



# BC ASSEMBLY OF FIRST NATIONS

## *Honouring our Ancestors*

BCAFN Special Chiefs Assembly  
 Laxgalts'ap Community Centre, Nisga'a Territory  
 March 14-16, 2016

### FINAL RESOLUTIONS LIST

Number	Resolution Title	Mover	Second
01/2016	NUU-CHAH-NULTH ABORIGINAL FISHING RIGHTS	CHIEF REBECCA HARRIS, PAUQUACHIN FIRST NATION	CHIEF HUGH BRAKER, TSESHAHT FIRST NATION
02/2016	WOMENS REVIEW COMMITTEE TO ADDRESS AUDITOR GENERAL REPORT ON FNHA	CHIEF JAMES DELORME, KALHOOSE FIRST NATION	COOLA LOUIS, PROXY, OKANAGAN INDIAN BAND
03/2016	SUPPORT FOR THE WILLIAMS LAKE INDIAN BAND IN ITS EFFORTS TO OBTAIN JUSTICE FOR ITS VALID VILLAGE SITE SPECIFIC CLAIMS	CHIEF DALTON SILVER, SUMAS FIRST NATION	CHIEF BOB CHAMBERLIN, KWICKSUTAINUEK AH-KWA-MISH
04/2016	INAC EVALUTION AND AUDIT BRANCH REVIEW OF TRIPARTITE EDUCATION FRAMEWORK AGREEMENT	CHIEF DALTON SILVER, SUMAS FIRST NATION	TYRONE MCNEIL, PROXY, SEABIRD ISLAND
05/2016	CONTINUED SUPPORT FOR THE BC FIRST NATIONS FORESTRY COUNCIL AND ENGAGEMENT WITH THE PROVINCE OF BC REGARDING A FOREST RANGE REVENUE SHARING AND TENURE SOLUTION	CHIEF LEE SPAHAN, COLDWATER INDIAN BAND	CHIEF BOB CHAMBERLIN, KWICKSUTAINUEK AH-KWA-MISH
06/2016	BOIL WATER ADVISORIES AND SAFE DRINKING WATER FOR FIRST NATIONS IN BC	CHIEF LEE SPAHAN, COLDWATER INDIAN BAND	CHIEF SUSAN MILLER, KATZIE FIRST NATION
07/2016	APPOINTMENT OF AN AUDITOR	CHIEF SUSAN MILLER, KATZIE FIRST NATION	CHIEF JAMES DELORME, KLAHOOSE FIRST NATION

<b>08/2016</b>	<b>REGALIA PROTOCOL, BORDER CROSSINGS AND BORDER SERVICE AGENTS</b>	<b>CHIEF DALTON SILVER, SUMAS FIRST NATION</b>	<b>CHIEF JAMES DELORME, KLAHOOSE FIRST NATION</b>
<b>09/2016</b>	<b>SUPPORT FOR DESIGNATION OF SALISH SEA AS A PARTICULARLY SENSITIVE SEA AREA (PSSA)</b>	<b>CHIEF REBECCA HARRIS, PAUQUACHIN FIRST NATION</b>	<b>CHIEF DALTON SILVER, SUMAS FIRST NATION</b>



# BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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**BCAFN SPECIAL CHIEFS ASSEMBLY**  
**Laxgalts'ap Community Centre, Greenville, BC**  
**March 14-16<sup>th</sup>, 2016**

**Resolution 01/2016**

**SUBJECT: NUU-CHAH-NULTH ABORIGINAL FISHING RIGHTS**

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**MOVED BY: CHIEF REBECCA HARRIS, PAUQUACHIN FIRST NATION**

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**SECONDED BY: CHIEF HUGH BRAKER, TSESHAHT FIRST NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

A. *The United Nations Declaration on the Rights of Indigenous Peoples* states:

**Article 20**

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

**Article 26**

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

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**Shane Gottfriedson, BC Regional Chief**

