the case may be, it's that you know, we
23 didn't hear it universally, so we'll have to make the
24 decisions on our own. That's the intent of defeating that.

25 So, if it is rebuilding, if it is priority

1 access, if it's things like that, that we all agree on
2 that's the intent of this motion working together. Thank
3 you. Thank you, Jordan. Chief Colleen, Jacob.

4 COLLEEN JACOB: [Native language].
5 Colleen Jacob. Hello everybody. I just have a few
6 comments.

7 I guess I understand, you know, the
8 situation between the salmon and what's happening with it.
9 And so I have a lot of concerns. And so this was one of
10 the reasons why I put my name forward to be a
11 representative for the wild salmon and yeah Tyrone
12 mentioned it that we did have a meeting, but we haven't
13 had one for a while.

14 So, I guess what I'm wondering is when we
15 have these different entities like where does this entity
16 sit in terms of this resolution? Because I just want to
17 make sure or just to let people know that I'm, you know,
18 quite committed to the salmon and what's happening,
19 especially because I really feel like it's having, like,
20 everything that's happened to the salmon, it's definitely
21 having an impact on our way of life. And that's the
22 perspective that I take. And so you know, with this
23 resolution, I guess I'm just curious, you know, where does
24 this -- where does the entities sit in terms of, you know,
25 where our participation is, because that's really what I'm

1 | looking is to have participation and whatever entity or
2 | organizational structure that we have.

3 | I just want to share my commitment in this
4 | and to just curious on where this entity would sit with
5 | this. So, thank you.

6 | TYRONE MCNEIL: Thank you, Chief. I
7 | stand to be corrected by Andrea or the executive, but my
8 | take on that, Chief, would be that with the addition with
9 | the amendment in the last "therefore" does provide space
10 | for this process to include the wild salmon working group
11 | that was struck by the three organizations. But at the
12 | same time, the mandate of that work group is bigger and
13 | broader and more political than this resolution, as well.
14 | So, there's a connection and certainly opportunities for
15 | communications because the more people in support of each
16 | other with everybody aiming in the same direction to
17 | protecting and rebuilding stocks, you know as far as I'm
18 | concerned, we want everybody in that conversation.

19 | So, I hope that's an adequate response for
20 | now, Chief, and perhaps we should take that resolution and
21 | recirculate it, as well, Andrea, just to make sure
22 | everybody's up to speed on it. The wild salmon working
23 | group resolution.

24 | Any other discussion? Are we prepared to go
25 | to question? A question has been called, any opposition to

1 the resolution? Any abstentions to the resolution? Hearing
2 neither the resolution is carried. Thank you.

3 (RESOLUTION PASSED)

4 TYRONE MCNEIL: Next we have resolution
5 2020-22 REGARDING BC'S APPROACH TO IMPLEMENTING THE WILD
6 SUSTAINABILITY ACT CONSULTATION FRAMEWORK.

7 Therefore be it resolved the UBCIC Chiefs
8 in Assembly direct UBCIC executive and
9 staff to work with relevant First Nations
10 organizations to ensure that *Water*
11 *Sustainability Act* (WSA) reform and the
12 First Nations Fisheries Council (FNFC)
13 reports recommendations are prioritized
14 within the provinces action plan to
15 implement the *Declaration of Rights and*
16 *Indigenous Peoples Act*; and
17 Therefore it finally be resolved the UBCIC
18 Chiefs in Assembly urge the BC Government
19 to commit to enabling collaborative
20 approaches to water governance and the
21 development of water policy and regulations
22 in accordance to the *Declaration of Rights*
23 *and Indigenous Peoples Act* and FNFC's
24 reports recommendations.
25 Looking for a mover and seconder. Can we

1 have a mover in seconder, please? Moved by Kukpi7 Lee.

2 BYRON LOUIS: Secoded, Byron Louis,
3 Okanagan Band.

4 TYRONE MCNEIL: Thank you, Chief. Any
5 discussion? Hearing or seeing no need for discussion are
6 we ready for go to question? Thank you. Any opposition to
7 the resolution? Any abstentions to the resolution? Hearing
8 neither it is carried. Thank you.

9 (RESOLUTION PASSED)

10 TYRONE MCNEIL: Okay. Thank you. Thank
11 you to the presenters there. We're going to move
12 immediately on because we fell a little bit more behind
13 there. So, the next agenda item is advancing UBCIC
14 position on hunting. Inviting Chief Keith Crow and Louise
15 Mandell. There is a deck that Chief Crowell will take us
16 through, and Louise will comment as necessary throughout.
17 And just a reminder to the chiefs that this the
18 presentation to the Assembly, opportunities for you to
19 feed back here and now or, you know, soon after this
20 session. And then ultimately that feedback and the ongoing
21 feedback will be brought back to the February chief's
22 Council Assembly in a manner that we'd be looking for a
23 resolution to adopt it as your UBCIC position on hunting.

24 (Track 9)

25 **ADVANCING UBCIC ON HUNTING**

1 KEITH CROW: [Native language]. So,
2 hello everyone. Good day. It's Chief Keith Crow, from the
3 Lower Similkameen band. I raise this amongst you last year
4 in the meeting, and I bring point forward, because it's
5 one of our based rights and I think it's being infringed
6 on all of the time. I don't think we should just be
7 stakeholders anymore and we're not. And the other piece
8 that I am having issues with is, I have a deck I will go
9 through, but just before I speak to that, I really want to
10 thank the fisheries conversation, because it really leads
11 into this. Well, it's the same issues in fishing, as we
12 have with the hunting rights.

13 I thank you for the elder who spoke as
14 well. I just want everyone if you can see the picture
15 behind me. This an area I used to frequently hunt, my
16 dad's ashes are here, and I can no longer access it
17 because of private property. Private property blocked all
18 the access on both sides. And that's becoming a common
19 issue. And if I want to go through, I will be trespassing.
20 I was told that. So, I said, "Well, I'm going to go
21 through regardless, just so you aware." So, let's move
22 through to the deck.

23 So, we knew this strategic approach. So, we
24 had a... Next slide, please. We had a webinar back on June
25 3, it was a couple hours, it was good to see everyone on

1 | there. We talked about the hunting rights and COVID-19,
2 | the path forward and the webinar rose some discussions
3 | held last February in 2020. It came up at the end of the
4 | day on the last day. I thank everyone for having this
5 | chance to speak earlier in the agenda which makes it a
6 | little pacer.

7 | We have UBCIC members expressed the need to
8 | treat hunting as a priority issue and it dedicated
9 | attention to a discussion on advancing and recuperating
10 | hunting rights. Recognizing additional challenges brought
11 | by the current COVID-19 pandemic, the event brought
12 | together panelists who have unique perspective as
13 | experience regulating and managing hunting in the
14 | communities. Next slide please.

15 | So, the purpose of the discussion, paper
16 | and renewing UBCIC's mandate and approach to hunting. The
17 | webinar provided a crucial opportunity for the chiefs to
18 | express and identify common concerns and topics of
19 | discussion including the history and current legal
20 | landscape of hunting rights, traditional protocols and
21 | laws around hunting rights, collaboration agreements,
22 | shared trust as a pathway forward, factors affecting
23 | hunting rights and advocacy for Indigenous nations
24 | assertion and rights and jurisdiction.

25 | And also, when we look back at the history,

1 the last actual motion that was made by UBCIC in the
2 mandate that was set back in 1980, I believe. And it was
3 just for the protection of our hunting rights, it didn't
4 actually discuss the animals or anything like that. So, we
5 need to really update this and move it forward.

6 And so, the perspectives and concerns
7 brought forward in the webinar have been used to inform
8 and develop a discussion paper that identifies key
9 priorities and themes for further work and attention. And
10 will guide and renew UBCIC's hunting mandate to better
11 reflect the current hunting landscape and challenges to
12 Indigenous hunting rights. This mandate will articulate
13 and endorse in the forthcoming resolution so that UBCIC
14 membership has clear direction and principles for further
15 action and advocacy. Next slide.

16 So, some of the concerns that came out of
17 the webinar, for COVID-19, hunters are ignoring pandemic
18 restrictions and are continuing to enter their territories
19 to hunt. Effects of culture and traditions curtails
20 community fishing, hunting, large gatherings, and
21 accessing community traditions, delayed hunting seasons
22 and smaller hunting units and the ability of Conversation
23 officers to interfere and access Indigenous nations'
24 territory, mismanagement and lack of consultation. The
25 province fails to prioritize sustainability and give

1 effect to Indigenous jurisdiction issuing more licenses
2 than necessary to make more money and the long hunters to
3 come into their territories to hunt certain species, such
4 as moose or Caribou, that are that in serious decline.

5 Chief Lynda Price spoke on the Ulkatcho
6 Nation's emergency hunting ban on mountain Caribou. And
7 how the drastic Caribou population decline has led to the
8 need for urgent intervention and collaboration. Indigenous
9 authority and values not heeded. Indigenous Nations need
10 to have the authority and power, recognized by the
11 Province, to issue and regulate permits on their
12 territories. Hunting practices need to incorporate
13 Indigenous laws and values. I also wanted to throw in
14 there. I don't know if any other hunters on this call.
15 I've noticed that due to COVID-19, there a lot more
16 hunters out in our areas. And I've really noticed this
17 last, since the hunting season is open for, as non-natives
18 and some of the areas that I've never seen people before
19 are, there is a lot more people out there, and I am seeing
20 a lot less animals, and I've been a hunter my whole life.

21 And I've only seen a couple mulies this
22 year, I have not seen a moose. I did get a little white
23 tale the other night, but it's kind of in my fields. And
24 I'm just knowing there's a huge impact, and so we can go
25 to the next slide, please?

1 More concerns, so the lack of recognition
2 and understanding of Indigenous protocols and agreements.
3 We all have laws, we have protocols, and informal
4 agreements, handshake deals that enable them to protect
5 wildlife habitat hunting. This informal agreements and
6 protocols extend to conversation officers, local
7 communities and companies and allow nations to assert
8 authority without blowing through legal hoops or changing
9 the laws of the land. People need to better understand,
10 recognize and support these agreements and protocols, so
11 that nations can better control who's coming into their
12 lands and ensure hunting is being conducted safely and
13 responsibly.

14 Climate change and foreign fires: The
15 wildfires not only led to the crucial loss of wildlife
16 habitat; one participant described how 210 km of new road
17 was built to help access the wildfires, which led to
18 people using ours.

19 [inaudible 00:07:48]... Am I back?

20 TYRONE MCNEIL: Your voice but your
21 video is still frozen. If it's a bandwidth issue, Chief,
22 you might want to turn your video off and your audio will
23 actually improve.

24 KEITH CROW: Sorry about that.

25 TYRONE MCNEIL: Are you still with us,

1 Chief? Chief, I'm not sure if you can hear me but we can't
2 hear you. Maybe we'll give you a minute or two to figure
3 out what's happening in your situation and turn it over
4 and invite Louise Mandell to make some comments. So, good
5 to see you, Louise.

