

B.C. on the Move: Engagement Meeting Notes

NOVEMBER 19, 2014

1:30PM

KELOWNA

ATTENDEES/AFFILIATION	Joan Phillip, Penticton Indian Band Chief Jonathan Kruger, Penticton Indian Band Nelson Tallio, Lower Similkameen Indian Band Lyle Brewer, Okanagan Band Chris Dickson, West Bank First Nation Greg Garbriel, Penticton Band Link Evic, Osoyoos Indian Band Clarence Louie, Osoyoos Indian Band Dan Brown, Westbank First Nation
MOTI REPRESENTATIVES	Mike Lorimer, Regional Director, Southern Interior Region, Ministry of Transportation and Infrastructure (MoTI) Steve Sirett, District Program Manager, Okanagan Shuswap District, MoTI
NOTE TAKER	Kai-lani Rutland, Kirk & Co. Consulting Ltd.
KEY THEMES (3-6)	
1)	Collaboration with Partners: Participants expressed a desire for increased participation and opportunities to work with the Ministry on projects.
2)	Collaboration with Partners: Participants indicated that open communication with them is appreciated but also expected.
3)	Funding: Participants were in agreement that they should receive the gas tax.
4)	Collaboration with Partners: Participants reiterated that they are rights and lands holders, not stakeholders and should not be treated as stakeholder.
5)	Highways and side roads: Participants indicated that investments to increase access to reserves is a priority for their communities.
CHALLENGES AND OPPORTUNITIES	
	<ul style="list-style-type: none"> Participants were supportive of continued investments to address issues of congestion and safety. Participants support additional opportunities for First Nations to work with the Ministry on projects and expressed a willingness to build better working relationships.
MOVING FORWARD – STRATEGIES	
1)	Moving People and Goods Safely and Reliably <ul style="list-style-type: none"> Ongoing investments for Highway 97 are important for safety and reliability. The region recognizes the importance of continued investments in these highways to address congestion, safety and facilitate economic growth in the region. Side-road investments and additional access points to reserves are priorities. Investments in side roads and public transportation are important for the further development of the region's tourism industry.
2)	Growing the Economy <ul style="list-style-type: none"> Economic development is directly connected to the ability to move goods and services. Ongoing investments in Highway 97 is vital for economic development in this region.
3)	Connecting and Strengthening Communities <ul style="list-style-type: none"> Investments to improve connections between and access to communities is critical in this region. Investment in cycling and pedestrian trails is important for this region, and the region is interested in safe alternatives.
4)	Maximizing Collaboration and Investment with Partners and Stakeholders <ul style="list-style-type: none"> Participants noted that maximizing collaboration with First Nations and the Province is critical. Partnership and collaboration are necessary for continued investment in infrastructure and increased opportunities for First Nations. Participants are very willing to work with the Ministry and are looking for additional employment and contract opportunities. Participants were supportive of improved communication and will continue to work with the Ministry towards a Memorandum of Understanding.
TOP THREE PRIORITIES FOR TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS	
	<ul style="list-style-type: none"> Participants prioritized investments to increase accessibility to reserves. Participants indicated a need for continued investments to improve the condition of side roads.

- Continued investments are needed to improve the safety and reliability of major highway network in the region.

