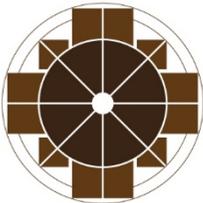


SUMMARY REPORT

BC Spill Response Initiative: First Nations Regional Engagement Sessions

June 24, 2016



Sanchez Wood & Associates
First Nations Land Use Planning Research & Analysis

Prepared by: Sanchez Wood and Associates
Jaime Sanchez, MCIP RPP
Principal

Mina Holmes, JD Law, BA ADED
Associate

Prepared for: BC First Nations Fisheries Council
BC Ministry of Environment

Acknowledgements

We would like to thank the following people for their assistance and advice in preparing for these regional workshops and summary report: Alison Booth, Alex Etchell, Leon Gaber, Kelli Kryzanowski, Jordan Point, and Richard Sparrow. We would also like to thank all the First Nations leaders and technical staff that attended the regional workshops and provided their initial feedback; spill management is an important topic and requires collaborative approaches to problem solving. Final acknowledgement to the Ministry of Environment for creating the space necessary for important dialogue – it is a step on the path the reconciliation that is needed in BC and Canada.

Disclaimer

These workshops were not considered Crown consultation for any specific project, and were intended to provide forums for information sharing and initial engagement with First Nations across BC regarding the BC spill preparedness and response initiative. This engagement is part of a broader process BC is undertaking with First Nations, industry and communities. The First Nations Fisheries Council and Sanchez Wood and Associates has made every effort to accurately reflect the comments and discussions held during the regional workshops.

Table of Contents

Executive Summary	4
1. Introduction and Background.....	6
2. Summary of Regional Workshops	7
3. Vision: Spill management, Spill Preparedness and Response	9
4. Expectations	10
5. Concerns	11
6. Comments to Key Areas: Advisory Committees, PRO, A/GRPs, Funding/FN Capabilities.	13
7. Opportunities	17
8. Recommendations.....	19
Appendix A – Agenda of Regional Workshops	20
Appendix B – Timelines	21
Appendix C – Attendance List	22
Appendix D – Sample Summary of Comments (Break-out Groups)	27
Appendix E – Presentations from Regional Workshops.....	30

Executive Summary

More than ever First Nations governments seek higher standards in their relationship with the Crown, particularly in the management and protection of lands and resources. Recent high profile events (i.e. Mount Polley tailings pond breach) have highlighted the need to improve the trust in Crown spill management practices, policies, and legislation.

First Nations are committed to working together with the BC Ministry of Environment (MOE) and others (i.e. Canada) as long as the relationships are based on respect, honesty and transparency by all parties. They expect a government-to-government discussion with appropriate funding to develop capacities, participate on committees and working groups. There exists expertise and knowledge within First Nations communities that should be used in developing emergency plans, responding to and cleaning up spills.

In early May 2016 the MOE, with the support of the BC First Nations Fisheries Council, hosted 6 regional workshops for First Nations to present information, and start discussions regarding the improvements and legislative changes being made to the BC spill response system. In total, a combined 92 people attended the regional workshops; 45 First Nations were represented, including 5 First Nation organizations and 5 tribal council organizations.

The workshops resulted in an **interim First Nations vision of spill management**, and spill preparedness and response; outlined **expectations** from BC regarding spill management, and spill preparedness and response; highlighted **concerns** regarding the BC spill preparedness and response initiative; and, **identified opportunities** for First Nations involvement in spill management, spill preparedness and response.

First Nations also provided some initial comments and suggestions regarding: Advisory Committees; Preparedness Response Organization (PRO); Area and Geographic Response Plans; and, Funding and First Nations capacities.

Five (5) key recommendations are made from the FNFC and authors:

- 1) Develop an *Interim First Nations Advisory Group* made up of a small group (4-6 people) of First Nations (from around BC) with expertise in spill management that can develop more thorough and meaningful recommendations regarding:
 - Creation of First Nations Technical Working Groups
 - Reviewing relevant materials to provide First Nations with information, including developing a communications process
- 2) First Nations Technical Working Groups or Committees (based on representative regions) should be created that includes a range of First Nations experts in spill management, that can be involved in the ongoing engagement with BC to ensure First Nation interests are properly being incorporated into the new spill preparedness and response regulations being developed in 2016, 2017 and beyond. Such a committee should be linked to recommendation 1, above;

- 3) Communication tools such as online videos, explaining the spill management initiative, legislation, history, future state, etc., should be created to help inform First Nations (and the public);
- 4) Further workshops should be held for First Nations governments to build the understanding of how spill management can be collaboratively improved between BC, First Nations, Industry and Canada;
- 5) BC and First Nations Leadership Council should seek support from Canada, and advocate for support from industry, to invest more into First Nations spill management in BC.

1. Introduction and Background

For the last 10 years BC has been working on improving its spill management legislation, including policies and systems – in 2015 BC announced¹ its intent to create a ‘*world leading spill response regime*’ to improve land and marine-based spill preparedness and response; BC also announced its intent to build this regime², in collaboration with First Nations, industry and communities which would be launched in the spring of 2017.

In 2014 the BC First Nations Leadership Council (FNLC) signed a Memorandum of Understanding (MOU) with the BC Ministry of Environment (MOE) with the purpose of establishing a constructive working relationship through joint high level dialogue – this MOU was one of the results of the Mount Polley disaster, which created an urgent need to improve emergency preparedness and response in BC.

In late 2015, MOE approached the BC First Nations Fisheries Council (FNFC) to seek assistance with BC’s plan to engage First Nations; FNFC has a strong history and capacity for conducting geographic based regional forums amongst BC First Nations. FNFC’s role with MOE was to ensure that the engagement with First Nations regarding the BC spill response initiative, was being undertaken properly – this engagement included the organization and delivery of regional workshops for First Nations (held in early May 2016).