6 LOUISE MANDELL: Thank you, seeing all
7 you guys. I feel my heart is so happy. Looking at the
8 gallery of all of you. Did you want me to talk now? Or
9 shall we wait for the Chief to see if he's going to
10 reconnect?

11 TYRONE MCNEIL: If you could fill in
12 for now, Louise, we will give the Chief couple minutes to
13 reconnect.

14 LOUISE MANDELL: Sure. Thank you. I'm
15 here on the territory of the Saanich people on the Mayne
16 Island, I want to gratefully acknowledge that.

17 I wanted to just of the position paper, I
18 thought it was important just to talk about the legal
19 landscape. And I was going to take a few minutes just to
20 remind us where we come from and then to talk about the
21 legal snapshot of where we are now. Which will be a way of
22 helping address the concerns that we've heard and came out
23 of that important workshop that the Union held. So, I'll
24 just take a few minutes just to remind us that we've come
25 a long way when it comes to the issue of hunting rights.

1 When I first began practicing law, the province relied
2 upon Kruger and in Manuel to argue, that all hunting
3 rights had been extinguished. And we took that all the way
4 up to the Supreme Court of Canada, Regina versus Alfonse.

5 The court accepted that hunting rights had
6 not been extinguished in British Columbia. And so, we
7 began the legal initiatives to keep the province out of
8 regulating hunting rights, because Indigenous laws should
9 control hunting rights, not that they should be regulated
10 by the province. And so, we used the division of powers
11 argument, and in Delgamuukw, finally the court said about
12 Aboriginal hunting rights that they fall within the core
13 of 91(24). And so, they're not rights that are available
14 to the province to regulate. And we had 40 years of
15 litigation involving the Douglas treaties. And in the same
16 way, the province regulated the hunting rights under the
17 Douglas treaties, notwithstanding section 88 of the Indian
18 Act.

19 And we pushed back all the cases that push
20 back and finally with Morrison Olson, the court... What the
21 province did then is say, "Well it may be that hunting
22 rights are at the core of 91(24)." But section 35 gives
23 the province all this jurisdiction to interfere. And so,
24 with Morrison Olson, the Court of Appeal said that the
25 hunting rights are controlled by Indigenous laws. We had a

1 five to four decision in favour of the Indigenous people
2 saying that you've got to deal with jurisdiction before
3 justification. And what the court issued in was basically
4 legal pluralism, where the hunting rights are beyond the
5 power of the province to control and the court basically
6 welcomed the Indigenous laws operating to control the
7 hunting rights and invited really the province to enter
8 into agreement so that these two jurisdictions can
9 function together.

10 And that's really what we have. We've got
11 Indigenous laws on the landscape and we have the federal
12 government has never been in this area and the province
13 has no power to regulate. And we thought that we were down
14 a field where Indigenous laws could start controlling the
15 hunting, including the habitat and all of the ways in
16 which Indigenous people steward the land holistically,
17 including the animals, and that we would see an era of a
18 change paradigm, much as the UN Declaration brought in.

19 Well, here is where the problem is. And
20 this the crux of the hunting paper too. And that is that
21 into a Tsilhqot'in the court weakened the doctrine of
22 inter jurisdiction immunity, meaning all of the cases that
23 we argued, based on the province not having jurisdiction,
24 that if there's jurisdiction, it's Indigenous laws, it's
25 under 91(24). That was weakened and since then, instead of

1 seeing the province trying to collaborate with new
2 institutions about how Indigenous hunting is going to be
3 able to coexist in a good way with the lack of
4 jurisdiction the province has there and find ways and
5 pathways of communication.

6 Instead, what's happened is the province
7 has just started to charge your hunters again and try and
8 re-establish control through section 35. And what they
9 argue is the weakening of the doctrine of inter
10 jurisdictional immunity. And so, after 40 years of
11 litigation successfully, on the Douglas treaty, I'm now in
12 court helping a young Indigenous lawyer fight a hunting
13 case under the Douglas treaty for Tom Sampson's grandson.
14 Tom Sampson who had been such a major speaker of
15 Indigenous laws throughout the entire four decades. We're
16 now fighting a case for his grandson, which I thought by
17 now his grandson would be able to hunt and, as with all
18 your hunters, be in a position to be exercising your laws
19 and not asking the province for jurisdictional space we've
20 won in the courts. But that's not where we are on the
21 ground, in spite of all the beautiful words spoken in the
22 UN Declaration Act created. I feel like it's a very
23 important era right now that we're in.

24 And I'm grateful for the Union for having
25 this discussion. Because really, we've got to find a way

1 for the Indigenous clause to blanket the landscape and
2 we'll find our way for that jurisdiction to operate free
3 of provincial regulation. So, that's where I wanted to
4 stop. And also, at the same time to thank all of you for
5 continuing the fight. Thank you. Any questions? Of course.

6 TYRONE MCNEIL: Thank you Louise, and I
7 see Chief Crow joined a participant lists, are you
8 online, chief.

9 KEITH CROW: Yes, I'm back online. I do
10 apologize. I had a power outage there for just a few
11 seconds and it shut everything off for me. I was trying to
12 call in, but it wasn't allowing me to call in. Can you
13 hear me? Okay.

14 TYRONE MCNEIL: Yes, loud and clear.

15 KEITH CROW: I really do apologize about
16 that. I'm not sure where I was in my deck here. So, I'll
17 finish up really quickly here. Climate change and forest
18 fires, that has been another big concern that was brought
19 up. One of the fears that we had, was the fires which I
20 had talked about already. But also, it's the change in
21 seasons. I don't know if anyone has noticed, but I have
22 noticed rut seasons have moved: even if it is only by a
23 couple of weeks here or there. But it does that make a
24 change for the local non-Indigenous hunters. Right?
25 Because we'll have to change the regulations because right

1 now, I think they're hunting in the wrong times. There's
2 lack of government agency that prioritizes sustainability.
3 The protection and preservation of wildlife for the
4 wellbeing of Indigenous Nations is low on the list of
5 government priorities, and that there is no single
6 government agency that views sustainability through a
7 broad lens.

8 There's a comment that came up general
9 public's lack of respect for Indigenous nations rights.
10 There's a quite few participants expressed how difficult
11 it is to prevent non-Indigenous hunters from outside their
12 territories coming in and demolishing the family herd
13 they're trying to protect. A chief noted how 60 mushroom
14 pickers came into his Nation's territory and picked 1000s
15 of pounds of mushroom over two weeks, leaving none for the
16 community. That was actually my community. We had 60 or so
17 mushroom pickers come in, they picked over 15,000 pounds
18 in two weeks, and then left. We tried to deactivate the
19 road they were on and we got in trouble because we were
20 going to block off road, whatever.

21 Next slide please. What we heard:
22 solutions. Application of Indigenous laws and frameworks.
23 Participants expressed the overarching need for Indigenous
24 laws and protocols to guide the management of hunting.

25 One Chief noted how his Nation is in the

1 process of incorporating the seven laws of his Nation into
2 protocols for anyone coming into their territories to
3 harvest. His Nation is looking to instill these protocols
4 into laws to ensure compliance and respect through the
5 provincial government.

6 If a project depletes their resources and
7 traditional livestock, Nations may strategically work to
8 use their inherent and constitutionally protected hunting
9 rights as a legal basis to resist and reject resource
10 extraction and development projects. There are some
11 examples that are cited there.

12 I believe, a group, such as UBCIC, through
13 the First Nations Leadership Council or a high-level
14 representative, needs to advance Indigenous Nations'
15 hunting interests and to question the ethics and
16 guidelines of how BC regulates hunting. A renewed mandate
17 for UCBIC to start focusing on hunting that is based on
18 Indigenous Nations' thoughts and interests, not those of
19 the Province. First Nations Leadership Council needs to
20 approach the Province and make a loud statement regarding
21 increased funding for guardian programs in hunting and
22 fishing. Ensure provincial discussion and decision-making
23 around hunting is conducted from Indigenous laws and
24 rights perspective. Ensure implementation of UNDRIP and
25 alignment of provincial hunting regulations and policies

1 with it.

2 Next slide. So, the conclusion. Our webinar
3 was the vital step needed to generate discussions. I
4 believe it was really good to have those chiefs that were
5 involved in there. I note there's a common... There is a
6 lot of commonality and issues that we are all dealing
7 with. We all have issues that we brought up when it came
8 to over hunting. And I respect Tsilhqot'in when they put a
9 moratorium on moose hunting in their territory. But it
10 sure raised the moose hunting in our territory, there's a
11 lot more people coming down here, and it just creates
12 other issues.

13 So, based on the webinar discussion, the
14 draft UBCIC discussion paper, you have it. It's in your
15 kits, it outlines a set of principles and themes around
16 hunting that can be used to develop topics, proposals and
17 resolutions for future discussion and sessions. Further
18 webinars or in-person gatherings, well we all know COVID's
19 here.

20 We have to figure out how we're going to
21 proceed in the future. And we're needing to continue
22 dialogue and to get a sense of what UBCIC's membership,
23 want to advance and how they want to be involved in
24 hunting advocacy. I believe we really need to be part of
25 the regulations of what the province is putting out there,

1 and that we are not just a stakeholder on that list. I
2 don't believe what they put out to us requesting us to be
3 a stakeholder isn't enough. I think that it should be our
4 laws and our say, when it comes to the regulations. That's
5 it for me. Thanks. I just want to say it's really good to
6 see you Stewart.

7 TYRONE MCNEIL: Thank you, Chief Crow.
8 Thank you, Louise. If you look at the information in your
9 kit around hunting, there's actually 11 questions being
10 asked by Chief Crow, Louise, and others to help clarify
11 what that position on hunting is going to be that will be
12 brought back to the February Chief's Council session. Not
13 that the 11 are the be all and end all, but a good
14 discussion starter to advance the position. Grand Chief?

15 STEWART PHILLIP: Yes. I appreciate your
16 sentiments, Chief Crow. I watched your presentation and
17 your deck with great interest. And there was one word that
18 I continued to search for. And I felt that the word
19 jurisdiction had a number of places that could potentially
20 be put in that document. But toward the beginning, there
21 was a reference made to us having the recognized power to
22 issue permits. I thought that it would be appropriate if
23 we stated recognize power and jurisdiction. But otherwise,
24 I thought it was well done. Thank you.

25 TYRONE MCNEIL: Thank you, Grand Chief,

1 opening up for questions and comments starting with Chief
2 Judy.

3 **QUESTIONS/COMMENTS**

4 JUDY WILSON: Yeah, I just wanted to
5 say as we're talking about fisheries, the hunting issue
6 raises access and use of territories and being excluded
7 from provincial decision making and zone processes and
8 issuing OF permits and licensing. I think that's what
9 Chief Crow was mentioning in his presentation. And this
10 goes to the need to develop in our nation's plans for land
11 and resources and management. And I don't want to say
12 reconcile with BC plans, but the juxtaposition with the BC
13 plans. And that speaks to the need for Indigenous
14 communities and nations to have the capacity to manage
15 their lands and resources and their technicians and
16 information management systems and their sharing
17 agreements. And that goes back to when I was mentioning
18 about environmental legislation and some of the other dirt
19 ministries as Chief Don Tom calls them. It goes back to
20 the problems with the referral process and the Haida, Taku
21 and Delgamuukw evidence requirements regarding the
22 spectrum of the title and rights and the consultation
23 levels. So, there's a lot there.