- B. In 2009, five Nuu-chah-nulth First Nations (Ahousaht, Ehattesaht, Hesquiaht, Tla-o-qui-aht and Mowachaht/Muchalaht) had their Aboriginal Rights to fish and sell all species into the commercial marketplace recognized by the B.C. Supreme Court in a case commonly referred to as *Ahousaht et al.*
- C. The trial decision also confirmed that the Aboriginal Rights of the five Nations had been infringed by the cumulative policies and regulations of the Canadian Department of Fisheries and Oceans (DFO).
- D. In January 2014, the Supreme Court of Canada denied Canada's final leave for appeal, confirming the Aboriginal fishing rights of the five Nuu-chah-nulth Nations to fish for economic purposes.
- E. In the original 2009 trial decision and subsequent appeal, the Courts provided 2½ years for Canada and the five Nations to negotiate a new fisheries regime based on their Aboriginal fishing rights.
- F. If the parties were unable to negotiate a new fisheries regime within 2½ years, either party could return to Court to decide the issue of whether Canada could justify its infringements of the fishing rights of the five Nations.
- G. With extremely limited mandates provided by the previous Canadian government and an apparent unwillingness to negotiate an appropriate recognition of the Aboriginal fishing rights of the five Nations, the five Nations initiated the "justification trial" process in 2015, over five years after the original trial decision and twice as long as the negotiation period provided by the Courts.
- H. Canada took 94 trial days to present its case in the current justification trial, calling 25 witnesses over six months, in a multi-million dollar effort to restrict and minimize the Aboriginal Rights of the five Nations.
- I. With the elected majority Liberal Federal Government committing to a Nation-to-Nation relationship with First Nations, the opportunity is now for the Minister of Justice and Attorney General of Canada and the Minister of Fisheries, Oceans and the Canadian Coast Guard to meet with the five First Nations and seek a just resolution.

**THEREFORE BE IT RESOLVED THAT:**

BC First Nations Chiefs-in-Assembly direct the BCAFN Regional Chief:

1. To work with Minister Wilson-Raybould and Minister Tootoo to organize a meeting or meetings between the Ministers and the five Nuu-chah-nulth Nations.
2. To encourage the Government of Canada to commit to negotiate in good faith with First Nations with a mandate that will lead to reconciliation of the fishing rights of the Nations with the responsibilities of Canada.
3. To work directly with the National Assembly of First Nations, the AFN National Chief, AFN National Fisheries Committee, AFN Regional Chief Augustine (fisheries portfolio holder) and other First Nations and organizations to support the Nuu-chah-nulth fishing rights to move forward to just resolution.

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**Shane Gottfriedson, BC Regional Chief**



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**Laxgalts'ap Community Centre, Greenville, BC**  
**March 14-16<sup>th</sup>, 2016**

**Resolution 02/2016**

**SUBJECT: WOMENS REVIEW COMMITTEE TO ADDRESS AUDITOR GENERAL REPORT ON FNHA**

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**MOVED BY: CHIEF JAMES DELORME, KLAHOOSE FIRST NATION**

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**SECONDED BY: COOLA LOUIS, PROXY, OKANAGAN INDIAN BAND**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. On February 2, 2016 the Office of the Auditor General of Canada tabled a study and performance audit to the Parliament of Canada titled *Establishing the First Nations Health Authority (FNHA) in British Columbia*.
- B. The Office of the Auditor General of Canada conducted an audit of selected aspects of the FNHA's accountability and governance framework in response to an anonymous letter it received, making reports against the Authority in relation to its accountability and transparency.
- C. The *United Declaration on the Rights of Indigenous Peoples* sets out:

**Article 22:**

(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

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**Shane Gottfriedson, BC Regional Chief**

(2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

- D. The BC First Nations Chiefs-in-Assembly recognizes that until we collectively create a safe environment for women to come forward to report work place harassment, women are likely to report work place harassment anonymously.

**THEREFORE BE IT RESOLVED THAT:**

1. The BC Chiefs in Assembly invokes the Dispute Resolution mechanism of the FNLC-FNHC *Protocol on the Social Determinants of Health* (September 2015) which states:

In the event of a dispute, the Parties will follow the process as outlined below:

- In the spirit of cooperation and unity, the Parties will make every effort to identify and resolve a disagreement or dispute in a productive and prompt manner.
- Where the Parties are unable to resolve a disagreement or dispute in this manner, the matter will be deferred to and discussed at a duly convened dinner meeting between the full FNHC and FNLC.
- The Parties will seek the support of an Elder to ensure processes of dispute resolution uphold and respect the traditional teachings, values and protocols that may be appropriate for facilitating a positive outcome in particular circumstances.

