

LAKE BABINE NATION FOUNDATION AGREEMENT

Fact Sheet Proposed Land Transfers

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 implementing 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 that 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.

One aspect of the proposed Agreement is land transfers to Lake Babine Nation. This fact sheet provides information about the areas of interest identified and the process for reaching a land transfer agreement, which includes significant engagement with a range of stakeholders in the area and consultation with neighbouring First Nations.

PROPOSED LAND TRANSFERS

The 20-year vision for the draft Foundation Agreement is laid out in a step-by-step, phased approach, with both 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 proposed Foundation Agreement includes the commitment to transfer approximately 20,000 hectares of Crown land as an immediate measure in support of Lake Babine forestry interests, and implementation of Aboriginal title.

Some preliminary areas of interest have been identified for potential transfer. These land parcels under consideration are subject to change based on engagement with property owners,

local governments, tenure holders and other stakeholders.

Why is the province bringing this forward now?

Discussions with Lake Babine Nation about potential areas for land transfers are at an early stage. The Province wants to make sure all feedback is heard and incorporated before the areas are finalized and approved in a subsequent Land Transfer Agreement.

Engaging with stakeholders helps to identify potential impacts and concerns that B.C. can work to respond to and address before the land transfers are finalized.

While some preliminary parcels of land have been identified, no final decisions will be made until a full engagement process has been completed with stakeholders.

What will the engagement process look like?

Engagement with stakeholders and public has already begun and will include open houses, information sessions, one-on-one meetings, and a website. This process will continue to evolve as negotiations progress and is expected to take place throughout 2020 and 2021.

Why are lands being considered?

The proposed transfer of up to 20,000 hectares of Crown land under the agreement would help support Lake Babine Nation in building economic partnerships and increasing their involvement in the forest sector. This supports Lake Babine Nation in moving toward self-government and becoming self-sufficient. Land transfers will also help provide stability for the forestry industry in Lake Babine Nation's territory.

Forestry activity in Lake Babine territory accounts for significant economic activity for everyone living and doing business in the northern central interior of B.C. It also generates jobs and opportunities for Lake Babine Nation and its members.

For example, the Babine Forest Products mill, which is operated by forestry company Hampton, relies primarily on timber supply from Lake Babine territory. The mill has shared ownership with six local First Nations through the Burns Lake Native Development Corporation, and approximately 60% of their employees are Indigenous.

What are the timelines for transfer?

Once the proposed Foundation Agreement is approved, the Province anticipates it would take about two years to negotiate a land transfer agreement. After the land transfer agreement is in place it would take up to 3 more years to complete the administrative and legal requirements, including survey, to complete the transfer.

What lands are being considered?

Current proposed Crown lands for potential transfer are in the early stages of consideration. The technical term for these parcels is 'areas of interest.' This means that the Province and Lake Babine Nation have identified areas of land as being of potential interest and they are under consideration.

The areas of interest identified amount to close to 25,000 hectares, while the

draft Foundation Agreement proposes up to 20,000 hectares. This leaves room for adjustments within the existing areas based on input from stakeholders.

An important part of the process in finalizing the land to be transferred is engagement with stakeholders who could be impacted by land transfers in the areas of interest, as well as consultation with neighbouring First Nations. The size and shape of identified parcels of land could change as a result of these discussions. Other elements such as continued access may also be part of the discussions.

Only Crown land transfers are being discussed. The Province is not contemplating any private land purchases. Private properties and leases will be excluded from any land being considered for transfer. This is a core principle for the Province.

If a land transfer agreement is reached, the Crown lands would be transferred in fee simple without a change in jurisdiction, which would mean taxation, zoning and bylaws would not change. This means that when land is transferred to Lake Babine Nation, it remains subject to all regional district by-laws and would not include subsurface rights.

In future phases of the proposed 20-year agreement, these lands could be part of implementing Lake Babine title, which could result in jurisdictional changes.

Key provincial transportation corridors and public infrastructure would be excluded from any lands for transfer.

What factors does government consider for land transfers?

Areas of interest for potential transfer were identified based on a number of factors. A key consideration is proximity to Lake Babine Nation communities or existing Lake Babine tenures. The lands' forestry potential is also important with this agreement, given Lake Babine Nation's interest in economic development in this sector. The Province also avoids land parcels that have potential overlaps with other First Nations' territory.

It's important to reiterate that the lands identified for consideration are not final. The Province is committed to hearing from all stakeholders to inform the decision-making process.

FOR MORE INFORMATION:

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More information about the 2017 Foundation Pathways Agreement and 2018 Tripartite Memorandum of Understanding that have been guiding negotiations can be found at:

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations>.