24 And I know normally Louise would mention a
25 lot of that, but I just wanted to say it again and saying

1 I think we have to do more than having our position in
2 1980s, as Chief Crow said this a really timely now to
3 bring it all and breathe more life into it because the
4 plants, the animals and our salmon are the mainstay and
5 the foundation to who we are and our way of life for our
6 many of our nations, and we have to do everything we can
7 to protect them. Thank you.

8 TYRONE MCNEIL: Kukstemc, Kukpis. I
9 have got Chief Byron next, followed by Kukpis Wayne,
10 followed by Chief Don. Chief Byron.

11 BYRON LOUIS: Yep. Good afternoon. One
12 of the things I'd like to bring up, I think I'd like to
13 start out with what my uncle always tells me, and he
14 always tells me, "We got to stop being ankle biters and go
15 for the throat." And I think this some of the things that
16 we really need to start thinking about, how do we actually
17 do that? How do we accomplish that? And I think one of the
18 first things is we forget about all the cases that we won.
19 There's consultation, which means that the government is
20 responsible to consult with us on all their decisions, and
21 that includes hunting regulations. Accommodation is so
22 important, because how do we get the accommodations if
23 they're saying, there's 1000 units out there available for
24 hunting, how did they calculate what the needs are for our
25 people. You go up north, and you talk to some of the

1 people in Northwest Territories, you talk to some of the
2 people on Yukon, they'll tell you that their people
3 consumed anywhere from 69 caribou per year.

4 Well, how many did we actually consume per
5 year? And I think we need to sit and think back in, a lot
6 of us are born in the sea fair in the '60s, '70s. And we
7 can think back to those times, how many animals did our
8 people consume. A large family could consume well over 20
9 Deer, if they had over 10 people in their family, it's
10 quite easy to do that. And different types of species,
11 whether it be moose, or all these would go into the
12 freezers and other things, or dried meat or something
13 else. But there was a certain amount that we required to
14 provide us through our winter use. Nowadays, we have over
15 2045 members in our community. And you think about that,
16 and you put that in terms of say, if there's a population
17 of five people for... Every five people constitutes a
18 family, then you start looking at it from that
19 perspective, that's a large number of animals that are
20 required just for us.

21 And when we're talking about this, we have
22 priority that goes for conservation, Aboriginal peoples
23 then goes down through the list. Well, if we are not
24 saying anything and if we are silent on that, how do we
25 actually provide the number that we require for our annual

1 assessments? Because we can do it with fish quite easily
2 and talking to the Chair, Tyrone McNeil talked about
3 telling me that the Sto:lo consumed annually about 1000
4 pounds of fish per year, per individual. Well, what was
5 the amount used for a wild game, and that should be
6 something we should be all calculating, because that is
7 what they need to accommodate. Because the one thing that
8 was guaranteed when they first came into this land for us
9 to allow them to settle foreign populations, that we would
10 have access to our food, social and ceremonial use, that's
11 been written into treaties from one side of the country to
12 the other.

13 It was the understanding with a non-treaty
14 and other people in this province, that our food social
15 assessments would be something that's guaranteed. And
16 today, it's not. We talked about a strategy and
17 everything, it's very important that we start developing
18 that strategy. And we do it one family at a time. What do
19 we need for carrying us through the winter? How many deer,
20 how many elk? How many moose, how many sheep or mountain
21 goats, or mountain caribou, for that matter? How many
22 fish, how many resident stocks? We need to start providing
23 this information, because they're just more or less
24 chipping away at our rights that we don't even have any,
25 and right now for getting so dangerously close to

1 Aboriginal rights or being just a mere tick on the box for
2 resource development. But that was one of the things that
3 came out of the Clyde River decision. This was a couple of
4 years ago, what they talked about, and they're talking
5 about resource development.

6 And in that sense, they were saying that
7 not only is there a need to determine what the
8 environmental impacts are, but also a determination what
9 are the impacts to Aboriginal rights. And we are the only
10 people that can make that confirmation or provide that
11 information. We cannot depend on them, because we just
12 seen the outcome. Our fish are gone, now our Ungulate, and
13 all our other animals are gone. We need to be the ones
14 that put a stop to this. And I think that is so right,
15 that we start that strategy of how we stop them. Because
16 like I said earlier on, you have the province that's
17 extinguishing Aboriginal rights, who do not have the
18 constitutional authority to do so. That equals damages.
19 And we need to start going there.

20 TYRONE MCNEIL: Thank you, Chief
21 Minister, you mentioned Ungulates, just recognizing a
22 comment that Chief Donna Aljam made in the chat was that
23 she likes to mention the population explosion in the Rocky
24 Mountain sheep and the numbers are growing even more and
25 more, this infringing on other ungulates. So, just to

1 comment from the chief there. Chief Wayne?

2 WAYNE CHRISTIAN: Thank you, Mr. Chair.

3 Hi Louise, good to see you.

4 Chief Crow, I really appreciate the
5 presentation and I was thinking as you were talking, one
6 of the things we need to do is to find a way that we can
7 get proper data from the provincial government because
8 what they do is, they have scientists and biologists. They
9 have a whole system in place in terms of how they issue
10 licensing, whether it's a resident hunters, non-resident
11 hunters, limited entry permits, etc. They have a system
12 code of management. And I'm concerned that their system of
13 management is similar to DFO. And they'll do things that
14 are going to wipe out populations. And what we're talking
15 about here is the extinguishment of a right by an
16 extinguishment of an animal or species.

17 So, maybe what we need to do as part of the
18 work plan is put forward that demand of the province that
19 information, that data to the nation, so we can see what's
20 going on in our backyards, in terms of how many hunters
21 are there issuing permits to. And that whole process, I
22 think is really important. We have to get data. I think
23 Chief Byron talked about that data in terms of what that
24 actually means. Are they taking 1000s of animals? And how
25 many families is that actually feeding in terms of the

1 non-Indigenous families.

2 And so, I think we need some data. I think
3 that's really important.

4 The concern, I think that you raised Louise
5 around legal pluralism, I've mentioned that earlier in
6 terms of UNDRIP, and how that has to incorporate in terms
7 of how we move forward. But the other thing that's
8 concerning to me, is what you talked about, Tom Sampson's
9 grandson being charged for hunting, and it just, in many
10 ways, tells me that the legal system is really about the
11 Common Law System and protecting the rights of non-
12 Indigenous people in terms of their legal orders and not
13 looking after our rights and not looking after our
14 processes.

15 It's sad actually, that happened, and I
16 think, "Why is that?" And then you talk about the issue of
17 the doctrine of inter jurisdictional immunity in terms of
18 the Supreme Court decisions. The concern I have around
19 that, and I was raising at that time, how that would
20 impact our rights, and what it would do in terms of
21 provincial government and coming in and doing what they
22 feel they could do to infringe on our rights legally. And
23 that's kind of what they're doing here.

24 So, I think we need a strategy of how we're
25 going to do this, but I think it's got to start first with

1 data. And part of the strategy, Chief Crow, if you think
2 about that is actually getting that data from the
3 province, region by region, because those regions, they're
4 all over the province.

5 And they limit hunting in certain areas and
6 in other areas, they allow certain things to go ahead as
7 an example. Now, they're allowing a hunt on the cow and
8 moose or calf population, which is ridiculous, if you
9 think about, especially after the wildfires, but that's
10 what they're doing. And again, they're basing it on their
11 science. And that tells me that it's probably flawed. So,
12 I think we need data, and we need to find a way to get
13 access to it, they're not... We have to submit a Freedom of
14 Information; we've got to do something to get the data
15 because they're not sharing it willingly. I think we need
16 to find a way to do that and start getting the real
17 information on the table. Let's start talking about what's
18 really going on, versus what they want us to know, or they
19 think we should know, what's going on in terms of the
20 populations because that's my concern is that hunting,
21 especially now is really critical.

22 We've made arrangements with the tribes on
23 the prairies to actually do hunts over there. We've
24 entered into protocols with them, and that's what we do,
25 simply because of the pressure on the animals here in

1 British Columbia. So, we have to look at alternatives in
2 terms of how we exercise our right as a nation to enter
3 into agreements with other nations and make that happen.

4 So, we have to start taking different
5 strategies. And I think it's really important. So, I hope
6 that in the working group, you can find the data in terms
7 of how that will be done. And I think... It's concerning to
8 me that our people are being charged in the context of the
9 province saying they have no right to hunt. And that's
10 just, it really blows me away actually that that's
11 happening generationally, that really is disturbing to me
12 as a grandfather, specifically. Kukstemc for your
13 presentation, Chief Crow, and Louise, thank you very much.

14 TYRONE MCNEIL: Kukstemc Kukpis. Being
15 mindful of the time. I've got Chief Don on my speaking
16 list and we'll move on. Chief Don?

17 DON TOM: Thank you, Mr. Chair, I would
18 just like to thank Chief Crow and Louise, who's calling
19 from the Saanich territory. Certainly, a pleasure to hear.
20 I think the discussions and what's being brought forward
21 today and also, I'd like to thank all the chiefs and
22 community members and who took part in the Union's webinar
23 on hunting. So, I'd like to thank everyone who took part
24 in that and it's certainly frustrating for our hunters who
25 I think are really... They're providing for their families.

1 It's the food that sustains us during the wintertime. And
2 I think with limitations, and I know that when
3 conservation came to talk about Tom Sampson's grandson.

4 I got asked what had brought them here. And
5 for large part, their concerns were that they've engaged
6 with everyone on the island or majority of everyone on the
7 island and have agreements or some sort of protocol. And
8 that they didn't have one with Tsartlip. And also, that to
9 them, that my members were hunting out of our core
10 territory. And so, my question back to them was, when did
11 conservation or the province take a position on who has
12 core territory? And so, it's certainly frustrating to see
13 when you've put many years into court case, and that we
14 very well know who our rights are specifically speaking to
15 Douglas treaty.

16 So, we find ourselves similarly with the
17 salmon where I think it's for large part mismanagement,
18 not including First Nations in the planning or the
19 management, and as the comments that were made previously,
20 that we're much more than shareholders, or we're much more
21 than interested parties, these are rights, these are.. We
22 call it our [inaudible 00:36:38], and these are our rights
23 that we're born with, and they do not come from the
24 Douglas treaty, they do not come from any Wildlife Act
25 that our ancestors fought hard for us for the ability to

1 continue to hunt. And when we find ourselves, being guests
2 in our territory, having to seek out permission from the
3 province or getting a slap on the wrist, and/or not being
4 able to be heard when we oppose the permits in our
5 territories.

6 So, we find ourselves now, I think, much to
7 Councillor Louis's comments that I think, politically that
8 I think we should have a strategy as well when it comes to
9 hunting collectively, because it's only going to come up
10 more and more. And it's our sustenance really, that we're
11 providing for our communities. And we're not by any means
12 out there, doing any sport hunting or putting up... I can't
13 think of the term now. Maybe I'll stop there. Being
14 mindful of the time, Mr. Chair, thank you.