2. The BC Chiefs in Assembly hereby supports a Review Committee to immediately review the report of the Office of the Auditor General of Canada and specifically create recommendations for the FNHC to provide a safe place to bring experiences and stories forward regarding those issues, reports and recommendations.
3. The Review Committee will include six (6) women from the Union of BC Indian Chiefs, First Nations Summit and the BC Assembly of First Nations (collectively the FNLC) including Chief Marilyn Slett and Chief Susan Miller appointed by the BC Assembly of First Nations.
4. The BC Chiefs in Assembly encourage the First Nations Health Council to actively participate on the Review Committee in the spirit of the *FNLC-FNHC Protocol on the Social Determinants of Health* and in alignment with the FNHC Seven (7) directives, in particularly Directive 7 to function at a high operational standard.

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**Shane Gottfriedson, BC Regional Chief**

5. The BC Chiefs in Assembly direct the Regional Chief as a member of the FNLC, to meet with representatives of the FHNA and FNHC as soon as possible to discuss the Auditor General Report and its recommendations.

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**March 14-16<sup>th</sup>, 2016**

**Resolution 03/2016**

**SUBJECT: SUPPORT FOR THE WILLIAMS LAKE INDIAN BAND IN ITS EFFORTS TO OBTAIN JUSTICE FOR ITS VALID VILLAGE SITE SPECIFIC CLAIMS**

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**MOVED BY: CHIEF DALTON SILVER, SUMAS FIRST NATION**

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**SECONDED BY: CHIEF BOB CHAMBERLIN, KWICKSUTAINIUK AH-KWA-MISH FIRST NATION**

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**DECISION: CARRIED**

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## WHEREAS:

A. The Williams Lake Indian Band entered into the specific claims process to seek justice and resolution regarding the Colony's and later Canada's failure to reserve and protect its main village at the head of Williams Lake, and:

On February 8, 1994 Williams Lake Indian Band filed a specific claim with the Minister of Aboriginal and Northern Development Canada;

On August 23, 1995, Canada rejected the specific claim for negotiation;

On June 3, 2002, Williams Lake Indian Band First Nation requested that the Indian Claims Commission (the "ICC") review the Claim;

On March 30, 2006 after extensive review and community hearings, the ICC recommended that Canada accept the Claim for negotiation;

On August 27, 2007 Canada advised the First Nation that Canada did not accept the ICC's recommendation;

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On October 26, 2011 Williams Lake Indian Band filed its rejected specific claim with the Specific Claims Tribunal (“Tribunal”);

On February 28, 2014 the Tribunal found that the Williams Lake Indian Band was wrongfully dispossessed of its village lands in Williams Lake in the 19th century, and that Canada was accountable for the Colony's failure to protect the Band's village lands from settlers;

On March 31, 2014, Canada challenged the Tribunal’s decision at the Federal Court of Appeal by applying for judicial review of the Tribunal’s decision;

On February 29, 2016 the Federal Court of Appeal released its decision in Canada’s application for judicial review of the decision of the Tribunal in the Williams Lake Indian Band’s Village Site Claim. The Federal Court of Appeal took the extraordinary step of setting aside the Tribunal’s decision, substituting its own decision for that of the Tribunal, and dismissing the Band’s Claim.