The First Nations Regional Engagement Workshops are part of a process for presenting information to First Nations, and gathering initial feedback, identifying initial concerns, expectations, and providing First Nations an opportunity to express their initial vision for improving spill management, spill preparedness and response. The FNFC contracted Sanchez Wood and Associates as a neutral facilitator to assist with the regional workshops, including preparing this final report.

This report is structured to provide an overview of the workshop structure, First Nations attendance, summarize feedback from First Nations, and provide recommendations to the FNFC and MOE.

¹ <https://news.gov.bc.ca/stories/bc-to-move-ahead-on-world-leading-spill-response>

² The use of the term ‘regime’ was identified by several First Nations technicians and leaders as being inappropriate as its definition suggests totalitarian government control; throughout this report, and during the regional workshops the facilitators and FNFC began using the term ‘initiative’ to describe the way BC plans, responds and recovers from spills.

2. Summary of Regional Workshops

Six regional workshops were held over a 2-week period in May 2016. These were held in:

- Fort St. John, BC (Pomeroy Hotel). Mon., May 2, 2016.
- Kamloops, BC (Coast Kamloops Hotel & Conference Centre). Wed., May 4, 2016.
- Prince Rupert, BC (Crest Hotel). Fri., May 6, 2016.
- Prince George, BC (Coast Inn of the North). Mon., May 9, 2016.
- Nanaimo, BC (Vancouver Island Conference Centre). Wed., May 11, 2016
- Richmond, BC (River Rock Casino Hotel). Fri., May 13, 2016.

Each session was 6 hours long (9 AM to 3 PM), and participation ranged from 7 to 26 participants representing their First Nation, Tribal Council, or Organization.

In total, a combined 92 people attended the regional workshops; 45 First Nations were represented, including 5 First Nation organizations and 5 tribal council organizations. The table below details the number of participants, and their affiliation, for each workshop:

Location of Regional Workshop	Number of participants	Affiliation of Participants (i.e. First Nation, Tribal Council, etc.)
Fort St. John	7	Doig River First Nation, Fort Nelson First Nation, Halfway River First Nation, Lower Post First Nation
Kamloops	8	Nicola Tribal Association, Simpcw, Skeetchestn Indian Band, Williams Lake Indian Band, First Nations Health Authority
Prince Rupert	19	Gingolx, Gitga'at, Gitxaala, Kincolith, Kitsumkalum, Haida Fisheries, Lake Babine Nation, Metlakatla Stewardship Society, First Nation Energy and Mining Council, Old Masset Skeena Fisheries Commission
Prince George	19	Lake Babine Nation, Lheidli T'enneh, Nazko, Nak'azdli, Tl'azt'en Nation, Ulkatcho, Yekooche, Aboriginal Equity Partnership (Northern Gateway), First Nations Health Authority
Nanaimo	26	Ahousat, Ditidaht, Cowichan, Gwa'sala-'Nakwaxda'xw, Halalt, Huu-ay-aht, K'omoks, Kwakiutl District Council, Lyackson, Mowachaht/ Muchalat, Pauquachin, Toquat, Tla-o-qui-aht, Tla'amin, Quatsino
Richmond	19	Coastal First Nations, Cheslatta, Kwikwetlem, Heiltsuk Tribal Council, Metis Nation, Musqueam, Semiahmoo, Tsawwassen First Nation, Yale First Nation, Aboriginal Equity Partnership (Northern Gateway), First Nations Health Authority, Lower Fraser Fisheries Alliance
Total	92	45 First Nations were represented, including 5 First Nation organizations and 5 tribal council organizations

Structure and Format

Each regional session began the day with an opening prayer by a local First Nation representative. The Agenda (see Appendix) focused on reaching the following objectives:

OBJECTIVES of the Regional Workshops

- a) Inform First Nations of BC's spill response regime
- b) Understand initial concerns, interests and involvement from First Nations
- c) Understand initial vision of First Nations interests in spill response management

Each regional session was broken out into a morning session and afternoon session with presentations from FNFC and MOE representatives, with time for participants to discuss what they heard.

The morning session covered introductory and background information about the proposed amendments to the *Environmental Management Act* pertaining to spill preparedness and response in BC. First Nations were then provided an opportunity to discuss the following:

- a) **Vision** of spill management, and spill preparedness and response;
- b) **Expectations** from BC regarding spill management, and spill preparedness and response;
- c) **Concerns** regarding the BC spill preparedness and response initiative; and,
- d) **Identifying opportunities** for First Nations involvement in spill management, spill preparedness and response.

In the afternoon, MOE staff gave a presentation focused on:

- i) Advisory Committees
- ii) Preparedness Response Organization (PRO)
- iii) Area and Geographic Response Plans
- iv) Funding and First Nations capacities

Participants were then given the opportunity to have facilitated discussions regarding the four topics noted above.

3. Vision: Spill management, Spill Preparedness and Response

A common theme from all First Nations was their interests in having a greater stewardship role in their territory. First Nations have an unbreakable bond and responsibility to their land.

There exists a shared vision of a healthy and sustainable environment for future generations. In summary this vision can be expressed in the following vision statements:

First Nations and BC have a shared responsibility to invest in spill management to ensure that the health and safety of people and the environment are protected for current and future generations.

First Nations to be leaders in spill management, spill preparedness and response – including in the training and development of sustainable models of collaboration with government, industry and communities.

Building spill management systems with First Nations that are local, prepared and ready.