15 TYRONE MCNEIL: Huychqa siem, Kukpis
16 Spahan, you've got your hand up late.

17 LEE SPAHAN: Yes. Thank you for that. It
18 was a really great discussion. Thank you for presenting
19 there, Chief Crow and Louise.

20 When there's no fish in the river for our
21 people, they hunt lots. And there is a lot of hunting in
22 our traditional territories. And we put forward, there was
23 eight bands within the Nlka'pamux nation that put forward
24 for guardianship program funding. And we started it out
25 and then it got cut. We need the First Nations Leadership

1 Council to really push hard on both the federal and the
2 provincial government on funding for the guardianship
3 program that each of our nations need in our respective
4 backyards. And I say we need it because, I've seen what
5 DFO has done to our salmon stocks. They've mismanaged it
6 to a collapse and moving forward, if we don't start
7 managing our hunting, it's just going to be stories for
8 generations to come. And as leadership now, we need to fix
9 that. So, kukstemc. Thank you.

10 TYRONE MCNEIL: Kukstemc and I've been
11 made aware that Kukpis Fred Robbins emailed some comments
12 that he'd like to be read into the record. So, I turn it
13 over to Kukpis Judy to do that please

14 JUDY WILSON: Yeah. Kukpis Fred had to
15 step out for an emergency Chief and council call but he
16 wanted this read out. Hunting crosses many departments,
17 FLNRO, Fisheries, Health, rights in title, it's not just
18 the right to harvest, it's a spiritual connection to the
19 land. All my relations it's more than amen or saying. It
20 represents a scared trust and a reminder we were entrusted
21 by the Creator to look after the land, water, air and all
22 the plants and animals. And he requested that to be stated
23 on his behalf. Thank you.

24 TYRONE MCNEIL: Kukstemc. Kukpis. Just
25 before turning it over to Chief Crow and Louise for

1 concluding remarks. One comment from me with regards to
2 the paper, Chief Crow, is I don't see a mere in the paper.
3 That speaks to our relations amongst each other, when we
4 go into our neighbours backyard to hunt, they're certain
5 protocols. When I started as a nine-year-old hunter,
6 Chief, the first thing we did was drop frozen fish off to
7 the chief or elder who is in Nlka'pamux, whoever's
8 backyard we were in there is that protocol there. I don't
9 see any reference to it whatsoever in the paper. Not that
10 you need to respond right now, I just want to make that
11 comment. Perhaps Louise, you first and then Chief Crow can
12 conclude remarks. You are muted right now Louise. I think
13 you double clicked.

14 LOUISE MANDELL: Right. Thank you very
15 much. I just wanted to say, beautiful discussion and thank
16 you everybody. Grand Chief Stewart, it is a pleasure to
17 see you today. I just want to conclude with what you said,
18 and that is that we've won this jurisdiction. And I want
19 to conclude by saying when the province is, so-called,
20 consulting about hunting rights, what we need the province
21 to do, is to exit from the jurisdictional space, that
22 they've illegally assumed so that Indigenous jurisdiction
23 can take root and govern the land, so the people and the
24 hunting and the animals in the spiritual way that Chief
25 Judy was mentioning that, as she read in. So, for the

1 province instead of asking, which they want us to say. How
2 can we make space within our laws to accommodate your
3 hunting?

4 The answer is to exit the jurisdictional
5 space, so Indigenous laws can take over. And I wanted to
6 take that one step further, and answer to what Chief Wayne
7 was saying and that is, once they exited the
8 jurisdictional space that they have illegally assumed,
9 then there is still the necessity to build mechanisms, so
10 that the two jurisdiction can be weighed well together,
11 over matters of mutual concern. And that's where
12 mechanisms such as getting proper data and allowing
13 through Indigenous laws promulgation and those permits
14 that Indigenous people will allow for in their territory,
15 and the regulations that they won't, to get well
16 promulgated. So, that the jurisdictions can live
17 compatibly together.

18 I think there's a lot of political work, to
19 exercise jurisdiction. But I want to conclude by thanking
20 again the chiefs for your remarks, and especially on the
21 question of jurisdiction, let's get that straight. So,
22 that Indigenous jurisdiction is on the land we are not
23 asking for the province to respect hunting rights within
24 their legislation. We want them to exit the jurisdiction,
25 that they have illegally assumed, that the courts have

1 told them that they are out of bounds on. And if we have
2 to fight hunting cases, to defend the jurisdiction you
3 have won, then I'm here to do that. Thank you

4 TYRONE MCNEIL: Thank you, Louise.
5 Chief Crow?

6 KEITH CROW: I just want to say limt lim
7 and thank you for the time today. I just want to say to
8 Chief Wayne's Christian. We did get data for the region
9 eight, which is where I am at. And I don't know how they
10 came up with their numbers, some of it was estimated. It
11 is questionable, I will say that.

12 I did want to say to Tyron. So, one of the
13 things our community and nation are working on is the
14 hunting protocol, which does touch on to that issue of... I
15 don't want to say overlap with common use areas and common
16 hunting areas. And the protocol and respect may have to
17 come from that. And then Grand Chief jurisdiction, I agree
18 with you 100%. It's one of those...I believe it's ours, and
19 we need to start protecting it.

20 I quote one of my leaders I have a lot of
21 respect for George Saddleman and his tameeth [ph]
22 protocol. He did use to touch on that, within that temeeth
23 protocol and how our jurisdiction needs to come forward.

24 And the last thing I want to say is to
25 Byron, something that... This within the last 50 years. My

1 grandfather used to shoot a deer a week, that's 52 deer a
2 year. And that was because there was no freezers. He had
3 to have fresh meat, so that they had to shoot a deer a
4 week. And what he didn't use, he would take to the family
5 that was in need, and that's something else that also seem
6 missing within our time right now, is making sure everyone
7 has the food they need. We need to start sharing with our
8 neighbours and everyone else. If someone is low on Salmon,
9 we need to share some meat with them, to make sure that
10 everyone is fed. I just want to say thank you again, limt
11 lim, and anyone has any questions, I'm always open to a
12 phone call or a coffee.

13 TYRONE MCNEIL: Limt lim Chief, thank
14 you so much, Louise.

15 LOUISE MANDELL: Thank you.

16 TYRONE MCNEIL: We are going to power
17 on the next item is regarding conserving old growth. We
18 have Councillor Terry Dorward, Halcium [ph], Gary Merkel
19 and Al Gorley. Gary and Al will take us through a deck, on
20 the old growth strategic report. Terry will provide
21 perspective and all growth, and Halcium will provide
22 commentary. Background materials includes to report
23 yourself, your phone, your digital kit under forestry, and
24 we have a resolution immediately after the presentation.
25 (Track 10)

1 GARY MERKEL: It's Gary, unless your
2 chief wants to go I will lead this conversation.

3 TYRONE MCNEIL: Go ahead, Gary.

4 GARY MERKEL: Okay. I see you have the
5 presentation up. Hello, everyone. I know many of you and
6 it's a pleasure to see a lot of you again and hear your
7 voices. I particularly was interested in that last
8 conversation around hunting, because I'm sure you've seen
9 the headlines in Tahltan territory where I come from. We
10 actually had to deal with this issue and had to start
11 asserting our rights to implement our own predator
12 management program because the province we thought wasn't
13 doing its job.

14 Anyways I'm here, but I'm not sure that Al
15 was able to make it. He he's out in the bush right now. So
16 I'll just silent for a sec. Nope. So, it's just me today.
17 Okay.

18 So, I'll run through -- I've got a clicker
19 here. I'll try it. If it works out, I'll use it. Otherwise
20 we'll just run through it. It should take about 10
21 minutes.

22 Again, Gary Merkel, I am Tahltan. I live
23 with the [Native language] in Tahltan, on [Native
24 language] then [Native language] and that means fish
25 person because they have no fish anymore. So, I'm the fish

1 person there.

2 This old growth project or review was done
3 by Al and I, we were requested by Cabinet to do it as an
4 independent panel. They wanted to hear what we thought
5 about managing old growth and not just -- they didn't want
6 to come down to the granular level of specific management
7 techniques, it was more about the system.

8 It's clear that we have an issue with
9 ecosystem health and with old growth as a critical
10 component of most ecosystems in this province. And so our
11 job was to go out and talk to pretty much everybody in
12 British Columbia that we could talk to, build our wisdom
13 and thinking enough to be able to make some informed
14 recommendations and submit those to government.
15 Government, at the start of the process, had committed to
16 then work with First Nations on are we actually going to
17 accept these recommendations and if and how we're going to
18 implement them. And I understand we're at that stage now.

19 So, I'll run through briefly why we did
20 this, what we recommended, what we saw was the issue and
21 run through our first recommendation, which for those of
22 you who have looked at the report is around Indigenous
23 government-to-government partnership.

24 From our perspective the fundamentals of
25 success in terms of looking after old growth and frankly,

1 land in general is you need to have public support,
2 otherwise your political people can't move that far. You
3 need an effective management system that can properly
4 fulfill your responsibilities to land. And you need to
5 preserve the integrity and the health of the ecosystems.

6 And if you take care of these things, then
7 these systems should be able to take care of us. Bottom
8 line.

9 So, the problem we see right now is that we
10 have this paradigm around lands and forests where really,
11 we manage forest for timber, subject to constraints old
12 forests and old growth ecosystems are somehow renewable.
13 But the reality is, is we really need to move to a system
14 where we manage for ecosystem health. And many of these
15 old forests live on ecosystems that are thousands of years
16 old, and the trees are only an expression of that, and
17 they are not renewable.

18 And, somehow there's this idea that we can
19 create old forest through agriculture methods, but that
20 isn't true. They are the result of a long, long history of
21 the landscape shaping them into what they become. And
22 forests, there's this perception in our current management
23 system that forests only have value and they exist to
24 support people, and they only have value if they are
25 valuable to people, which again it is not true. Forests

1 have intrinsic value for all living things and for many of
2 you on this call, probably share our view that we are no
3 more or no less than any of those other living things,
4 everything deserves its place. And there's this illusion
5 that we have that we can understand forests fully and
6 somehow be a master or something like that. And frankly,
7 forests and ecosystems, you can never fully understand
8 those.

9 You can only behave in a certain way that
10 takes care of them in a way that will take care of you, as
11 well. This paradigm that we have right now, and the
12 management system that we have set up, this map that you
13 see in front of us. I want to explain a little concept
14 here. And this is about ecosystems. Imagine, for those of
15 you who don't live in this world, when I speak ecosystems,
16 I speak at a landscape level where an ecosystem is all of
17 the trees and the environment, and all of the connections
18 in them at a larger landscape watershed type, or maybe a
19 little bigger level. And that whole thing, all of the mix
20 of different kinds of trees and mix of different kinds of
21 geography and environments and interactions. That whole
22 thing is like an organism in itself. It's like a body
23 like a really big body at a landscape level, and it needs
24 all of those parts to function properly.