- B. In the interest of Crown-First Nations reconciliation, the Specific Claims Tribunal was established by the *Specific Claims Tribunal Act* as an independent body mandated to make final and binding decisions to resolve specific claims in a timely manner where claims are rejected for negotiation or where negotiations fail;
- C. Tribunal decisions are not subject to appeal and only a provision for limited judicial review exists for matters where the Tribunal’s jurisdictional reach, procedures and correct application of the law are at issue;
- D. The outcome of the Federal Court of Appeal’s decision profoundly impacts all First Nations in British Columbia that have specific claims;
- E. The decision also raises fundamental questions about the role of the Tribunal in resolving all First Nations’ specific claims since it is the Tribunal, not the courts that Parliament mandated to undertake the distinctive task of adjudicating specific claims and deference is due to the Superior Court judges who comprise the Tribunal since:

The Tribunal holds hearings in the community, views the lands at issue, and can accept any evidence, including oral history, whether or not that evidence would be admissible in a court of law;

Tribunal processes are uniquely tailored to resolving specific claims and are intended to promote reconciliation between First Nations and the Crown;

The Federal Court of Appeal processes are, by contrast, held away from the community and based on a review of the documentary record.

- F. Canada has undermined the stated objectives of resolving specific claims in an impartial, fair and timely manner to promote meaningful reconciliation between First Nations and the Crown by challenging the

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legislated authority of the Tribunal to determine questions of law and fact and make binding decisions in accordance with principles of justice.

- G. The *United Nations Declaration on the Rights of Indigenous Peoples* affirms:
- Article 8(2):** States shall provide effective mechanisms for prevention of, and redress for... (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- Article 28(1):** Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which then have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent;
- Article 26(2)** Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

**THEREFORE BE IT RESOLVED THAT:**

1. The BC Chiefs in Assembly fully supports the Williams Lake Indian Band in its efforts to reach a fair, just and timely resolution of its village site specific claim, including its application to the Supreme Court of Canada to have the Federal Court of Appeal's decision reviewed.
2. The BC Chiefs in Assembly direct the BC Regional Chief to issue a public statement that fully recognizes the Federal Court of Appeal' decision is of province wide and national significance due to its undermining of the autonomy, authority and relevance of the Specific Claims Tribunal to make final and binding decisions.
3. BC Chiefs in Assembly call on the BC Regional Chief and National Chief to meet with the Federal Government in particular the Minister of Justice and Minister of Indigenous and Northern Affairs to not oppose the William's Lake application for leave to appeal to the Supreme Court of Canada and remind the Ministers that the Government committed that the Specific Claims Tribunal was established to be the authority with final and binding decision-making powers.

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**March 14-16<sup>th</sup>, 2016**

**Resolution 04/2016**

**SUBJECT: INAC EVALUATION AND AUDIT BRANCH REVIEW OF TRIPARTITE EDUCATION  
FRAMEWORK AGREEMENT**

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**MOVED BY: CHIEF DALTON SILVER, SUMAS FIRST NATION**

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**SECONDED BY: TYRONE MCNEIL, PROXY, SEABIRD ISLAND**

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**DECISION: CARRIED**

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## WHEREAS:

- A. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous people that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, such as the *Convention on the Rights of the Child ("Convention")* and the *United Nations Declaration on the Rights of Indigenous Peoples ("Declaration")*.
- B. In 1972 First Nations in Canada endorsed the policy of *Indian Control of Indian Education*, advancing an education approach premised on parental responsibility and local control. This was updated in 2010 by the Assembly of First Nations in its *First Nations Control of First Nations Education* policy position paper. First Nations in BC, and the First Nations Education Steering Committee (FNESC), continue to consistently work toward full First Nations control of First Nations education.
- C. First Nations in BC have been working together formally for more than two decades to advance quality educational opportunities and improve educational outcomes for all First Nations students and, through their collective efforts, have established a solid foundation for a comprehensive, integrated, well-supported BC First Nations education system, which is founded on First Nations' languages and cultures, and reflects the values and traditions of First Nations communities.

