

# LAKE BABINE NATION FOUNDATION AGREEMENT

# Fact Sheet

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

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

The Foundation Agreement could be used as 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 new Declaration on the Rights of Indigenous Peoples Act.

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## STRUCTURE OF THE AGREEMENT

The 20-year vision for the draft 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 proposed 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 would 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 would also include economic development funding.

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

Proposed longer-term milestones include implementing Lake Babine Aboriginal title over their lands, including Lake Babine having jurisdiction in these areas.

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

## SELF GOVERNANCE AND SHARED DECISION MAKING

A key objective of the draft 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 collaboratively work 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 draft Foundation Agreement includes a commitment to transfer

approximately 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 started consultation with stakeholders, including neighbouring property owners and tenure holders in the areas where parcels are under consideration.

This stakeholder engagement process will help identify potential impacts and concerns, which the Province will work to address through the negotiation of a land transfer agreement and before any decisions on land parcels are finalized.

The engagement process will include open houses, information sessions, one-on-one meetings, and a 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 has started with Lake Babine Nation.

Once the Foundation Agreement is finalized, it would 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 draft 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 draft Foundation Agreement, the Province and Lake Babine also would 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 would 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. Provincial laws would apply to title lands as negotiated through an agreement.

No final decisions on land parcels under consideration will be made until the full engagement process with stakeholders has been completed.

### **FINANCIAL COMPONENTS**

The draft Foundation Agreement proposes \$47 million in funding for Lake Babine Nation over five years. This would include 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 draft Foundation Agreement proposes incremental supports in social areas. The initial phase would include funding for existing social programs such as

children and family services, education and language, and justice programs. Later steps would 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 as part of the process to finalize the Foundation Agreement.

### **IMPLEMENTATION**

Implementation of the Foundation Agreement, which will begin when the Agreement is finalized and signed, would be undertaken by Lake Babine Nation, B.C., and Canada in a phased, step by step fashion.

Timeframes for each phase are flexible to ensure all parties are ready to progress to the next phase. 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>.