25 What science is showing us now is that you

1 need to keep a certain amount of the old forest
2 distribution that exists there from nature, without human
3 interference in place to maintain the biodiversity and
4 health of that ecosystem. If you maintain, if -- you can
5 interfere and impact it somehow, but once you start
6 getting up to about 70%, if you still have 70% left, you
7 will have little to no effect on species and biodiversity.
8 But once you start going down below 70% where you are
9 actually having less than 70% of the original forest
10 types, old growth ecosystem components that were there
11 prior to human disturbance, you will start to affect
12 biodiversity, species habitat and a number of other
13 ecosystem services in a negative way.

14 And that curve drops off fairly
15 dramatically till you get to about 30% and 30%, you are at
16 extremely high risk, and almost guaranteed that you are
17 going to lose a number of species and many ecosystem
18 services, and probably compromise the health of that
19 entire ecosystem. This map here shows the biodiversity
20 risk that we are on right now on the left. The greener
21 ones were still in good shape, but if this a projection
22 that if we continue to follow our current management
23 system, most of this province will be in a high
24 biodiversity risk and ecosystem health situation in the
25 near future. In some areas that could be as little as five

1 years in some areas, it could be as long as 10 or 20, but
2 we will move into that situation. We need to change the
3 system to avoid this.

4 A group did a similar piece of work, about
5 a 120 scientists, and many others did this same kind of
6 work 25 years ago and came up with a fairly comprehensive
7 set of recommendations that were not recommended. And if
8 they had done that at that time, we would be in a very
9 different situation than we are today with endangered
10 ecosystems and danger economies, huge fall downs projected
11 in timber supply in many areas. We have major threats to
12 major wildlife populations, caribou and moose being a
13 couple of the big ones that are important for everybody,
14 including ourselves.

15 So, this is the situation. So, this our
16 thinking at a system level what we need to do. We made 14
17 recommendations starting with: we need to set up the
18 conditions for change. We need to change our thinking, and
19 we need to change the underlying foundations of this
20 system.

21 First off, we need to engage and involve
22 Indigenous as governments with the province to implement
23 this entire thing and be partners moving forward. We also
24 need to prioritize ecosystem health and resilience as our
25 number one priority. Logging is a major impact, but there

1 are many other impacts to ecosystem health. In the
2 Northeast we have oil and gas. In the South West we have
3 urbanization and sprawl. In the South East, we have coal
4 mines and urbanization. And so there's many factors. We
5 need an overarching approach, a legislative approach,
6 something like DRIPA that says ecosystem health is our
7 primary priority and we need to modify our legislation and
8 policy framework to reflect that in all areas.

9 We also recommend that we go to a three-
10 zone management framework. There are areas in this
11 province now that are suited to, and frankly will, in any
12 lifetime, will never come back to their state that they
13 were. They're close to centers generally and we should be
14 looking at zoning some of those for intensive forestry. We
15 still manage for soils. We still manage for some habitat
16 criteria and recreation, but we manage them for intensive
17 forestry. The bulk of the landscape we propose, we manage
18 for ecosystem health and biodiversity risk, ecosystem
19 representation, as I described before. And then there are
20 some areas that are outright protected.

21 We also recommend that we need a much more
22 inclusive and stabilizing approach to governance. What we
23 see right now is the political way we manage land flips
24 back and forth between political parties and ideologies on
25 a regular basis, on a four-year election cycle, basically

1 sometimes eight, sometimes 12, but these ecosystems are
2 thousands of years old. And once you have one
3 administration that destroys or takes away certain
4 elements of that ecosystem, you can't get them back. So,
5 it's ultimately a disintegration over time, over a long
6 period. And we need to include more people in this
7 governance, and we need to stabilize that. We cannot rely
8 on political cycles entirely to do this. And then beyond
9 that, we need some really solid and useful public
10 information and education about lands and forest that they
11 can understand and that's reliable. Much of the
12 information we see out there is highly biased and leans
13 towards supporting one viewer the other. And it's hard as
14 a regular average citizen to know what's real and what's
15 not.

16 So, then we say, okay, get those
17 foundations, but we need to do some immediate things right
18 now. First off, there are a number of ecosystems that are
19 at risk in this province. That map that I showed you
20 earlier, there's a number of those that are at serious
21 risk, and we need to defer any kind of development and
22 those logging and other development until we have a chance
23 to figure out how we're going to manage these areas to
24 preserve ecosystem integrity.

25 We also have a number of areas that

1 actually do have biodiversity targets, where we have gone
2 past those targets. We are past and underneath legislated
3 targets. Remember I spoke about retain 70%. And once you
4 get down to 30, you're starting to see major ecosystem
5 problems and possibly collapse.

6 We have targets in some areas. They're not
7 that high. In the Great Bear Rainforest there are some as
8 high as 50 and they're meeting those, but in many other
9 areas, they're down at the minimum of 30 and some are as
10 low as 18. And in many of those areas we're below those
11 targets because we did not set up a system to track where
12 we're at and we need to get those areas into compliance or
13 change the legislation if that's what you choose to do,
14 but you need to get into compliance with your own law
15 here.

16 We also need to improve our management.
17 This a little longer-term response. We need a system to
18 monitor and evaluate exactly where we're at and where we
19 are with respect to ecosystem health. We also need a way
20 to properly set our objectives and targets and update our
21 targets and guidance.

22 As I mentioned to you before in the
23 Kootenays the core plan originally, the land use plan
24 originally recommended a biodiversity target of 50%.
25 Everybody agreed to it. And the government of the day said

1 no, we're going to reduce it to a third. So, it's 18%. And
2 in many areas in the West Kootenays, we are not meeting
3 18%. We're well below that target because we haven't been
4 tracking it. So, we need to look at those targets and are
5 those the kinds of targets we want because they will not
6 achieve ecosystem health.

7 And so if you're not achieving it, then why
8 do you even have it? I mean, let's just save the areas
9 that are important and close to people. And let's not
10 pretend that we're doing what we're doing.

11 We also -- our inventory right now speaks
12 about old growth. The way we define old growth is from a
13 timber perspective that says any trees that are over a
14 hundred or any stands of forest that are over 140 in the
15 interior and over 250 on coast. Well, many of you who live
16 around old forest know that a 250-year-old forest is way
17 different than a 2000-year-old forest. In the interior a
18 200 or 300-year-old forest is way different than 150-year-
19 old for us, but we don't have a way to describe that. And
20 so we need a system of classification that better
21 describes this based on attributes and ecosystem
22 properties so that we can more effectively know what we're
23 actually managing, and we can focus on the right things.

24 And then finally, in terms of practices,
25 we, we look at many areas use clear-cut as the dominant

1 silviculture system, the way of harvesting and planting
2 and stuff like that. The issue with that is that many of
3 these forests were never clear-cut, even fire dominated
4 ecosystems, where we see massive fires for all of you have
5 been in after a fire, there are some areas that are nuked,
6 but for the most part, there's lots of stuff left and it
7 grows back way different and becomes way different than
8 some area that's post-fire or post logging. I mean.

9 TYRONE MCNEIL: Excuse me, Gary harden,
10 Sorry, Gary, but we're 20 minutes into the
11 presentation. We've only got a 30-minute time slot into
12 it.

13 GARY MERKEL: Okay. I will stop. I'll be
14 very quick we asked for an orderly transition involving
15 communities and making this transition -- this an
16 illustration of that. You can look at that.

17 My last point is recommendation for one is
18 that we say to engage Indigenous governments and the
19 policy response to this, and with Indigenous leadership,
20 we need to develop provincial guidelines around how do we
21 build these G2G planning relationships on a local level,
22 refined planning units that conform to local Indigenous
23 territories and ecosystem boundaries and mechanisms for
24 Indigenous groups to meet provincial targets while still
25 meeting their own interests in their own areas. And we

1 also need support for Indigenous and land and forest
2 management expertise and capacity direct support programs
3 to build internal management capacity support to build
4 these inter-governmental relationships. And then we really
5 need to train government staff, so they become more
6 effective partners in this in this relationship.

7 I apologize for going over. I should have
8 practice more. It's just so much to speak. [Native
9 language]. Thank you. I'll stop.

10 TYRONE MCNEIL: Well, thank you, Gary.
11 That is a great information and I apologize for you having
12 to rush your way through it because I've got two more
13 speakers to get through yet before we get into the
14 resolution. With that I will turn it over to Councillor
15 Terry.

16 TERRY DORWARD: Thank you. Can you hear
17 me? Yes. Thank you. [Native language].

18 First of all, I'd like to thank a Union of
19 BC Indian Chiefs for hosting the ZOOM funeral for a good
20 friend, David Dennis, on behalf of Carol McCarthy and all
21 the kids kleco kleco. Meares Island tribal parks was
22 established in 1984 to stop the destruction of clear
23 cutting of ancient old growth forest. In 2014, the Tla-o-
24 qui-aht land and sea vision of an Indigenous protected and
25 conserved area was then expanded to all of our traditional

1 territories because of the success of Meares Island.
2 Meares Island, or want to [indiscernible] declaration
3 reflects natural law teachings to protect old-growth
4 forestry and as well as the ocean seabed's, it describes
5 how our Tla-o-qui-aht way of life needs to be protected,
6 hunting, fishing, medicinal plants cultural practice, and
7 all of this needs space to flourish for present and future
8 generations.

9 It also includes recreational opportunities
10 because our chiefs and elders at time seen the importance
11 of sharing the beauty of Meares Island. The Meares Island
12 court case had challenged the Province of BC that
13 Indigenous title exists and Tla-o-qui-aht voices to stop
14 clearcutting must be heard Tla-o-qui-aht, as well as
15 Ahousaht also spent \$3 million to halt the logging on
16 Meares Island. This movement led to the war of the woods
17 in the nineties to protect Clayoquot River Valley where
18 900 people were arrested.

19 Of course in the nineties central region
20 Nuu-chah-nulth nations were handed over tenure of 54 TFL
21 54 and 57 as part of a bridge to treaty in the interim
22 measures agreement and Tla-o-qui-aht First Nations became
23 one fifth owners of Ma-Mook Developing Corporation, a
24 logging company, along with other the other four central
25 First Nations and logging in Clayoquot Sound has been done

1 with the collect with Clayoquot Sound scientific panel
2 that combines both traditional knowledge and scientific
3 data to improve log and practices.

4 Unfortunately, it is the province that
5 controls stumpage fees and the AAC and has created many
6 divisions amongst the First Nations involved on where to
7 cut within Clayoquot Sound. We, as Tla-o-qui-aht, we need
8 tenure reform that reflects both First Nations woodlots
9 and culturally managed areas. Our Tla-o-qui-aht land and
10 sea vision plan consists of three run of the river
11 projects. Second growth log-in, salvaging, value added
12 stream restoration, non timber products, travel parks
13 guardians, tourism, and educational outposts. It is also
14 Tla-o-qui-aht's view that displaced First Nations loggers
15 need to benefit from a negotiated carbon credit program
16 that protects old growth trees. We definitely see the
17 value in trees standing. With tenure reform we intend to
18 entangle the province's colonial grip that has put us in
19 basically a stranglehold on how forestry must be conducted
20 here in Clayoquot Sound.