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**Shane Gottfriedson, BC Regional Chief**

- D. Contributing to this system is the Tripartite Education Framework Agreement (TEFA), which was signed on January 27, 2012 by Canada, British Columbia and the FNESC on behalf of First Nations, with implementation beginning September 2012.
- E. The BCAFN reaffirmed their support for the BC First Nations education system through Resolution #06(i)/2011, "Re: First Nations Education System".
- F. TEFA supports the improvement of educational outcomes for all First Nations students in BC, attending both First Nation schools and provincial public and independent schools. TEFA initiated a new funding model for First Nations schools in BC, based on the provincial funding formula for provincial public schools, with specific adaptations. It also provides for core and second level services funding for FNESC to provide services to First Nations schools and advocacy for First Nations students in public schools;.
- G. TEFA acknowledges the package of Education Jurisdiction Agreements negotiated by Canada, British Columbia and FNESC, on behalf of BC First Nations, and supports First Nations transition to becoming Participating First Nations under that package of Agreements and corresponding legislation.
- H. Canada and BC recognize in TEFA, FNESC's capacity to deliver education services. This capacity has increased through the extensive work undertaken to implement TEFA; in this process, capacity is being further developed and policy issues are being identified and addressed on either bilateral or tripartite bases, as appropriate.
- I. TEFA expires on March 31, 2017 and commits the Parties to discuss its renewal six months prior to its expiration (fall 2016).
- J. Through the experience of implementing TEFA, FNESC is identifying key policy objectives and has begun to prepare for the renewal of TEFA. FNESC is committed to ensuring that issues of key concern and importance to First Nations and First Nations learners are effectively addressed in a renewed TEFA.
- K. In the meantime, the Evaluation, Performance Measurement, and Review Branch, Audit and Evaluation Sector, of Indigenous and Northern Affairs Canada (INAC) is preparing to review the implementation of TEFA and make recommendations to INAC.
- L. INAC conducts a number of audits, evaluations, management practices reviews, and other special studies to "ensure the appropriate use of human and financial resources and that programs and services delivered by INAC are relevant, efficient and effective." According to the INAC website: "The Audit Committee, as well as the Evaluation, Performance Measurement and Review Committee include external members and *ensure rigour and objectivity in the oversight of AANDC audit and evaluation reports*. With the approval and oversight of the Audit Committee and the Evaluation, Performance Measurement and Review Committee, AANDC has a three-year risk-based audit plan and a five-year evaluation and performance measurement plan. Both are updated on an annual basis." (emphasis added).

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- M. FNEESC has engaged with INAC and representatives of the Audit and Evaluation Sector to provide input on ensuring the evaluation is objective, appropriate, transparent, fair and inclusive, and has advocated that all parties to TEFA (Canada, British Columbia and FNEESC) engage appropriately in, and not unduly influence the outcome of, the evaluation process.
- N. While only in its early stages, TEFA offers an opportunity to close the gap in educational outcomes by making funding increasingly more comparable to funding in the public school system with specific adaptation, and to identify, develop and implement further supports – including core and second level services for all First Nation students - aimed at supporting their educational attainment.
- O. Any reversion back to old models of education funding and supports will result in huge losses of progress and opportunities for all First Nations students in BC. INAC cannot unilaterally determine the outcome of discussions to renew TEFA.
- P. The new Liberal Government, which took office in November 2015, has committed to a Nation-to-Nation relationship with Indigenous Nations, and has committed to working in partnership, respectful of regional approaches and First Nations control of First Nations education, as well as investing in First Nations education in a significant way, including lifting the 2% cap on funding, revitalizing the Kelowna Accord, and establishing a new fiscal relationship.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BC Chiefs in Assembly confirms that the Tripartite Education Framework Agreement (TEFA) is intended to benefit and support improved educational outcomes for all First Nation students in BC, including those who attend First Nation schools, those who attend provincial public and private schools, and those who transition between the two school systems.
- 2. The BC Chiefs in Assembly acknowledges that the Evaluation, Performance Measurement, and Review Branch, Audit and Evaluation Sector, of INAC, is undertaking a formal review of the implementation of TEFA, and expect that such a review:
  - a. Is objective, fair, inclusive and transparent; and
  - b. Will not impact the timelines for the renewal discussions of TEFA.
- 3. The BC Chiefs in Assembly fully supports the First Nations Education Steering Committee (FNEESC), with full partnership from the First Nations Schools Association and Indigenous Adult and Higher Learning Association, in the preparation for and negotiation of the renewal of the Tripartite Education Framework Agreement, with the overriding objective of implementing funding and other measures that continue to support all First Nation learners in achieving improved educational outcomes.
- 4. The BC Chiefs in Assembly calls upon FNEESC to:

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**Shane Gottfriedson, BC Regional Chief**

- a. Continue to engage with First Nations on their progress and experiences with TEFA to inform the preparation for the TEFA renewal negotiations;
- b. Continue to advocate strongly for the timely conclusion of appropriate funding arrangements to support the implementation of the Education Jurisdiction initiative; and
- c. Report back regularly to the Chiefs on any issues that may arise, and progress made.