ADDITIONAL COMMENTS/DISCUSSION	
<ul style="list-style-type: none"> A participant from Penticton Indian Band indicated that if the discussion here were to impact a project in the future, that the Ministry should discuss further developments and project plans outside of this meeting with First Nations and communities. 	
<ul style="list-style-type: none"> A participant from the Okanagan Band noted that within the band there are 6 reserves and that major highways pass through the Duck Lake, Swan Lake and Okanagan Higher #1 Reserves. There are issues with the City of Kelowna needing access to Highway 97 for industrial purposes. There are issues with the truck traffic at current access points, so the City, the Band and Lake Country are looking at a solution to solve the bands infrastructure needs and to improve access from Highway 97 to the industrial site for the City of Kelowna. Access to and from the reserves to support economic opportunities is a priority. For Duck Lake reserve, the Band would like to see the property developed in order to build the tax base; to do that, accessibility needs to be improved. 	
<ul style="list-style-type: none"> The participant noted that there is potential for commercial land development on Band lands and that they have begun to develop a strategy, which includes the creation of a new road and retention of the existing road with an intersection added at the south end of the reserve. The participant indicated that there was a rumour that the Ministry would not support this, as the Ministry strategy is for the three intersections to be added and the reduction of the speed limit on Highway 97 from the north end of Duck Lake to Beaver Lake Road to 70 km. The reserve at the north end of Swan Lake has no proper access and the Band would like to have that resolved to improve accessibility and community connectedness. This is an area of concern. 	
<ul style="list-style-type: none"> The participant noted that on Okanagan Higher #1, the west side of the road has safety issues, which are a concern for the community. The participant also noted issues with their access to Highway 97 at West Side Road. The participant noted that there is an area of land at the top of St. Ann's Hill that has been developed into a large-lot industrial area. The southbound highway from that area is fairly good except for congestion. The participant noted that the highway from there to the Trans-Canada is mostly just one lane. 	
<ul style="list-style-type: none"> The participant noted that the last issue to mention is tenure in regards to the widening and changing of many roads, and requested that the Ministry continue to discuss tenure issues with the First Nations. 	
<ul style="list-style-type: none"> A participant from Osoyoos Indian Band indicated that McKinney Road is still unsettled and that because there was historically bundled settlement, there is a need for the Band and the Ministry to discuss this issue. The participant suggested that a table be organized as soon as possible to discuss McKinney Road. 	
<ul style="list-style-type: none"> The participant from Osoyoos Indian Band noted that they are interested in jobs and additional opportunities to work with the Ministry. The participant noted that when four-laning work was taking place by the bluff, a contractor approached the participant, for the first time ever, about a clause in the contract regarding mandatory work for the nearest First Nations. The participant noted that current procurement language in the Province is not enough to ensure that First Nations are receiving opportunities for work. 	
<ul style="list-style-type: none"> A participant from Osoyoos Indian Band indicated that when the government is contacting 'stakeholder lists', that Osoyoos Indian Band be removed from stakeholder lists because they are not stakeholders, they are rights holders. 	
<ul style="list-style-type: none"> A participant noted that with highway and infrastructure projects, Bands should be approached and clearly communicated with, especially if it is a highway in their backyard. They would be like to be kept informed of announcements and projects well before they take place. 	
<ul style="list-style-type: none"> A participant from West Bank First Nation, noted, in follow-up to discussion about not being stakeholders, that First Nations are not the stakeholders being referred to. The Band governs these communities does not have access to the provincial gas tax. The participant noted that the West Bank First Nation does not have the funds to upgrade the roads, and that it would be great if First Nations could have access to the gas tax to make such improvements. The participant indicated that government needs to consider that. 	
<ul style="list-style-type: none"> A participant from the Lower Similkameen Indian Band noted that communications and notification with the band could be improved, citing work that took place this past summer on Highway 3 (Barcelo to Night Hawk), about which the Band had not been notified. Advanced communications and notification is important. 	
<ul style="list-style-type: none"> A participant from Lower Similkameen Indian Band expressed concerns with the deer fencing which is impacting their herds. The participant noted that more bears have also been hit and that deer migration is being affected. 	
<ul style="list-style-type: none"> The participant indicated that there is a need for public transportation services in Keremeos to connect the reserves and communities. The participant pointed out that the Band has had discussions with BC Transit in the past, and noted that this is a priority. 	
<ul style="list-style-type: none"> A participant from West Bank First Nation noted that the second crossing project is important for this region and that the details of the project should be included in the 10-year plan. 	
<ul style="list-style-type: none"> The Chief of the Penticton Indian Band noted that it is good that a 10-year plan is being developed and noted his appreciation that the Ministry was sitting down with them not as stakeholders. The Chief noted that he would like a Memorandum of Understanding with the Ministry of Transportation and to sit down and discuss the Band's concerns – concerns of which the Ministry has already been made aware. The Chief indicated that the Ministry and the Band have been doing some very good work together, especially with Bentley Road, and the Summerland four-laning. There are future economic development plans and plans to four-lane the highway, and the Band is very interested in working with the Ministry and requests that the Ministry continue to work with them. The participant noted that there is reclamation on the old highway that should be addressed. A utility company is currently being created by the Band and they are interested in working with Apex Maintenance in the future. Economic partnerships and development is important for the Band and for the region. The Chief noted interest in the idea of the gas tax and requested that this be considered further. An outstanding priority for their community is proper lighting and safe pedestrian and cycling lanes. The Band expressed interest in further investments to lighting and pedestrian and cycling lanes. The Chief noted that the negotiations that have been done with the highways department have been good and they are appreciative of that. In the future, they expect those negotiations and communication methods to continue, and to improve. The Chief indicated that when things are happening in the Band's backyard, they need to know. 	