21 We believe that our tribal parks are our
22 own interpretation of Indigenous protected and conserved
23 areas. Unlike colonial interpretations of parks, Tla-o-
24 qui-aht tribal park's objectives are to ensure the
25 wellbeing of not only the environment, but also social

1 economic and spiritual programs. In Tla-o-qui-aht we
2 started what is called a 1% ecosystem service contribution
3 that we collect from local businesses that goes into our
4 TFN Tla-o-qui-aht land and sea stewardship programs,
5 hotels, tourism, airlines, restaurants. They all see the
6 value in protecting a Tla-o-qui-aht territories, because
7 obviously they've benefited from it economically and
8 tourism, something like 230 million a year. This strategy
9 is key to creating Indigenous protected areas to be
10 proactive in poverty reduction and amongst our people.
11 We're telling locals that we have protected places like
12 Meares Island, Clayoquot River Valley from deforestation
13 so that people of Tofino can and enjoy clean drinking
14 water as well as tourism.

15 We're trying to build a conservation
16 economy out here that replaces industrial logging, fish
17 farming, mining, where companies take what they want. And
18 of course they leave the destruction behind. I believe
19 that we must force the BC Government that our collective
20 lands is not a piece of pie that can be divvied up and
21 given out to whoever or however they want. I also believe
22 that we need to put forth our own Indigenous ideas and
23 solutions in forestry that reflects our culture rather
24 than having the province define it for us in their own
25 tree farm licensing programs. So, with that, I'll leave it

1 there. Thank you. kleco kleco.

2 TYRONE MCNEIL: Kleco kleco, Terry.

3 KHELILUM: [Native language]. I
4 appreciate this opportunity to speak to all of the
5 delegates and the chiefs here today about this resolution.
6 I originally put my name on the resolution, but my
7 colleague, Chris Lewis is our spokesperson for the
8 Squamish Nation and is proxy for the Squamish Nation, but
9 will move it. I did help review the resolution and
10 provide some commentary and some notes. So, I'll keep my
11 comments brief, because I know we're running out of time.

12 But essentially, this resolution is
13 responding to the expert panel report that was submitted
14 and putting forward a position that the UBCIC to pressure
15 the provincial government, whoever it may be in the next -
16 - after the election. One of the challenges that I think
17 many First Nations are probably aware of, but it's very
18 true on this is that this provincial government, under the
19 NDP, is very happy to ignore First Nation's jurisdiction
20 when it suits themselves. When it comes to the protection
21 of certain things like old growth forests, they then tell
22 the public that we can't implement the recommendations
23 because we have to consult First Nations. So, they use
24 First Nations as an excuse to get out of really important
25 protection of things like our old growth forest and refuse

1 to engage the nations directly on these issues.

2 So, this resolution is really speaking to
3 the needs for our nations to work collaboratively with
4 each other and support each other in the protection of our
5 own growth forest. And just speaking on behalf of the
6 Squamish Nation we have, out of our entire territory, 3%
7 of our territory is old growth has left. And up until now,
8 we've been successful at protecting about 1% of that. And
9 some of that has been through the Squamish Nation's
10 ability to purchase a tree farm license within our
11 territory, but there still remains a lot of old growth,
12 some of it in the private cut blocks that needs further
13 protection.

14 And so this resolution is really speaking
15 to the needs to protect our old growth to the
16 recommendations of the expert panel report that really
17 emphasize honouring and upholding First Nation
18 jurisdiction. But also speaks to, you know, the reasons
19 why protecting our old growth is really important. Old
20 growth houses species that are integral to our Indigenous
21 cultures that aren't found in second growth plantations or
22 old growth stores more carbon than second growth,
23 especially important over the next two decades as we take
24 on the climate emergency. And old growth drives the
25 tourism industry within British Columbia, second growth

1 does not. And so I think this provincial government is
2 still talking in terms of tinkering and minor adjustments
3 and incrementalism with the existing forestry system
4 management, rather than replacing it, which is not
5 adequate. And I think Gary has highlighted a lot of the
6 issues with that. I think the expert panel report really
7 articulates those issues really well.

8 And so this is, I think, really important
9 for the UBCIC to be able to have this mandate to work
10 towards these issues when the new government is sworn in.
11 I think it will be very important for this government to
12 start identifying how they're going to implement things
13 like the *Declaration Act*. And this is where things like
14 forestry come into play. But also will be incumbent on us,
15 as First Nations leaders, to be ready to put forward our
16 vision and our demands of this government so that they are
17 not able to use excuses to get away from action on these
18 important issues. And I think when it comes to old growth
19 there is a lot of work that First Nations can do to share
20 the best practices that we want to see, the ways that
21 different nations have been able to achieve some relative
22 success.

23 For example, Squamish Nation has about 22
24 cultural sites that have been provincially protected as of
25 now. And we are currently trying to advocate and negotiate

1 for an additional over a hundred sites to be added. But
2 when I think nations can work together collaboratively
3 across our jurisdictions and to take on the government, we
4 find a lot more success.

5 So, I am very proud to support this
6 resolution and speak in favour of it. If my colleague is
7 here, I believe he'll be willing to move it. But I just
8 want it to keep my comments to those topics. And I really
9 appreciate the opportunity to speak to this. Thank you.

10 TYRONE MCNEIL: Huychqa siem. Given
11 the time sensitivity we are overtime already, we are to go
12 immediately to that resolution? I'll draw your attention -
13 - and once we do this resolution, we'll turn it over to
14 Mary Ellen Turpel for her update on the systemic racism in
15 the healthcare system. So, we'll have time for that, Mary-
16 Ellen.

17 Resolution 2020-23 REGARDING IMPLEMENTATION
18 OF AN OLD GROWTH STRATEGY THAT PROTECTS FIRST NATIONS,
19 WELFARE, ENDANGERED, OLD GROWTH FOREST.

20 Therefore be it resolved the UBCIC Chiefs
21 in Assembly fully support the First Nations
22 and allies who are protesting the negligent
23 logging and clear-cutting practices enabled
24 by the BC Government that have undermined
25 First Nations title and rights and pushed

1 back Hoover Island's old growth forest to
2 the brink of collapse; and
3 Therefore it further be resolved that the
4 Chiefs in Assembly fully support the old
5 growth strategy, strategic review panels
6 report, and recommendations that are vital
7 to creating a new sustainable old growth
8 strategy and call upon the provincial
9 government to take immediate and sustained
10 action to ensure that the report's
11 recommendations are carried out with First
12 Nations included and consulted every step
13 of the way; and
14 Therefore it further be resolved the UBCIC
15 Chiefs in Assembly call upon the BC
16 Government to provide more details on his
17 plan to shift logging deferrals to
18 permanent protection and working in
19 partnership with impacted First Nations and
20 engage in discussions on expanding these
21 deferrals to include all threatened old
22 growth forests, including areas like
23 Walbran Valley, Nahmint, Fairy Creek,
24 Sitika Valley, Mount Elphinstone and
25 Argonaut Creek; and

1 Therefore it further be resolved the UBCIC
2 Chiefs in Assembly direct UBCIC executive
3 staff to work with other likeminded
4 organizations to urge the provincial and
5 federal governments to provide dedicated
6 funding for First Nations Indigenous and
7 protected and conserved areas IPCAs and
8 First Nations land use plans as well as
9 financial support for First Nations
10 communities to manage and steward ICPAs,
11 purchased and protect private lands with
12 old growth that pursue conservation based
13 businesses and economies, including
14 cultural and ecotourism businesses, clean
15 energy, and second growth forestry; and
16 Therefore it finally be resolved the UBCIC
17 Chiefs in Assembly urge the Ministry of
18 FLNRORD to consult and engage First Nations
19 communities and organizations, including
20 the First Nations Forestry Council and
21 First Nations Leadership Council to develop
22 an increment the renewed old growth
23 strategy that entrenches Indigenous consent
24 into its processes is aligned with the
25 principles of the UN Declaration, the old

1 growth strategic review recommendations,
2 and to BC First Nations Forestry Strategy
3 is supported by strong enforcement and
4 compliance standards and is intended to
5 support sustainable old growth cultural
6 harvesting as an important First Nations
7 livelihood source of culture.

8 Moved by Councillor Chris Lewis, seconded
9 by Councillor Terry Dorward open up to questions or
10 comments. Terry, you're muted.

11 TERRY DORWARD: Yeah, sorry about that
12 I just would like to you know remind the
13 executive and folks around at the Union table to reach out
14 to elders like Bill Jones from Pacheedaht, who is standing
15 up with his supporters to protect Fairy Creek in his
16 Homeland. So, it's very important that we let him know
17 that he's not alone.

18 TYRONE MCNEIL: Kleco kleco. Any other
19 discussion? Kukpi7 Judy.

20 JUDY WILSON: Thank you. Kukpi7 Judy
21 Wilson. I was just trying not to say anything, but I think
22 I got to say it. The old growth forest is another example
23 of getting lands and resources information from the
24 province and developing and implementing our own
25 Indigenous needs, values and plans. I know there's like we

1 haven't been involved in a lot of land use planning, but I
2 think there's the other thing we talked about with the
3 wildlife with the hunting issue with Chief Crow was about
4 our own loss and jurisdiction as all of the chiefs have
5 put forward. So, same thing with forestry. Thank you,

6 TYRONE MCNEIL: Kukstemc, Kukpis.
7 Seeing no other discussion or hearing no other discussion,
8 are we ready to go to question.

9 Question's been called. Any opposition to
10 the resolution, any abstentions to the resolution, seeing
11 neither the resolution is carried. Thank you.

12 (RESOLUTION PASSED)

13 (Track 11)

14 TYRONE MCNEIL: Presenters, we just
15 don't have time to go back to concluding remarks we're way
16 behind. So, appreciating your fast-tracking your
17 presentations, we are getting late in the day, but we do
18 have our last agenda item for this afternoon and inviting
19 (ancestral name) forward to do a systemic racism, the
20 healthcare system update. She's got a deck that we'll be
21 going through and you'll find the deck that Mary Ellen is
22 going through in the presentation folder of your e-kit,
23 Mary Ellen.

24 **SYSTEMIC RACISM IN THE HEALTHCARE SYSTEM UPDATE**

25 MARY ELLEN TURPEL-LAFOND: Hi. Good

1 afternoon, everyone. Thank you, Tyrone. I know it's late
2 in the day and I'm going to abbreviate the presentation
3 because you're going to hear more from me in the weeks
4 ahead on this. I just want to let you know I'm joined by
5 Harmony Johnson today as well. So, if you did need to
6 address any questions to us with the chat function you
7 can, and I'm speaking to you today from Laquanda [ph] and
8 speaking people's territory. So, I just want to
9 acknowledge that. And also, I just wanted to say how nice
10 it is to see Grand Chief Stewart, Phillip too on ZOOM. And
11 it's wonderful to see you chief.