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**Laxgalts'ap Community Centre, Greenville, BC**  
**March 14-16<sup>th</sup>, 2016**

**Resolution 05/2016**

**SUBJECT: CONTINUED SUPPORT FOR THE BC FIRST NATIONS FORESTRY COUNCIL AND  
ENGAGEMENT WITH THE PROVINCE OF BC REGARDING A FOREST RANGE  
REVENUE SHARING AND TENURE SOLUTION**

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**MOVED BY: CHIEF LEE SPAHAN, COLDWATER INDIAN BAND**

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**SECONDED BY: CHIEF BOB CHAMBERLIN, KWICKSUTAINNEUK AH-KWA-MISH FIRST NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. In 2002, the Province of British Columbia embarked on a forestry revenue sharing process called Forest and Range Agreements. A per capita sharing of \$500/per person was unilaterally imposed and the forest licenses were economically unviable.
- B. In 2009, the Province undertook a Forestry Roundtable to discuss and make recommendations for changes to the forest sector. These recommendations included input from First Nations. The Province responded to a few of the First Nations recommendations (and ignored others) and then publicly announced they came to a solution with First Nations.
- C. In 2010, the Province unilaterally developed a new forestry agreement process and template to be used with First Nations called Forest and Range Consultation and Revenue Sharing Agreements (FCRSA). The Province decided to share stumpage revenues based upon a percentage of wood harvested within the First Nations territories. In most cases, the amount of resource revenue sharing was reduced from the original formula of \$500 per person.

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- D. In 2012 the bi-partisan Special Committee on Timber Supply made recommendations on how the provincial government could take action to enhance mid-term timber supply. One of the recommendations of this committee was to pursue the concept of converting existing volume-based tenures to area-based tenures.
- E. On April 1, 2014, the provincial government initiated a public engagement process to explore area-based tenures further. Limited public engagement sessions were held in BC in order to prepare a final report with 35 recommendations for government to consider should a decision be made by the province to proceed specifically with amendments to the Forest Act that would enable the conversion of some volume based forest tenures to area-based forest tenures.
- F. In August, 2014, the province announced that they would not be proceeding in the immediate term with legislative changes that would enable forest license conversions in fall 2014 or spring 2015. The province purported to have made this decision to allow for the more fulsome discussion of any proposed changes and in light of the recent Supreme Court of Canada Tsilhqot'in decision.
- G. The provincial government approach to forestry policy and agreements with First Nations has never been consistent with the common law.
- H. BC Assembly of First Nations 05(f)/2014 Resolution calls for the continued rejection of unilaterally developed forestry resource revenue and tenure sharing allocation by the Province of British Columbia and directed the BC Assembly of First Nations to continue to engage BC in developing new forms of forestry tenure and revenue sharing and work to convene a session for First Nation tenure holders in 2015.
- I. Three regional forums were held in May 2015, hosted by the BC First Nations Forestry Council and the Province of BC in order to provide space for dialogue around the current nature of the forestry industry and discussion around how existing models of forestry revenue sharing can be improved and changed given the post-Tsilhqot'in legal reality. Existing models of agreements were a major focus of attention, particularly the Forest Consultation and Revenue Sharing Agreements (FCRSA) and the Forest Tenure Opportunity Agreements (FTOA).
- J. On November 17, 2015 the First Nations Forestry Council in partnership with the First Nations Leadership Council released a report on the Regional Forums which provided a number of recommendations and next steps to build improved revenue sharing models, better ownership, tenure and greater access and meaningful engagement, decision-making and capacity for First Nations within the forestry industry.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BC Chiefs in Assembly continue to support the BC First Nations Forestry Council and the work the Council does to engage with the Province and First Nations as an advocacy body for improved forestry revenue sharing models.