General comments and key points raised regarding First Nations vision in First Nations role in emergency preparedness and spill response included:

- Need for a government-to-government relationship
- Collaborative approaches to working together
- First Nations trained under highest standards in prevention, planning, response, monitoring and recovery
- First Nations as owners in spill management businesses and industry
- Investments in First Nations to address all aspects of spill management
- First Nations as the PRO (Preparedness and Response Organization), or at least heavily involved

4. Expectations

Managing expectations is a constant requirement for leaders and governments; more than ever First Nations governments seek higher standards in their relationship with the Crown, and in the management and protection of lands and resources. Recent high profile events (i.e. Mount Polley tailings pond breach) have highlighted the need to improve the trust in Crown spill management practices, policies, and legislation.

First Nations are committed to working together with MOE (and Canada) as long as the relationships are based on respect, honesty and transparency by all parties. They expect a government-to-government discussion with appropriate funding to develop capacities, participate on committees and working groups. There exists expertise and knowledge within First Nations communities that should be used in developing emergency plans.

Participants in the regional workshops hold a few key expectations from the BC spill preparedness and response initiative; these include:

- 1) Government-to-government processes (as equal partners) to meaningfully participate in the joint drafting of relevant spill management legislation, policies and regulations;
- 2) Capacity resources and *investments* into First Nations government from BC, Canada, and industry for spill management (prevention, preparedness, response, and recovery);
- 3) Processes must be transparent, open and account for First Nations unique rights and interests;
- 4) Industries and companies that bring risk must be held accountable at all stages (i.e. pre-application of permits, adequate bonding, prevention, preparedness, response, and recovery), in particular to addressing impacts to First Nations unique rights and interests.

Additional Expectations Raised:

- Communications with First Nations needs to be improved for spill management – must be done with all parties (BC, Canada, FN organizations, industry, local government, etc.)
- Adequate bonding and liability insurance of those bringing the risk (i.e. companies)
- Improved training with First Nations – creation of a provincial standard and requirement of training in legislation
- Transparency of information regarding what materials are being transported in BC – to improve planning and understanding of risks
- Improve timing of response to spills, and to recovery efforts to minimize short and long term impacts
- First Nations will continue to have a role and space to be made for their meaningful involvement in all aspects of spill management
- Feedback from workshops will be taken seriously and acted upon by BC, and FNFC

5. Concerns

First Nations expressed various concerns during the regional workshops. These concerns can be classified into 3 areas:

- 1) Concerns about the engagement process
- 2) Concerns about current state of spill management
- 3) Concerns about future state of spill management

The following table outlines key summary feedback regarding these areas of concerns. It can be also used as a means to track how these concerns can be addressed as this engagement process continues between BC and First Nations.

<p>1) Concerns about the engagement process</p>	<p>a) The workshops were part of an ongoing process that First Nations did not know enough about, nor were they involved in the engagement process – process is nearing an important milestone</p> <p>b) Check box approach to engagement – feedback should be incorporated into ongoing revisions and engagement</p> <p>c) Timelines are short for First Nations government to consider the proposed changes to legislation and regulations</p> <p>d) No funding available for First Nations to provide meaningful input – consider coordinated responses</p>
<p>2) Concerns about current state of spill management</p>	<p>a) First Nations not being notified properly when incidents occur</p> <p>b) Polluter pays principle is not being follow up on from historic spills – challenges in forcing payment/compensations</p> <p>c) Information about monitoring results is not transparent nor accessible</p> <p>d) Historic spills haven't been cleaned up yet – impacts current and long term use of areas and resources</p> <p>e) Lack of coordination and information sharing between BC and Canada – INAC role for Indian Reserve incidents, including contaminated sites</p> <p>f) Industry is self-regulating, government has passed on responsibilities – entities like WCMRC are industry owned – this model needs to change</p>
<p>3) Concerns about future state of spill management</p>	<p>a) Transparency and information access will not be available to First Nations governments</p> <p>b) Communications will not improve – First Nations will not have the resources or investments for spill management</p> <p>c) Long term monitoring won't be done properly, baseline is not accurate, nor is First Nations expertise part of monitoring and reporting</p> <p>d) Polluters will not be held accountable because of insufficient legal tools (i.e. bonding, etc.)</p>

Among the most immediate concerns are lack of trust for MOE and both the provincial and federal governments engaging meaningfully with First Nations. Participants want to see the regional workshop feedback used and utilized and First Nations participating throughout the process. Participants voiced concerns that they were not part of the initial engagement process or early activities and the regional workshop sessions are merely a check box that MOE must complete as part of the process to get the work done, with or without consent from First Nations.

There needs to be an improved level of transparency and relationship building. Linked to this is a certain degree of apathy among First Nations which could lead to lack of participation in this important work.

The timelines are an issue, First Nations are worried that there will not be enough time for communities and to identify their role more fulsomely until they have brought this information back to their leadership and membership to gain support for participation to move forward.

In the meantime, communities need to complete spill management plans, and or integrate with other similar plans in their territories. Funding and commitments from various government agencies will be required to ensure integration of emergency plans and processes are in place.

First Nations are concerned about the future integrity of the land, water and habitats they rely on. What will be left for generations to come? How can we all ensure food security for generations to come by protecting the environment and health of First Nations?