<ul style="list-style-type: none"> • A participant from Pentiction Indian Band noted that, with some of the smaller properties there are certain projects where land was to be returned to the Band and it has not been returned (some date back to 1978). The participant noted that it would be good to have some separate meetings to discuss this issue. The participant indicated that City of Pentiction is about 1/3 the size of the reserve and that the reserve touches along Highway 97 for the majority of it. However, the city has 14 access points, and the reserve, only 4. For the city to gain access it is much cheaper, but because the reserve needs a river access, it requires a bridge. The participant noted a concern that the longer it takes to build a bridge, prices will increase. The participant noted a desire to improve access at the intersection at the bottom of the Skaha Hill.
<ul style="list-style-type: none"> • A participant from Pentiction Indian Band noted that there are outstanding issues regarding proper maintenance of the back roads, noting that the only access to the ski resort is right through the reserve. The participant indicated that, every year, there are issues with the road not being properly maintained. The participant noted that the road is not the Band's responsibility. There are dangerous patches of road that need to be looked at.
<ul style="list-style-type: none"> • The participant indicated support for continued investment into four-laning the highway between Osoyoos and Kamloops. The participant noted that there should be investment made in the roads from Hope to Princeton and to Keremeos.
<ul style="list-style-type: none"> • A participant from Pentiction Indian Band indicated that they have spoken with the new owners from Apex about the importance of working with the Ministry.
<ul style="list-style-type: none"> • A participant from West Bank First Nation noted that they have done a lot of work with the Ministry, but one concern for the Nation is Bushery Road, where they are rights and land owners and have been unhappy with the provinces approach with the District of West Kelowna thus far. The participant noted a concern with how West Bank First Nation has been treated and noted that they will not accept a lower level of engagement and communication. The participant noted that West Bank First Nation expects to be met with appropriately. The participant added that West Bank First Nation would like to be in the driver's seat with the District as a stakeholder.
<ul style="list-style-type: none"> • A participant indicated that on the Highway 97 corridor coming down towards West Bank a light needs to be added – the ministry is aware of this and it should be addressed because of safety concerns. Congestion in this corridor is a concern and improving reliability is a priority for this region.
<ul style="list-style-type: none"> • A participant from West Bank noted that a second bridge crossing is a priority for them and reiterated that for that project they are not stakeholders, they are land owners and should be involved in that Project.
<ul style="list-style-type: none"> • A participant from West Bank First Nation indicated that it was important that First Nations receive their share of the gas tax, noting that they have many businesses that generate revenue for the province by contributing to the tax and are selling the gas. This is a priority for West Bank First Nation. The participant indicated that a share in the gas tax would do a world of difference and allow First Nations to invest in improvements to roads and pedestrian corridors, connecting their communities.
<ul style="list-style-type: none"> • A participant from Osoyoos thanked Mike for this meeting. The participant noted that for 150 years British Columbia has done whatever it wanted to do. The Province has bullied its way around and has been a thorn in the side of First Nations. The participant noted that Tsilhqot'in is a game changer. The participant added that the tone has to change with the Province on a political level, and a demonstration of this should be through the fast tracking of these issues. The participant noted that Section 35 was flouted as way from point A civilization to point B, where there are resources to be extracted, and that all the money that has been made has been taken illegally. The participant stressed that if the Tsilhqot'in decision indicates that the Province needs First Nations' consent, then the Province has always needed consent, although that has been ignored. These problems persist today, for any First Nation in the province. The participant indicated that the MoTI representatives are the regional heads, and can make these things work faster here. The participant noted small issues have been outlined in the meeting, but the bigger issues are not going away, and that it is still First Nations' land. The participant noted that p.19 of the Discussion Guide states that "partnering with First Nations" is a key priority, but the Province has been partnering with First Nations for 150 years, using their land. The participant noted that this is a nice 10-year plan but the communication needs to be rapidly upgraded in order to make this work, and that the Band is always interested in working here with the Ministry. The participant expressed concern because 10-year plans do not allow enough time to prepare people by getting certified and educated. For 150 years the Province has ignored First Nations. The participant urged the Ministry not to wait for the political bosses' say-so, but to start making things happen, like economic development and overpasses. The participant expressed a strong desire to work with the Ministry to do these things.
<ul style="list-style-type: none"> • A participant from Osoyoos noted a concern with the MoTI right of ways of highways. The participant indicated that First Nations need to be a part of the conversations if the original use of the land is changing. The participant indicated there are issues with BC Hydro and FortisBC running their lines along the highway and expanding their use of the land for other means. The participant added that this is not okay, and other uses should not piggyback like that. Once any use of First Nations' land changes from its original purpose, First Nations need to be a part of that conversation. The participant stressed that First Nations need to be seeing the economic benefits and jobs from that work as well.
<ul style="list-style-type: none"> • A participant from the Okanagan Indian Band inquired whether the consultation period would be extended.
<ul style="list-style-type: none"> • A participant indicated that First Nations want to know the Province's 5-year plan today so that they can prepare and certify their people to work on these projects.
<ul style="list-style-type: none"> • A participant from Pentiction Indian Band indicated that they have trained people and able businesses who want jobs. The participant suggested that the region work together to update their Business Directory so that government can have access to a service database of First Nations businesses and services. A business directory would mean that government entities could contact First Nations businesses with work when it becomes available.
<ul style="list-style-type: none"> • A participant from Pentiction Indian Band noted that the last thing they want to find out is an announcement about the Plan through the local media without anyone having talked to the local communities about what projects will be happening. If there are projects that will impact any areas of the Pentiction Indian Band and the reserve they need to know about it before.
<ul style="list-style-type: none"> • Pentiction Indian Band noted that it was looking for assistance from the Ministry to address issues with horse safety and lack of fencing along the highways.
<ul style="list-style-type: none"> • Participants collectively noted that there should be more planned communications with First Nations and that they were willing to work with the Ministry.