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**Shane Gottfriedson, BC Regional Chief**

2. The BC Chiefs in Assembly endorse and support the BC First Nations Forestry Council Report on the Regional Forums and will work with the First Nations Forestry Council and partner organizations to engage with the Province on implementing the next steps and recommendations contained within the report. Specifically focusing on the need for a Provincial wide session on forestry to discuss the recommendations of the report and build a common path forward.

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**March 14-16<sup>th</sup>, 2016**

**Resolution 06/2016**

**SUBJECT: BOIL WATER ADVISORIES AND SAFE DRINKING WATER FOR FIRST NATIONS IN BC**

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**MOVED BY: CHIEF LEE SPAHAN, COLDWATER INDIAN BAND**

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**SECONDED BY: CHIEF SUSAN MILLER, KATZIE FIRST NATION**

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**DECISION: CARRIED**

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**WHEREAS: advisories**

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) states:

- i. **Article 25:** Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, water, and coastal seas and other resources and to uphold their responsibilities to future generations in this regard. The UNDRIP requires free, prior and informed consent to any decisions affecting Indigenous lands and resources.
- ii. **Article 28 (1):** Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, used or damaged without free, prior and informed consent.

B. On June 19, 2013, the *Safe Drinking Water for First Nations Act* was passed into law, and came into force on November 1, 2013. The *Safe Drinking Water for First Nations Act* does not reflect the recommendations of the Expert Panel on Safe Drinking Water and was developed without meaningful

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**Shane Gottfriedson, BC Regional Chief**

consultation with First Nations, is contrary to inherent authority of First Nation governments and does not reflect the principles of Customary Laws regarding water.

- C. Many BC First Nations do not have basic access to safe drinking water, and as of February 29, 2016, 18 BC First Nations, comprising 19 communities and 22 water systems, are under a boil water advisory (BWA) (see attachment).
- D. First Nations lack adequate resourced for training, operations, and management of their water resources.
- E. The Liberal Party committed during the campaign period that if elected the party would end all First Nations boil water advisories within five years as well as promising support and investment for infrastructure projects including water facilities.

**THEREFORE BE IT RESOLVED THAT:**

1. The BC Chiefs in Assembly direct the Regional Chief to call on the Federal Government to make immediate adjustments and investments to ensure there is safe drinking water available in all First Nation communities and that boil water advisories are no longer a reality for First Nations in BC.
2. The BC Chiefs in Assembly direct the Regional Chief to engage with relevant Federal Ministers and Departments to advocate for the need to secure the necessary capital infrastructure investments, operations and maintenance funding, personnel and training to eliminate drinking water advisories in all BC First Nations communities.
3. The BC Chiefs in Assembly direct the Regional Chief to reiterate to the new federal government the recommendations of the report of the Expert Panel on Safe Drinking Water for First Nations; domestic and international legal and human rights assessments of access to clean running water by First Nations in Canada; and respective First Nations' community-based analyses to allow for a comprehensive assessment and identification of the infrastructure, human resources, and training requirements for every First Nation in Canada to have access to clean running water.

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**Shane Gottfriedson, BC Regional Chief**



# BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

312-345 Chief Alex Thomas Way  
Kamloops, BC V2H 1H1  
Telephone: 250-828-9757  
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Website: www.bcafn.ca

**BCAFN SPECIAL CHIEFS ASSEMBLY**  
**Laxgalts'ap Community Centre, Greenville, BC**  
**March 14-16<sup>th</sup>, 2016**

**Resolution 07/2016**

**SUBJECT: APPOINTMENT OF AN AUDITOR**

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**MOVED BY: CHIEF SUSAN MILLER, KATZIE FIRST NATION**

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**SECONDED BY: CHIEF JAMES DELORME, KLAHOOSE FIRST NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. Article X, Section 2 of the BC Assembly of First Nations' Bylaws requires the members to appoint an auditor to hold office until the auditor is re-elected or a successor is elected at the next annual general meeting; and,
- B. DeVisser Grey LLP was the auditor for the BC Assembly of First Nations during the 2015-2016 fiscal year.
- C. KPMG and Daley submitted proposals to BCAFN, offering their services at the following respective rates \$13,000 and \$15,000.