Additional Concerns

- Change in government can delay or stop a process no matter how good the intentions
- Depth of engagement and long term process
- Who will determine what adequate cultural compensation is? Will it be provincial government, federal government, the spiller or First Nations?
- Protecting water sources should be priority
- Need transparency on what the process is and the regulations as it moves forward. FN should have input at front end
- Timelines might be too short for voicing concerns
- Currently one person for all of the Northeast Region to deal with spills at the MOE office
- Concerned that the PRO will be another arms-length organization to get government off the hook

6. Comments to Key Areas: Advisory Committees, PRO, A/GRPs, Funding/FN Capabilities

During the afternoon session the participants were provided an overview of four key areas related to the BC spill response initiative. These were discussed and the following table provides a brief summary of key comments from First Nations:

Advisory Committees	Preparedness and Response Organizations
Area and Geographic Response Plans	First Nations Capabilities and Funding

Advisory Committees

The BC Minister of Environment (MOE) has the authority to develop Advisory Committees to inform the ongoing development of spill management regulations (being developed in summer 2016 and beyond). There are three key Advisory Committees (AC) being proposed: Ministerial Created AC (focus area to be determined by the Minister), Area Response Plan AC, and Geographic Response Plan AC. MOE is seeking input into the selection process for membership, as well as the exact duties and responsibilities (i.e. Terms of Reference) of the ACs.

Membership to these ACs are anticipated to include various levels of government (First Nations, municipal, federal), non-governmental organizations and industry. The ACs should be made up of knowledgeable experts to advise MOE in the development of spill management regulations, including how response plans should be developed and implemented. Members of the ACs would be reimbursed (for reasonable expenses) when participating in AC business.

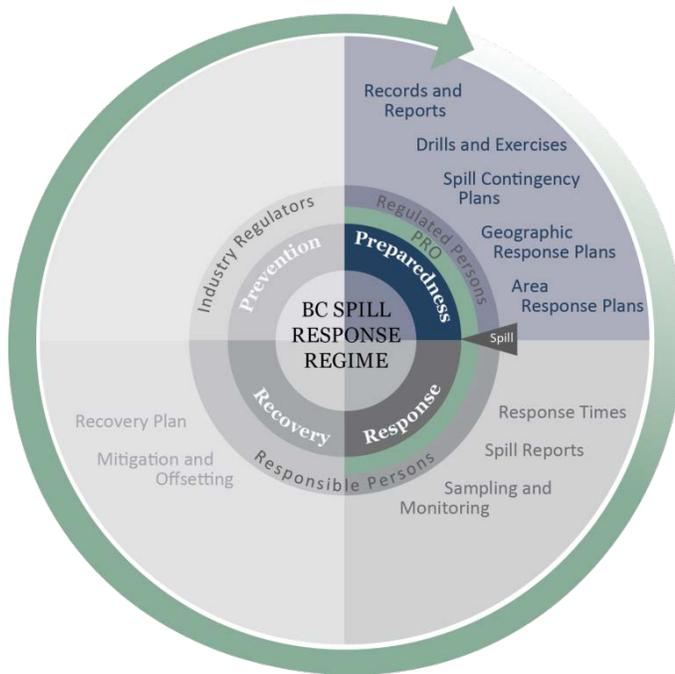
Topics Raised

- All members on any Advisory Committee or Working Group must have an equal voice
- Minister will scope the Minister created Advisory Committee
- Minister level Advisory Committee with First Nations only (leadership)
- Distrust based on previous work where First Nation make recommendations that are not taken seriously and First Nations want assurances or confidence that their voices will be heard and brought forward. Shown through actions
- Advisor groups should include FN AND there should be government to government discussions

Suggestions

- FNs involved in Ministers committee to GRP committee, terms of reference, funding to build skills and knowledge
- Technical advisory committee on topic areas
- Regional and/or individual representation
- MOE ensure appropriate funding is made available for any AC participation
- Open communications based on respect, trust and reconciliation
- First Nations need to select right people to be appointed on the ACs

Preparedness and Response Organization (PRO)



The Preparedness and Response Organization (PRO) is a new concept that should fill a needed planning and response gap in BC; the concept of the PRO is to help create an integrated system based on enhancing and promoting collaboration, coordination and communication in preparing for and responding to a spill.

In the Preparedness Phase, the proposed functions of a PRO can include, but not limited to:

- Creating and maintaining Records and Reports related to preparedness
- Coordinating drills and exercises
- Coordinating the development of Spill Contingency Plans, Geographic Response Plans, and Area Response Plans

In the event of a spill the PRO could be responsible for coordinating responses, completing spill reports, conducting sampling and monitoring, etc. Industry will be expected to pay for establishing and maintaining the PRO, as an element of the Polluter Pays principle. It is viewed by MOE that the PRO would increase and evolve their capacity and expertise over time. As a redundancy measure, the PRO is seen as an innovative way to address current gaps in the spill response system currently in place.

Topics Raised

- First Nations are worried that industry can continue to transport as they have been doing, and the PRO is only brought in to do clean up. Does not look like MOE can make sure industry will not spill, just get penalties.
- All response should be followed by sampling and monitoring and then followed by a prepared restoration plan.

Suggestions

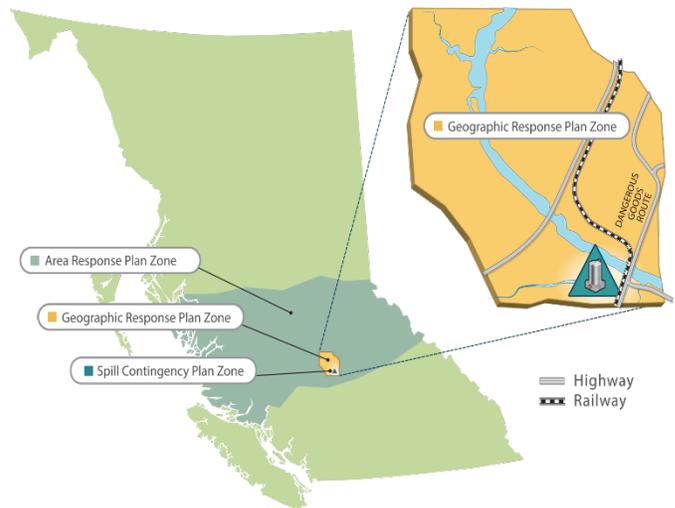
- There should be more than 1 PRO in BC; consider large regional PROs that cover Area Response Plan
- First Nations should be major players in creating and or being part of the PRO(s) – no single First Nation can be the PRO, will require multi-First Nation efforts
- Ensure PRO include cultural knowledge and sensitivities in their planning and operations
- PRO should be required to share information
- Initial response, regional support and local knowledge and incident command site