12 So, I wanted to give you an update on the
13 progress of the anti-Indigenous racism review that's
14 underway, and I have a PowerPoint that you will see, and I
15 may just get some assistance to advance through it if I
16 can, just because the internet clicker is not working as
17 well as it could.

18 So, the first page you will see that this
19 racism review started in June when an incident came
20 forward about a game being played in emergency rooms and
21 with core supportive UBCIC and others, there was a desire
22 to have a fulsome investigation.

23 So, in July we can keep advancing through
24 the PowerPoint please, to slide four in July, just back
25 one slide please. In July, I officially launched the

1 investigation with a small team and the small team -
2 small, but effective team, has been looking into issues of
3 racism in the healthcare system in BC. And I also want to
4 say how saddened and disheartened I am today to hear about
5 the tragic case of the death of a mother in Quebec who
6 died in a hospital and the racism allegations that have
7 come forward there. And to say that in the context of this
8 review so far, there's a number of things that I've been
9 looking at and the work is well advanced.

10 First of all, we did a massive Indigenous
11 people survey, very significant response. We are using
12 about 3000 of those surveys, many Indigenous people across
13 the province started the survey stopped and called with
14 cases, including many people probably participating in
15 UBCIC meeting right now. I did an extensive with the team
16 health worker survey, more than 5,000 health workers came
17 back. Specific targeted interviews and surveys to people
18 responsible in the health care system.

19 The purpose of all of this information
20 gathering was to look at the existence of racism,
21 implicit, explicit, and systemic racism, but also what is
22 being done to address racism. And for Indigenous people
23 looking at cultural safety to Indigenous people, First
24 Nations people feel safe getting health care in BC, and if
25 they do or do not, where are the concerns?

1 So, a lot of information came back. It's
2 going to inform the report. I look forward to sharing all
3 of those results with you very soon.

4 We had as well, more than 550 individual
5 cases, we've investigated many of those cases. Some of
6 those cases were in real time, namely someone was
7 committed against their will in a hospital and was
8 reaching out for immediate assistance. So, we have older
9 cases. We have cases that are real time cases.

10 And a lot of work has been done by the team
11 to investigate them. They're in all regions of British
12 Columbia and they involve all ages and stages of life from
13 the prenatal birth experience all the way through to
14 elders seeking to receive care. So, that will be reflected
15 in the report.

16 In terms of documents, you can see we
17 reviewed more than 40 reports and recommendations.

18 Finally, I know it's a dry subject, but
19 data. I was able to get authorization to access data at
20 the same level that the Minister of Health would have,
21 which meant this the first time we've been able to see all
22 the data and look at things like how often are First
23 Nations getting, say, dialysis instead of kidney
24 transplant or getting what kind of care in comparison to
25 other citizens in the province, looking at key outcomes

1 and measures and use of the system. A very big part of our
2 analysis is on looking at cultural competency training
3 that's run by the public the PHSA, Public Health Service
4 Authority. And in particular, the San'yas program, that's
5 been running to do some basic Indigenous education for
6 health care providers. A lot of focus has been on that. If
7 you could just advance, please.

8 So, in terms of what's come back from
9 Indigenous people and health workers. First of all, on the
10 Indigenous survey, it's interesting older, rather than
11 younger people respond and more women than men. More than
12 happy half came from two regions, Vancouver Island Health
13 Authority, and Vancouver Coastal, although the responses
14 were everywhere.

15 In terms of the health worker survey, same
16 thing, primarily women, this not Indigenous, primarily
17 non-Indigenous all across all the categories of health
18 care. Pretty much half came from hospitals and emergency
19 rooms. And again, 60% were in just a couple of health
20 authorities. So, a good activation there, but of course,
21 concern about needing to hear from everyone. We could
22 advance, please.

23 So, what are the themes that have come out?
24 These are some of the key themes.

25 First of all, racism is alive and real, and

1 it has been under reported and under examined. And
2 although this incident of this game came forward as my
3 primary area for examination, it's led to a number of
4 other areas where very serious racism issues are there and
5 have persisted.

6 Again, terms of Indigenous and First
7 Nations people not feeling safe because of comments and
8 concerns that come out in their interactions with health
9 workers, a lot of evidence has come out. A lot of
10 information about treating First Nations as being drug
11 seeking, as being responsible for their poor health
12 because they made poor life choices for instance, and a
13 lot of discrimination experiences, a lot of ignorance,
14 misunderstanding and comments,

15 A lot of content on feeling like the
16 complaint process or the way to raise a grievance or
17 complaint about treatment, it doesn't work for First
18 Nations, is not serious, there isn't the follow-up and
19 there isn't the accountability. That will be a very major
20 theme in this report.

21 And then the need to focus on Indigenous
22 specific racism and develop anti-racism tools specific to
23 Indigenous peoples experience. And I say that as opposed
24 to having this big approach, which is all of this so-
25 called bad behavior, sexism, homophobia, everything's just

1 blended into one equity program and often that loses any
2 focus or impact.

3 So, a key theme here is saying Indigenous
4 racism needs to be a specific focus and has been lost in
5 other focuses and shift. Can we advance, please?

6 In terms of forms of racism, this just a
7 quick guide to what we're seeing because it's complex, but
8 it's like not surprising. All of these lines of evidence
9 are validating persistent stereotypes. Indians are drug
10 seeking, all kinds of misconceptions, racism that I think
11 we've seen consistently, but this being validated again.
12 Poor quality of care, poor access to care, perception that
13 a non-Indigenous person gets the care they don't get.
14 Indigenous people avoiding getting the necessary medical
15 care they need because they're not treated well when they
16 go to get it. So, suffering at home, refusing to go,
17 refusing to follow up because they can't deal with the
18 ongoing trauma and difficulty as they try and navigate
19 getting basic health care.

20 Lack of respect for Indigenous medicine,
21 wellness and spirituality. Lots of concerns about that.
22 Not investing in, not building it out, not treating with
23 respect, Indigenous spirituality, wellness, and
24 traditional medicine. Very significant. And also
25 particularly elders and others identifying that this is a

1 source of strength and it is not being used. They're not
2 able to get what they need. It isn't complimentary. It
3 isn't been built into the system adequately. Poor health
4 outcomes, lots of content on racism, particularly
5 experienced by women and particularly directed in these
6 highly essential areas, like an emergency room, lots of
7 evidence coming forward about instances where someone
8 calls for an ambulance, calls for emergency care, things
9 go very sideways and the person who needs care ends up
10 sometimes getting a criminal response instead of a
11 healthcare response.

12 Finally, around the system thinking and
13 racism, the underlying foundation of the health care
14 system continues to be fairly embedded in these systemic
15 colonial beliefs and values about Indigenous people. So,
16 is not knowledgeable about the rights of Indigenous
17 people, not knowledgeable about the history with Indian
18 hospitals and residential schools and other things that
19 have been imposed therefore compromising health. So, real
20 need to de-colonize and shift the mindset in health care
21 to be more respectful and understanding of the fundamental
22 and basic human rights of Indigenous people. We could
23 advance please.

24 So, emerging conclusions, which will form
25 inform the report. Needing to take a very strong

1 Indigenous human rights approach, that it's a right to be
2 treated with respect and understanding and have basic
3 human rights like everyone else. Absolutely fundamental
4 with the human rights approach, because it appears to the
5 dehumanizing of Indigenous people that has been so
6 elevated and written into our laws and policies has
7 permeated. It's like a sickness that's permeated the
8 health care system and younger health professionals,
9 younger nurses, physicians, paraprofessionals, and others
10 are especially reporting that they find it intolerable and
11 they want to see change. So, there's a lot of support for
12 change at a certain point in these professions.

13 Need for standards for cultural competency
14 and safety. Proper standards, well-funded well enforced.
15 Need for more comprehensive training, a lot of content you
16 can expect to see something about complaints process, how
17 it needs to work and whistleblower process, stronger
18 accountability. Certainly, a concern about senior level BC
19 First Nations leadership across the system. First Nations
20 Health Authority and council was created and has done some
21 remarkable work over time, but the need to take it to
22 another level that's much more embedded in First Nations
23 governance and much more embedded across the system to be
24 able to drive accountability and create good relationships
25 for First Nations with health providers. So, there's huge,

1 good work that's been done. And I know you had a
2 presentation on COVID this morning, but there's a lot of
3 content that this isn't good enough, and we have to
4 strengthen this fundamentally. And a significant amount of
5 concern that the First Nations Health Authority is not an
6 actual authority like Fraser or Vancouver Coastal, or
7 whatever that it's a charity. And then it can't embed and
8 deliver an agenda of that importance with this structure.
9 So very ripe for some recommendations that no doubt will
10 come back to you soon.

11 Enhanced data and integrating across the
12 system. Some key approaches are very significant if we
13 could just advance please.

14 So, next steps, I just wanted to say, we're
15 going to continue we're, as I say, about 80% through. We
16 still have some key informant interviews. We're doing the
17 last of some data analysis. We will be doing some more
18 briefing and report recommendation writing.

19 The review is to report to Minister -- the
20 Health Minister by December 31. As some of you may have
21 noticed there is an election happening right now that kind
22 of came right in the middle of this work. And that's fine.
23 I have heard, and I'd be very interested, it's not for
24 debate today, but I'd be very interested through the chat
25 or indirectly through leadership to hear about your views,

1 but First Nations Health Authority, First Nations Health
2 Council, and many of the families that I'm working with on
3 cases who I've been speaking to one on one have said to
4 me, do not release a report in the middle of an election.
5 Not because they're super political people, but because
6 they don't want this to get lost in the election fodder.
7 So, they said, this very important. They want to make sure
8 there's space to have it released properly and not to be
9 used in that way.

10 So, that's the input I've had so far. And I
11 am reflecting on that and making some decisions on that at
12 the moment. But I do look forward to, in terms of UBCIC,
13 working with chiefs and leadership, and also ensuring that
14 you are well briefed and supported in terms of the
15 recommendations that will come forward. Recommendations
16 will likely be formed more as potentially, you know, an
17 action-oriented plan that depends on First Nations
18 agreement buy-in and support. So, it isn't about just
19 making recommendations and expecting them to be done, but
20 it's about whether or not you see the reflection of what
21 you think will be required.

22 So, there's an element, a very strong
23 element of truth telling that's going to be in this
24 report, which I can tell you is probably going to be very
25 difficult for some people to take and understand, but

1 | there's comprehensive and exhaustive evidence to support
2 | that. And then on recommendations, there will be some
3 | pathbreaking and substantial recommendations.

4 | A final point I will just make on the
5 | interest of time is to note that the Speech from the
6 | Throne federally did mention the need to develop federal
7 | Indigenous health legislation on a distinctions-based
8 | approach, meaning First Nations. And I welcome that. I did
9 | speak to the federal government multiple times in the
10 | context of this review because they have national
11 | responsibility. BC also has significant responsibility,
12 | but there is a need to have something like the *First*
13 | *Nations Health Act*. The *National Health Act* doesn't have
14 | any protections against racism in it.