**THEREFORE BE IT RESOLVED THAT:**

1. The Chiefs in Assembly hereby appoint KPMG as the auditor for the BC Assembly of First Nations to hold office until the auditor is re-elected or a successor is elected at the 2017 annual general meeting.

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**BCAFN SPECIAL CHIEFS ASSEMBLY**  
**Laxgalts'ap Community Centre, Greenville, BC**  
**March 14-16<sup>th</sup>, 2016**

**Resolution 08/2016**

**SUBJECT: REGALIA PROTOCOL, BORDER CROSSINGS AND BORDER SERVICE AGENTS**

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**MOVED BY: CHIEF DALTON SILVER, SUMAS FIRST NATION**

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**SECONDED BY: CHIEF JAMES DELORME, KLAHOOSE FIRST NATION**

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**DECISION: CARRIED**

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## **WHEREAS:**

- A. **Article 36** of the *United Nations Declaration on the Rights of Indigenous Peoples* states that:
1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
  2. States, in consultation and cooperation with Indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
- B. First Nations have inherent and unextinguished jurisdiction to travel freely across our traditional land without harassment.
- C. First Nations cultural, sacred and regalia items require special care and are subject to specific protocols in handling of items.
- D. First Nations people experience ongoing harassment at the border crossings when travelling for ceremonies, funerals and other cultural events, and are often subjected to improper and disrespectful inspection of sacred items including regalia.

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E. There exists, on part of Border Service Guards, a lack of training and sensitivity to First Nations customs and cultures.

**THEREFORE BE IT RESOLVED THAT:**

1. The BC Chiefs in Assembly call on the Regional Chief to engage and immediately call on the government to implement enhanced training for Border Service Agents.
2. The BC Chiefs in Assembly direct the Regional Chief to work with partner organizations and the National Assembly of First Nations to advocate for a robust cultural competency for Border Service Agents as well as increased and appropriate education, awareness, and training of Border Service Guards.

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**March 14-16<sup>th</sup>, 2016**

**Resolution 09/2016**

**SUBJECT: SUPPORT FOR DESIGNATION OF SALISH SEA AS A PARTICULARLY SENSITIVE SEA AREA (PSSA)**

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**MOVED BY: CHIEF REBECCA HARRIS, PAUQUACHIN FIRST NATION**

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**SECONDED BY: CHIEF DALTON SILVER, SUMAS FIRST NATION**

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**DECISION: CARRIED**

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## WHEREAS:

- A. The Salish Sea is an ecological, cultural, and economic region with global significance.
- B. The International Maritime Organization (IMO) is the UN organization responsible for the world-wide regulation of shipping that can provide special protection to a Particularly Sensitive Sea Area (PSSA), an area that needs special protection through action by the IMO based on two aspects: (1) the area's significance for key ecological, socio-economic or scientific reasons; and (2) the area should be at risk from international shipping activities.
- C. The Salish Sea meets the requirements to be designated a PSSA.
- D. The *United Nations' Declaration on the Rights of Indigenous Peoples*, endorsed by Canada on November 12, 2010 and which the newly elected Liberal Government under Prime Minister Trudeau has committed to fully implement, states:

**Article 25:** Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

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**Article 32(1):** Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

- E. That due to the cultural, ecological and social vulnerabilities to this area from international shipping, we believe that our area warrants PSSA designation.
- F. Support for this nomination is without prejudice to the final nomination, we recognize the value to endorse this effort to protect the Salish Sea.

**THEREFORE BE IT RESOLVED THAT:**

1. The BC Chiefs in Assembly support and affirm the nomination of the Salish Sea as a Particularly Sensitive Sea Area (PSSA) and direct the Regional Chief to call on the International Maritime Organization to have this area designated a PSSA.
2. The BC Chiefs in Assembly support for this nomination does not abrogate or derogate Douglas Treaty and/or other existing Treaties and Section 35 Rights and Title.

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