- PRO should have proper protocols in place to protect traditional knowledge, and conduct proper exercises to become familiar with local realities
- PRO to support and coordinate relationship building and integration of plans – an emergency is no time to get to know each other

Area and Geographic Response Plans (ARPs and GRPs)

There are 3 levels of planning expected in spill management:

- Area Response Plans (ARPs) – provides support and information for lower level plans, assesses risks and consequences. Will be required in the new legislation and PRO concept.
- Geographic Response Plans (GRPs) – cover relatively small, highly sensitive areas (based on risk assessment identified in ARP). Generally, includes more than one spill hazard in the area, and provides ‘ready-to-go’ tactics for the first 48 to 72 hours.
- Spill Contingency Plan (or Operational Contingency Plan) – are required by law for a company to deal with their own operations, focused on specific location(s), and or corridors. Information from the ARP and GRPs will inform the Operational Plan, and vice versa.



Ideally, ARPs and GRPs will eventually cover all of BC, relative to associated risks from spills (i.e. coast and water bodies have higher risks because of current and projected activities and the nature of how water moves products in a spill event).

First Nations see themselves participating throughout the development process and as partners in developing these plans.

Topics Raised

- Identifying the scale of the plans should consider existing scales used in existing planning; also consider using watersheds
- First Nations representation required in developing these plans (via Advisory Committees and other means)
- GRP advisory committee will have to prioritize for the province. Highest risk is around water bodies including cultural sites; require protection for inclusion of culturally and traditional knowledge in the plans

Suggestions

- Use First Nations Fisheries Council provincial representation model – for regional break-down;
- Include spills to atmosphere, i.e. Sour gas;
- Require regular plan updates, use simple language - plans may overlap and complicated
- Funding will be required to develop these plans that meaningfully involve First Nations

Funding Capabilities and First Nations

The biggest and most impeding issue across the sessions is lack of funding and need for funding for First Nations governments to engage meaningfully. Communities struggle with inadequate funding and limited capacity; often they are doing this work off the side of their desk in understaffed communities. Emergency response services within a community are usually lacking in funding and equipment that impedes the community's ability to respond to emergencies. Many of the participants indicated they do not have funding or capacity to develop community emergency response plans for the community alone, not including developing plans for a community safety plan responding to hazard on or near their communities and in their territories.

First Nations want to be active participants in all areas of the proposed spill response system, however they require funding to do so. Some are worried that large corporations like Western Canada Marine Response Corporation (WCMRC) has an advantage because they have the existing capacity, contracts and spill response framework in place.

Participants indicated that there needs to be a funding mechanism before a spill happens, i.e. responsible person pays a deposit of membership fee towards a pot of money to cover potential costs identified in their response plans.

Topics Raised

- Funding is significantly lacking in First Nations communities and organizations and they need funding to develop community wide emergency plans
- Capacity development for training, equipment, planning, response and oversight
- Regulations development – First Nations need expertise and capacity to develop, review and respond

Suggestions

- Need to develop funding scheme to address orphan sites
- Develop funding to assist First Nations in developing an inventory of what capacity they currently have, identify gaps, and investments required
- Polluter Pays principle is supported, but Crown must also invest and provide funding – other jurisdictions outside BC and Canada see government also investing in spill planning and response – it's not just an industry responsibility
- Need people to be interested and paid. i.e. firefighter volunteer's vs paid response

7. Opportunities

Workshop participants identified various opportunities for improving First Nations involvement in spill management, spill preparedness and response. These opportunities can be classified and summarized into the three key areas of spill management:

1) Preparedness	2) Response	3) Recovery
-----------------	-------------	-------------

- | | |
|-----------------|--|
| 1) Preparedness | <ul style="list-style-type: none">a) Emergency plans to be done in each First Nation, linked to other plans – regional coordination and support required, including for drills and exercisesb) Training for First Nations, broader education in community to build culture of emergency preparedness. Will require customization to address regional and cultural realities.c) First Nations to be the PRO, or be heavily involved (including oversight)d) Participate, and or lead drills and exercises (an emergency is no place to meet for the first time)e) Improve baseline data inventory to ensure that when incidents happen there are clear data and understanding of values impacted – direct correlation to recovery and compensationf) Investments in preparedness for equipment purchases – consider regional coordination or bulk purchasing. Some First Nations see opportunity for business partnership opportunities. |
| 2) Response | <ul style="list-style-type: none">a) First Nations responders can arrive quicker on scene of incident, especially in remote areasb) Everyone is affected by accidents – cooperation during response can only improve overall outcomes for protecting human and environmental healthc) Incident Command to include proper First Nations governments, to ensure information is being properly shared – First Nations seek to have key role with Incident Commandd) First Nations should consider either creating a Preparedness and Response Organization (PRO), or be involved in its establishmente) First Nations to have the equipment, and its storage in regional areas to ensure adequate supplies and gear is availablef) Partnerships with municipal and regional districts, and First Nations will improve overall preparedness and cost savings during responses |
| 3) Recovery | <ul style="list-style-type: none">a) First Nations to lead incident recovery including monitoring, sampling, data access and related field work – fits in with existing monitoring role First Nations have in their territoriesb) Consider compensation that includes impacts to cultural values |

and resources – bonding from industry could be pooled with government contributions to create a Recovery and Compensation Fund

