

LAKE BABINE NATION FOUNDATION AGREEMENT

Fact Sheet

The Province of British Columbia, Lake Babine Nation and the Government of Canada have negotiated a reconciliation agreement called the Foundation Agreement. The Foundation Agreement outlines a shared 20-year vision that establishes a step-by-step pathway to self-government, shared decision-making, and a predictable path to implement Lake Babine Nation Aboriginal title.

The Foundation Agreement is best described as a road-map. It sets out a series of commitments the Nation and the provincial and federal governments intend to meet by working together – along with local communities and industry within Lake Babine Territory.

The Foundation Agreement is a model for new approaches that the Province, Canada and Indigenous Nations can take to working together to improve people's lives in Indigenous communities and implement Aboriginal rights and title over time, consistent with the principles of the Declaration on the Rights of Indigenous Peoples Act.

STRUCTURE OF THE AGREEMENT

The 20-year vision for the Foundation Agreement is laid out in a step-by-step approach, with early supports and long-term goals to achieve reconciliation together.

Major components of the agreement include: governance; land transfers and Aboriginal title; natural resource decision-making; forestry; wildlife; socio-cultural improvements; and economic development.

The Foundation Agreement is built on several immediate steps, followed by planned milestones in each topic area. Planned milestones require further collaboration and readiness by all partners to move to the next stage.

Immediate measures include supporting readiness for self-governance; building stronger government-to-government relationships; a significant fee simple land transfer; commitments to shared decision-making processes in the

natural resource sector; and program enhancements in the social sector. This phase also includes economic development funding.

Long-term milestones include improvements in social sector delivery; models for shared decision-making, including for environmental assessment; and greater control over social programming.

Another longer-term milestone is implementing Lake Babine Aboriginal title over their lands, including jurisdiction in these areas.

This phased approach ensures that the right conditions are in place before moving to the next step.

SELF GOVERNANCE AND SHARED DECISION MAKING

A key objective of the Foundation Agreement is developing and implementing a self-governance model that replaces the Indian Act and strengthens Lake Babine's governance

system. Self-government has many benefits, including building internal strength and self-sufficiency as a Nation; increased involvement in decision-making on the land, which leads to greater stability and predictability for everyone; and boosting the economic health of both the Nation and the region overall.

A self-government agreement would be negotiated as a longer-term milestone. This would include processes for the Province and Lake Babine Nation to work collaboratively to make certain decisions jointly – such as strategic land and resource decisions. Lake Babine would also assume or share specific jurisdictions in the social sector.

LAND TRANSFERS

The Foundation Agreement includes a commitment to transfer 20,000 hectares of Crown land in fee simple to advance Lake Babine's forestry interests and implementation of Aboriginal title.



Some initial areas of interest have been identified. The Province has been consulting with local government and stakeholders since late 2019, including neighbouring property owners and tenure holders in the areas where parcels are under consideration.

This engagement process is helping to identify potential impacts and concerns, and the Province and Lake Babine made adjustments to some proposed parcels as a result. The Province will continue to consult with local government and stakeholders within the identified areas of interest as we work through detailed parcel selection to finalize the land transfer arrangements.

The engagement process has included open houses, many one-on-one meetings, and an information website. It will continue to evolve as negotiations progress and will run throughout 2020 and 2021.

When negotiating land transfers, the Province has an interest in maintaining reasonable access for the public, local residents, guide outfitters, and trapline holders. This discussion is underway with Lake Babine Nation.

Now that the Foundation Agreement is finalized, it will take about five years before lands would be transferred.

FORESTRY AND NATURAL RESOURCES

Forest activity in Lake Babine's Territory is a significant economic contributor to forestry across the entire region (the northern central interior of B.C.).

The Foundation Agreement's provisions for the transfer of Crown land in fee simple would support Lake Babine Nation's greater participation in the forest sector and help provide stability and certainty for the industry in Lake Babine Nation's territory.

Under the Foundation Agreement, the Province and Lake Babine will also negotiate approaches for increased collaboration and decision-making for Lake Babine in the environmental assessment process – which will help provide more stability and certainty for proposed projects in the area.

ABORIGINAL TITLE

The courts have urged governments and Indigenous Nations to work together to negotiate implementation of Aboriginal title, rather than it being achieved through litigation.

Aboriginal title under the Foundation Agreement will likely mean – subject to negotiation - that Lake Babine Nation owns and has jurisdiction over the lands transferred, as well as the resources on them. Title generally means a Nation has the right to decide how the designated lands and resources on them are accessed and used, and to benefit from economic activity on them. Lake Babine Nation and the Province will negotiate and confirm in an agreement the extent to which provincial laws continue to apply to title lands.

FINANCIAL COMPONENTS

The Foundation Agreement contains \$43 million in funding for Lake Babine Nation over five years. This includes supports for governance and implementation activities; economic development and forestry related funding; as well as funding for socio-cultural program improvements, including to help support the Nation in becoming self-sufficient.

SOCIO-CULTURAL COMPONENTS

The phased nature of the Foundation Agreement offers incremental supports in social areas. The initial phase includes funding for existing social programs such as children and family services, education and language, and justice programs. Later steps include Lake Babine Nation assuming jurisdiction for these services directly.

CONSULTATION WITH OTHER FIRST NATIONS

A large core area of the territory asserted by Lake Babine does not have overlapping claims with other First Nations. The provincial government is consulting with First Nations who do have shared territory with the intent to address any potential impacts in the shared areas. These consultations are ongoing.

IMPLEMENTATION

Implementation of the Foundation Agreement will be undertaken by Lake Babine Nation, B.C., and Canada in a step-by-step fashion.

Timeframes are flexible to ensure all parties are ready to progress to the next step. Public and stakeholder consultation will continue to be important as we advance to future phases.

FOR MORE INFORMATION:

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More information about the 2017 Foundation Pathways Agreement and the Tripartite MOU (2018) that have guided negotiations can be found at <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations>.