15 | And as we've seen racism, and I've said
16 | this repeatedly, racism, as we know, is not just about
17 | hurtful words. It is about actual barriers in systems that
18 | cause harm to people. And in the healthcare system, the
19 | kind of racism that we're seeing in this review leads to a
20 | shortened life, leads to people not getting care, not
21 | receiving respect and deciding to forego needed medical
22 | care, and that impacts families and communities. And that
23 | is very easy to change, but we have to tackle the racism
24 | that's a barrier. And so there's a lot of willingness to
25 | change. A lot of support from the health care professions.

1 Across BC they've been very collaborative, and we've been
2 digging deep with them.

3 So, the, this report I hope will be
4 impactful at the provincial and national level, but again,
5 it has to carry the voice forward in a way that is
6 respectful and appropriate. And it has to be released at a
7 time where people can pay attention to that voice.

8 And so those are my comments. And as I say,
9 I'm here, I can take comments from the chat section. I
10 will be back briefing you again, probably I know it's not
11 necessarily an AGA, but I'll be briefing you again prior
12 to release of this report. So, I don't want to take up too
13 much more of your time today. Thank you.

14 TYRONE MCNEIL: Thank you, Mary Ellen.
15 We do have some time for questions and comments chiefs, if
16 you so wish.

17 **QUESTIONS/COMMENTS**

18 DON TOM: Thank you. Thank you, Ty. And
19 thank you, Mary Ellen for reporting out to today.
20 Certainly it is frustrating to hear the initial reports
21 that came out to games being played in the hospitals. And
22 I think as we go along and we further discover, you know,
23 someone like Connor Sutton who is a member of the military
24 who's seeking help. And I mean, these are the people who
25 are committed to -- these are the people who are committed

1 to making our world better and they're seeking help
2 voluntarily in our hospitals and are being turned away and
3 being told to go to a homeless shelter. And you know, if
4 it wasn't for some advocacy, we don't know how long Connor
5 would have remained at Royal Jubilee hospital and
6 instances like this are happening over and over. And I
7 don't think they're probably not being reported on.

8 I do -- where we find ourselves is that our
9 members are having to make a decision as to, you know, do
10 I want to -- do I want to be stereotyped or do I want to
11 be judged for going into an emergency department or
12 seeking treatment or seeking help? So, it's certainly,
13 during a world pandemic, a concern.

14 But first and foremost, in looking at a
15 recent article that happened, I think in Montreal. So, we
16 are seeing this across Canada and we're seeing this -- so
17 it's not a strictly limited to BC. So, it's tough. And I
18 think we're seeing -- for our health directors and some of
19 our nurse practitioners are seeing having to pick up the
20 majority of this work.

21 And so just want to thank you for the work
22 that you're doing, Mary Ellen and thank you for the
23 engagement in doing the surveys to hear from not only
24 Indigenous people, but those who are working within the
25 health field around instances of racism. And I think it's

1 | time that the people that we hold in high regard who look
2 | after our best interest, or we give them that trust to do
3 | so holding them to a standard of which we know our members
4 | will receive the adequate health care that they deserve.

5 | So, I just want to finish with that. Thank
6 | you, Mr. Chair.

7 | TYRONE MCNEIL: Huychqa siem. Any other
8 | questions or comments? Kukpi7 Judy?

9 | JUDY WILSON: I'm certainly hoping our
10 | virtual chiefs, I guess, out there can get some questions
11 | in. I just want clarification from Mary Ellen that the
12 | nations who are still looking at ways to get input from
13 | their members, that we can still do that. I know our
14 | nation is having their health caucus tomorrow, which I'm
15 | hoping that we would be able to find a way. A lot of the
16 | input was left up to the communities and individuals. And
17 | I think it's during time of COVID, it was challenging with
18 | people who have maybe the technology, you know, to do
19 | that. So, I was proposing tomorrow that, you know, our,
20 | our chiefs will be able to find a way to support our
21 | nation and getting key input into what you're doing.
22 | Because I will suspect like with our nation, we cross many
23 | different cities from Williams Lake, Kamloops and
24 | geographically one of the larger nations. So, we're kind
25 | of challenged in how we can get that input. So, I'm hoping

1 we still have time to have that input.

2 And I think when we look at implementation,
3 how we're addressing the racism in the health care each
4 nation's going to have to have their specific plans on how
5 we're going to do that. And again, we don't have the
6 resources, so I think it should be incumbent on how we
7 obtain those resources to deal with this racism. But the
8 most other second part of the question would be what do we
9 do in the immediate time that this racism and
10 discrimination about with our members that are continuing
11 to happen in the health institutions?

12 TYRONE MCNEIL: Kukstemc, Kukpi7. Mary
13 Ellen.

14 MARY ELLEN TURPEL-LAFOND: Yes, thank
15 you for those comments. So, first of all there's lots of
16 opportunity to still have input. I'm getting a lot. And as
17 we get to recommendations, it's very important to create
18 space for First Nations and First Nations governments and
19 governance in this health care system. And that's going to
20 be a key area.

21 In terms of good practices, as well, I want
22 to highlight that there are some amazingly positive
23 practices that have been put in place in different places
24 across BC. But in the meantime, as we get instances where
25 there's any suggestion of racism or a barrier, it's just

1 really important to speak out, don't hesitate to contact
2 me and to speak out. As Don Tom has indicated you know,
3 there has to be a constant reminder to the professionals
4 and the staff and these systems that if you can treat one
5 person in a way that's racist and disrespectful, you can
6 treat anyone like that.

7 And we have to stop that. We have to
8 remember that it could be that Connor Sutton today, but
9 who will it be tomorrow? And I know from speaking to that
10 family, in particular, and that case will be profiled. You
11 know, that's a very prominent -- grandmother's a very
12 prominent elder. And this a family that had to take the
13 action of having a protest in front of a hospital to get
14 their son out. So, we don't want that. We don't want that
15 to be the standard.

16 So, I really appreciate the comments from
17 chiefs and leaders. And I also just recognize the role
18 that UBCIC will play in making sure that recommendations
19 are strong, are well-informed and are actioned. So, I'll
20 be working with you more.

21 But the suffering and difficulty that so
22 many people have had in the healthcare system, that story
23 will emerge here, and it will shock people, but the truth
24 has to be told and we need to move forward to a different
25 mindset for people that are in the system.

1 So, I look forward to continued dialogue on
2 that journey and I really appreciate the input I've had in
3 this review. And we will be back talking to you much more
4 about it, as well.

5 TYRONE MCNEIL: Thank you. Grand Chief.

6 STEWART PHILLIP: I'm just trying to
7 figure her out whether or not you're in your closet. I
8 just want to say that your good work will undoubtedly be
9 ground-breaking. And the issue of racism in the health
10 care system for our people has been going on for many,
11 many generations. And it's been very debilitating and very
12 hurtful. And I'm just so happy that you have engaged this
13 work, this challenge. And I really, really look forward to
14 where it goes once it's released and where we go with it.
15 But I was really very happy when I heard you were going to
16 do this. So, thank you.

17 TYRONE MCNEIL: Thank you, Grand Chief.
18 Not seeing any other hands up or hearing anything, any
19 concluding remarks rail.

20 MARY ELLEN TURPEL-LAFOND: Nope. Just to
21 say thank you, everyone, and stay safe and we'll be
22 talking to you again.

23 TYRONE MCNEIL: Okay. Thank you. Just a
24 comment. You mentioned you're going to report back to the
25 chiefs before your December 31st deadline. Our next

1 meeting is not actually until February, so you'll either
2 engage the executive directly or we'd to have a special
3 ZOOM call just on the matter. Okay. But great. Thank you
4 for that.

5 Chiefs and delegates, we've got two pretty
6 straightforward resolutions I'd like to take you through
7 before we wrap up the day, they shouldn't take long at
8 all.

9 I'll draw your attention to resolution
10 2020-24 REGARDING APPOINTMENT OF THE FIRST NATIONS ENERGY
11 MINING COUNCIL.

12 Therefore be it resolved the UBCIC Chiefs
13 in Assembly appoint Chief Byron Louis,
14 Okanagan Indian Band as UBCIC
15 representative on the First Nations Energy
16 and Mining Council as a permanent
17 appointment beginning October 1, 2020; and
18 Therefore it finally be resolved the UBCIC
19 Chiefs in Assembly call on UBCIC
20 representative to the First Nations Energy
21 and Mining Council to provide regular
22 updates to the UBCIC Chiefs Council and
23 UBCIC executive.

24 Looking for mover and seconder.

25 KEITH CROW: Moved by Chief Keith Crow,

1 Lower Similkameen.

2 TYRONE MCNEIL: Limt lim, Chief.

3 Seconded by Kukpi7 Spahan. Thank you.

4 Any discussion?

5 Unidentified speaker: Question.

6 TYRONE MCNEIL: Thank you. Any
7 opposition to the resolution? Any abstentions to the
8 resolution? Hearing neither it is carried. Thank you.

9 (RESOLUTION PASSED)

10 TYRONE MCNEIL: And the last resolution
11 for the day 2020-25 REGARDING SUPPORT FOR FNLC
12 REPRESENTATIVES ON INDIGENOUS FLOOD WORKING GROUP.

13 Therefore be it resolved the UBCIC Chiefs
14 in Assembly direct UBCIC executive to work
15 with the BC Assembly of First Nations, (BC
16 AFN), and the First Nation Summit (FNS) as
17 the First Nations Leadership Council FNLC
18 to identify a FNLC technical represent to
19 participate in the Indigenous flood working
20 group.

21 Therefore it finally be resolved the UBCIC
22 Chiefs in Assembly direct the UBCIC
23 executive and staff working with the
24 BCAFN, FNS, as FNLC to monitor the
25 development of the provincial flood risk

1 strategy to ensure that input from
2 Indigenous flood work group and the flood
3 risks posed Indigenous communities are
4 reflected in the final strategy.

5 Looking for a mover in seconder, please.

6 BYRON LOUIS: I will move. Byron
7 Louis, Okanagan Band.

8 TYRONE MCNEIL: Thank you, Chief.
9 Seconder?

10 JANET WEBSTER: I will second. Chief
11 Janet Webster.

12 TYRONE MCNEIL: Thank you. Any
13 discussion?

14 UNIDENTIFIED SPEAKER: Question.

15 TYRONE MCNEIL: Question has been
16 called. Any opposition to the resolution? Any abstentions
17 to the resolution? Seeing and hearing neither it is
18 carried. Thank you.

19 So, I see Debra Baker is with us. I've
20 asked her to come back and close this off in a good way.
21 But just before she does that, just a reminder to the
22 delegates use the same link you received for today's call.
23 The opening registration starts at 8:30 tomorrow. The
24 meeting starts at nine. So, if there's anything that's
25 buggy this morning, I encourage you to come in and right

1 at 8:30. We'll get those sorted out, Debra.

2 (CLOSING PRAYER)

3 TYRONE MCNEIL: Thank you so much for
4 that Debra, particularly the orange shirt reminder, that
5 was actually in my notes and I never got to it. So, again,
6 8:30 for registrations, and we'll will begin at nine
7 o'clock sharp. Have a good night, everyone and stay safe.

8 (MEETING ADJURNED)

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