- c) First Nations to coordinate regionally and provincially to support local recovery efforts – build off existing institutions and agencies created by First Nations and the Crown
- d) First Nations to be involved in the ongoing monitoring to ensure ‘polluters pay’ for their spills

Other key opportunities:

- First Nations as part of governance, and regulation development – not as advisors, but as governments in partnership and collaboration with the Crown
- First Nations wanting to build business partnerships, build capacity and train their governments and communities; revenue for fulfilling their stewardship roles and responsibilities is seen as an important opportunity with from spill management
- First Nations see themselves as the *official* First Responders, with appropriate funding and resources to fulfill the job requirements.
- Use of First Nations Traditional Environmental Knowledge (TEK) to determine how spill will impact values, and ecosystems

8. Recommendations

The following recommendations are designed to be practical and measurable:

- 1) Develop an *Interim First Nations Advisory Group* made up of a small group (4-6 people) of First Nations (from around BC) with expertise in spill management that can develop more thorough and meaningful recommendations regarding:
 - Creation of First Nations Technical Working Groups
 - Reviewing relevant materials to provide First Nations with information, including developing a communications process
- 2) First Nations Technical Working Groups or Committees (based on representative regions) should be created that includes a range of First Nations experts in spill management, that can be involved in the ongoing engagement with BC to ensure First Nation interests are properly being incorporated into the new spill preparedness and response regulations being developed in 2016, 2017 and beyond. Such a committee should be linked to recommendation 1, above;
- 3) Communication tools such as online videos, explaining the spill management initiative, legislation, history, future state, etc., should be created to help inform First Nations (and the public);
- 4) Further workshops should be held for First Nations governments to build the understanding of how spill management can be collaboratively improved between BC, First Nations, Industry and Canada;
- 5) BC and First Nations Leadership Council should seek support from Canada, and advocate for support from industry, to invest more into First Nations spill management in BC.

Appendix A – Agenda of Regional Workshops

OBJECTIVES:

- a) Inform First Nations of BC’s spill response regime
- b) Understand initial concerns, interests and involvement from First Nations
- c) Understand initial vision of First Nations interests in spill response management

8:30 – 9:00 AM	Continental Breakfast and Coffee provided
9:00 – 9:30 AM	Opening Prayer. Opening Comments (FNFC/MOE). Ground Rules and Round Table Introductions
9:30 – 10:30 AM	Introductory presentation (MOE) <ul style="list-style-type: none"> - Background – Spill Response in BC - Legislative Amendment (Bill 21) - Principles for improving spill response - Engagement Process
10:30 – 10:45 AM	BREAK
10:45 – 12:00	Round Table Discussion: First Nations vision, expectations, concerns and opportunities for involvement in spill response in BC
12:00 – 1:00 PM	<i>Lunch Provided</i>
1:00 – 2:15 PM	Roundtable Discussions: <ol style="list-style-type: none"> 1. Advisory Committees 2. Preparedness and Response Organizations (PROs) 3. Area and Geographic Response Plans 4. Funding and First Nations Capacities
2:15 – 2:30 PM	Break
2:30 – 3:00 PM	Re-cap, Next Steps and Closing Remarks

For more information, visit: <http://www.fnfisheriescouncil.ca/initiatives/spill-response-initiative/>

(NOTE: These are First Nations only workshops)

Appendix B – Timelines

Since 2010 MOE has been working to update and improve *the Environmental Management Act* on spill response. From 2012- 2014 there have been significant events with the release of the First Intentions Paper, a symposium attended by 200 participants, creation of three technical working groups, release of the Nuka Spill Response Study, creation of an advisory committee, and the release of MOE's Second Intentions Paper in 2014.

During 2016 MOE implemented an online public input forum, a two day symposium attended by 300 participants and seven First Nations regional engagement workshops. The regional workshops premise is to ensure First Nations participation and input moving forward with ongoing invitation to engage in the creation, design and participation on working groups and advisory boards to ensure balance with the program and its objectives. The initial technical working groups (Regulated Person, Response Times, Contingency Plans/Worst Case Scenario) will run from June to October, with others running later into the year and into 2017.

2012 - First Intentions Paper. MOE released its first intentions paper in 2012 that resulted in 80 public submissions from around the province.

2013 – Symposium, Working Group and Nuka Study. In 2013- symposium with 200 participants and 3 technical working groups came together to develop the guiding principles. The Nuka Spill Response study is available online.³

2014 – Second Intentions Paper. MOE then released its second intentions paper and received 101 public submissions.

2016 – Third Intentions Paper. The third Intentions Paper entitled: *Spill Preparedness and Response in BC - Proposed Amendments to the Environmental Management Act and Proposed Regulations (IP3)* was released in April 2016. IP3 lays out the ministry's intent for legislative, regulatory and policy changes across key components of the regime. Feedback on this paper from First Nations, industry, local governments, other government agencies and the public will be used to support the development of the regulations and policies needed to implement the regime.

2016 – April, 2-Day Symposium. MOE held a two-day symposium on April 20th and 21st, 2016 in Richmond, BC where approximately 300 participants attended. 18 First Nations Bands attended this symposium. The symposium was designed to provide information on the ministry's intentions for continued development and implementation of the spill response regime, to solicit feedback, to identify topics for discussion and to identify participants for upcoming technical working groups.

<C:\Users\kkryzano\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\10WECOTF\BC PPT Spill Response Wrksps May 2016.pdf>

³ http://www2.gov.bc.ca/assets/gov/environment/air-land-water/spills-and-environmental-emergencies/docs/westcoastspillresponse_vol1_initialassessment_130717.pdf

Appendix C – Attendance List

First Nation Regional Workshop - Attendance List Mon. May 2 2016 (Fort St John)

	Name	Organization/First Nation	
1	Bernice Lily	Halfway River First Nation	
2	Brent Fox	Halfway River First Nation	
3	Mark Apsassin	Doig River First Nation	
4	Lori Lineham	Doig River First Nation	
5	Katherine Copot-Blanc	Fort Nelson First Nation	
6	Kenny McMillan	Lower Post First Nation	
7	Lizann Porter	Lower Post First Nation	
1	Graham Knox	Ministry of Environment	
2	Mina Holmes	FNFC - SWA	
3	Richard Sparrow	FNFC	
4	Alex Etchell	FNFC	
5	Leon Gaber	MOE	

First Nation Regional Workshop - Attendance List Wed May 4 2016 (Kamloops)			
	Name	Organization/First Nation	
1	Rochelle Porter	Skeetchestn Indian Band	
2	Rhonda Leach	Williams Lake Indian Band	
3	Tina Donald	Simpchw	
4	Shawn Scotchman	Titqet	
5	Erin Maze	First Nations Health Authority	
6	Casey Neathway	First Nations Health Authority	
7	Tracey Wimbush	Nicola Tribal Association	
8	Tifany Wimbush	Nicola Tribal Association	
1	Graham Knox	Ministry of Environment	
2	Jaime Sanchez	FNFC - SWA	
3	Mina Holmes	FNFC - SWA	
4	Richard Sparrow	FNFC	
5	Alex Etchell	FNFC	
6	Wayne Schnitzler	First Nations Emergency Services Society	
7	Dion Arnouse	FNESS	
8	Dean Gladue	FNESS	
9	Leon Gaber	MOE	

First Nation Regional Workshop - Attendance List Fri May 6 2016 (Prince Rupert)		
Name	Organization/First Nation	
Roger Sterritt	Gitga'at First Nation	
Ed Robinson	Gitga'at First Nation	
Bob Sankom - Elder	Lax'Kw'alaams	
Wilson Brown	Old Masset	
Mick Morrision	Old Masset	
Francis Ingram	Old Masset	
Fabian Stuart	Kincolith First Nation	
Vernon Stewart Sr.	Gingolx	
Don Doolan	Gingolx	
John Stuart	Gingolx	
Siegi Kriegl	Kitsumkalum	
Jim Webb	Kitsumkalum	
Fred Guno	Kitsumkalum	
Ross Wilson	Metlakatla Stewardship Society	
Kyla Warren	Skeena Fisheries Commission	
Patty Manning	Lake Babine Nation	
Samantha Wagner	Gitxaala Environmental Monitoring	
Robin Brown	Haida Fisheries	
Arnie Bellis	First Nations Energy and Mining Council	

Graham Knox	Ministry of Environment	
Jaime Sanchez	FNFC - SWA	
Mina Holmes	FNFC - SWA	
Richard Sparrow	FNFC	
Alex Etchell	FNFC	
Wayne Schnitzler	First Nations Emergency Services Society	
Leon Gaber	MOE	

First Nation Regional Workshop - Attendance List Mon May 9 2016 (Prince George)		
Name	Organization/First Nation	
Marcel William	Wet'suwet'en First Nation	
Darren Haskell	Tl'azt'en Nation	
Melissa Pierre	Tl'azt'en Nation	
Norman Alexis	Tl'azt'en Nation	

Bruce Alexis	Tl'azt'en Nation	
Jamie Dagneau	Nazko First Nation	
Brenda Bye	Nazko First Nation	
Breanna Charleyboy	Ulkatcho First Nation	
Charmagne Moise	Nak'azdli	
Blake Blok	First Nations Health Authority	
Cori Johnson	FNHA	
Elmer Ghostkeeper	Aboriginal Equity Partnership, Northern Gateway	
Dale Swampy	Aboriginal Equity Partnership, Northern Gateway	
Bruce Dumont	Metis Nation	
Evelyn George	Lake Babine Nation	
Betty Patrick	Lake Babine Nation	
Verna Patrick	Lake Babine Nation	
Ibraheem Ali	Lheidli T'enneh	
Dean Joseph	Yekooche First Nation	
Jaime Sanchez	FNFC - SWA	
Mina Holmes	FNFC - SWA	
Richard Sparrow	FNFC	
Alex Etchell	FNFC	
Wayne Schnitzler	First Nations Emergency Services Society	
Leon Gaber	MOE	

First Nation Regional Workshop - Attendance List
Wed May 11 2016 (Nanaimo)

Name	Organization/First Nation	
Philip Edgar	Ditidaht First Nation	
Darryl Tate	Ditidaht First Nation	
Amelia Vos	Huu-ay-aht	
Kadin Snook	Mowachaht/ Muchalat	
Darlene Henry	Pauquachin Nation	
Nathan Paradis	Pauquachin Nation	
Richard Thomas	Lyackson	
Bob Elliot	Cowichan Nation	
Bill Shaw	Ace Innovation Solutions /Cowichan	
Randy Frank	K'omoks	
Nicole Rempel	K'omoks	
Antonio Billie	K'omoks	
CorY Frank	K'omoks	
David Schmidt	Gwa'gala-'Nakwaxda'xw Nation	
Juliet Van Vilet	Toquat Nation	
Nick Smith	Halalt First Nation	
Denise Smith	Tla'amin Nation	
Walter Paul	Tla'qmin Nation	
George John	Ahousat First Nation	
Kiista (Keith Atleo)	Ahousat First Nation	
Joe Curly	Tla'o'qui'aht First Nation	
Andrew Jackson	Tla'o'qui'aht First Nation	
Ken Barth	Kwakiutl District Council	
James Redford	Quatsino Nation	
Jaime Sanchez	FNFC - SWA	
Mina Holmes	FNFC - SWA	
Alison Booth	FNFC - SWA	
Richard Sparrow	FNFC	
Alex Etchell	FNFC	
Wayne Schnitzler	First Nations Emergency Services Society	
Leon Gaber	MOE	
Kurtis Smith	MOE	

First Nation Regional Workshop - Attendance List Fri May 13 2016 (Richmond)		
Name	Organization/First Nation	
Murray Ned	Lower Fraser Fisheries Alliance	
Dionne Bunsha	Lower Fraser Fisheries Alliance	
Aidan Neil	Lower Fraser Fisheries Alliance	
Dale Swampy	Aboriginal Equity Partnership, Northern Gateway	
Kyle Flindt	Tsawwassen First Nation	
Haley Milko	Musqueam First Nation	
Clarke Campbell-Sparrow	Musqueam First Nation	
Darcy Dobell	Coastal First Nations	
Dionne Sanderson	First Nations Health Authority	
Bruce Dumont	Metis Nation	
Dominic Hope	Yale First Nation	
Mavis Benson	Cheslatta First Nation	
Fred Hulbert Sr	Kwikwetlem First Nation	
Laurie Whitehead	Heiltsuk Tribal Council	
Samantha Wells	Semiahmoo First Nation	
Leeann Wells	Semiahmoo First Nation	
Joanne Charles	Semiahmoo First Nation	
Elmer Ghostkeeper	Aboriginal Equity Partnership, Northern Gateway	
Jaime Sanchez	FNFC - SWA	
Mina Holmes	FNFC - SWA	
Alison Booth	FNFC - SWA	
Richard Sparrow	FNFC	
Alex Etchell	FNFC	
Wayne Schnitzler	First Nations Emergency Services Society	
Leon Gaber	MOE	
Kurtis Smith	MOE	

Appendix D – Sample Summary of Comments (Break-out Groups)

Vision

- A trained First Nations Response Team with proper equipment
- First Nations be first responders to spill sites
- People from each First Nation as responders
- Re do Emergency Plans to incorporate spills
- Reasonable response times
- First Nations represented in PROs
- Train volunteers in communities
- GRA as relate to values
- Ongoing monitoring by First Nations
- ICC immediately engage First Nations
- Unified incident command centre
- Establish a baseline data
- Post recovery monitoring

Expectations

- Advanced notification
- Proper equipment for each region
- Understand and identify risks within Territories
- Clear and connected communications
- Technical support in developing plans in partnership with province
- Simulation model in territories to understand risks
- Clear liability
- Training, funding, capacity building and salaries
- Community Liaison
- First Nation representative in PRO
- Information on what is being transported
- List of regulated people
- Knowledge of companies' risk plans
- Liability coverage
- Historic incident information

Concerns

- Communication between Province, Federal Government and First Nations
- Proper consultation
- Definition of compensation
- Overlapping jurisdiction
- Local weather and geography understanding/knowledge
- Hardware and equipment need to be close
- Response times should not be affected by jurisdiction
- Overlapping responsibilities between Federal and Provincial Government
- Relationship with First Nations and municipal governments

- Spiller compensation
- WCMRC Model
- Who is involved in PRO
- Connected to political agenda
- How to remediate loss in traditional areas (i.e. plants)

Opportunities

- First Nations representative in PRO
- Community meetings to engage Youth and Elders
- Training/Education
- Creation of Value and baseline assessments/studies
- Community awareness program – emergency preparedness
- Pooling of resources
- Inventory sharing with First Nations
- First Nations work with BC to change existing Federal legislation
- Build relationships
- Ownership of facilities

Advisory Committee

- Regional Reps and individual First Nations
- Funding for travel and time
- Protocol agreements with province and Canada re: cultural sensitivities
- Need right First Nations people - commitment.
- Links between communities and province
- Structure, representation (youth, Elder leadership etc.)
- Accountability, transparency in reporting
- Less than % industry reps
- Mandatory First Nations representative
- Creating stability for investors – certainty – investments needed to better process
- G2G basis – sanction WG's for G2G

Preparedness and Response Organization (PROs)

- Regional First Nation reps, Individual First Nation
- Scholarships for EM, RM
- Share info
- Need right people to develop PROs
- Training and upgrading
- Communication in PROs process
- Concerns about existing organizations that have monopoly and a head start
- First Nation organization to be PROs – use existing structure
- Coastal PROs can assist regional – equal representation and opportunity
- If First Nations not in PROs – then to be a part of the ongoing overseeing

Area and Geographic Response Plans

- Include atmospheric input
- Cultural knowledge and sensitivities
- Watersheds, landscapes, use existing plan areas
- Overlaps among First Nations
- Define areas based on geography
- First Nations be involved in development of plans – traditional and local knowledge
- Networking and relationship building
- GRP's high risk areas to start with
- Strong communications between ARP and GRPs
- Coastal area – reactivate lighthouses
- First Nations create own ARP's/GRPs to compare to other plans
- Territory based
- First Nations partners in development

Funding and Capacities

- RP and polluters, BC to provide funding
- How much and from where – need AC for funding. Include training
- Mechanisms for before and incident
- Cooperative groups
- First Nations home population to be trained – in-kind leverage – authority to operate
- Inventory of materials and supplies, sensitive areas, First Nations capabilities (skills)
- Capacity funding participants
- First Nation in the room – based on need
- First Nation participation, training
- Equipment, emergency station
- WCMRC training standard not based on best practices
- Need First Nation trained to best practices territory and world standard
- ICS training

Appendix E – Presentations from Regional Workshops