

HUU-AY-AHT FIRST NATIONS



**Report of Executive Council for
the month of September 2013**

**For review and consideration at the
Executive Council Meeting
on Friday, September 27, 2013**

A. EMERGING ISSUES

(1) FINANCE COMMITTEE – *Jack Cook*

- Need to approval for additional committee member.

(2) INTERGOVERNMENTAL RELATIONS – *Tom Happynook*

- I have requested a meeting with the new Minister of MARR. It will be held in September in conjunction with the signing of the Reasonable Opportunities Agreement, Enforcement Agreement and Foreshore Agreement.
- I made a presentation to BCTC Chief Commissioner Sophie Pierre on “Reallocating Treaty Loan Repayments” on August 07, 2013.
- I continue to attend the NTC Directors, Maa-nulth First Nations Directors and First Nation Summit Meetings.
- I also continue to remain in touch with various government agency contacts.

(3) INFRASTRUCTURE COMMITTEE – *Charlie Clappis*

- Sewer Project- Funding/Partnership
- Road Surface Project – Scheduling

(4) ECONOMIC DEVELOPMENT

- In economic development, there have been a few missteps revolving around keeping everyone on the same page, but after several phone calls and conferences, we got back on track and working together with the same information. I would recommend that we have semi-formalized phone conferences that include the Executive Director / EcDev Officer, the Chair of Economic Development, the Chair of the HFN Group of Companies' Operating Board, and the CEO of HDC.

(6) ALBERNI-CLAYOQUOT REGIONAL DISTRICT REPRESENTATION (JOHN JACK)

- The Director for Bamfield in the ACRD, Eric Geall, has made contact with several provincial ministries. Thus far, he has been told that our chances of success in receiving funding for the construction of a walking or bike path between our communities will be much greater if Bamfield/ACRD and the Huu-ay-aht First Nations work together closely politically and administratively and money-wise in pursuit of this project. If we, as a Council, believe that a walking or bike path is an important component of the social, political and economic relationship we have with the community of Bamfield, I believe we need to take this advice seriously.

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- Chief-Councillor Cook and I had attended a meeting at the ACRD regarding a regional parks and trails strategy. There presents an opportunity for us to work together with the expertise available through the ACRD on this issue and allow us to work together with Bamfield on how we could develop a Parks and Trails strategy for the region that would fit nicely with our economic development and lands plans. This is a service being operated by the ACRD, so we may want to investigate becoming formally involved in that service in order to have a formal vote and say in the process. [Fortunately, the costs of involvement in services like these are based on a formula of population and land development, which for us are very, very low.] I would seek direction on whether we want to be formally involved there.
 - On Wednesday night, I attended the reception held by the Consulate-General of the People's Republic of China. I was introduced to a Consul responsible for Commerce and Investment, and reported our involvement in forestry, fisheries and our hope in finding investors to create economic opportunity for the Huu-ay-aht First Nations. The Consul was interested enough to ask for my card, and present me with his own. After conferring with Council, I would like to seek direction on how we will follow-up with this opportunity. [I would also like to touch base and apologize on behalf of the UBCM as many of the delegates abjectly ignored the speech made by the Chinese Ambassador, but I'd like to speak with the UBCM Executive beforehand.]
 - This week is also Reconciliation Week for the whole province. I will be attending the Walk for Reconciliation in Port Alberni on Sunday, September 22. I believe that Huu-ay-aht and the ACRD can be a leader in the process of reconciliation, and that we should do what we can to help facilitate meaningful connections between the local government, businesses and other organizations in the ACRD with the Nuu-chah-nulth nations. In addition, I believe that these relationships need to be bilateral -- between the ACRD and each individual nation -- rather than through a larger group like the NTC, where the political culture seems to be far too different to be constructive.

(5) TREATY IMPLEMENTATION COMMITTEE – *Tom Happynook*

- On August 08, Jeff, John and I went to Ucluelet to meet with Toquaht and update them on our Deep Sea Port initiative.
- On August 09, we met with Uchucklesaht to update them on our Deep Sea Port initiative.
- We also held a Tripartite Implementation Committee on September 16th at the Coast Bastion in Nanaimo.
- Canada informed us of three Federal Initiatives that are coming down the pipe:
 1. Enhanced Service Ability
 - This will have to be accessed through NTC. The AANDC contact is Wendy Cheney at 604-775-5058;
 2. First Nation Job Fund

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- Again this will have to be accessed through NTC. The AANDC contact is Alison Olany at 604-666-6891

3. Build Canada

- This program is for infrastructure projects; Canada is still working on the ToR but have informed us that Treaty Nations will be eligible.
- I am happy to report that James and I are beginning to communicate much better on the priority of Treaty.
- My trip to Oweekeno was successful as the community decided to move into Final Agreement negotiations.
- I have sent a letter to the Minister of MARR and the Minister of Finance to initiate negotiations on a Foreshore Taxation Revenue Sharing Agreement.
- The HUU-AY-AHT Treaty Implementation Committee met on September 10, 2013. The Committee continues to work hard on our HUU-AY-AHT Treaty Implementation strategy. We are budgeted for a committee meeting every three months
- We have completed our work on identifying "Important Harvest Areas" as agreed to in the Reasonable Opportunities Agreement. These Important Harvest Areas will require BC to consult at a much higher level and frequency if they want to undertake an activity in these areas.
- Larry is working on the process for the Elk Draw. Someone will get to hunt one elk this year.

CITIZEN DEVELOPMENT- SHEILA CHARLES

- There are presently 27 HUU-AY-AHT children in care. From stories of experiences within FN families I've heard at Indigenous Children at the Centre Forums and the TRC events it is crucial these children be taken back, if not are lost forever in the system unable to survive. It has been found that when a child/youth is immersed in their culture, traditions, teachings, spiritualism that it is then that the child has hope. USMA, MCFD is not doing anything as of yet to prevent children from being apprehended. I believe it is up to us to take charge of our children, our future generation. This will take a great amount of funding that I believe is crucial to the future of our nation.
- Social Services Motion (February 20, 2013 EC Meeting): To date not implemented
- Citizen Development Review Officer is past the deadline, again, and still nowhere near being implemented. Please see motion from the January 9, 2013 EC meeting. Funds were to be set aside for this position in the Budget Act, 2013.
- After several attempts of communicating with the ED regarding these issues I still see no attempts at rectifying these issues which is why this is now in this report.

I continue having issues receiving minutes from CDC meetings. I only receive them after several requests to the EC assistant and Law Clerk. 2 weeks after a committee meeting is not sufficient. In the Government Act under Committee meeting records 71 it states minutes are to be complete as soon as practicable. Perhaps we need to change this to a specific number the same as calling a meeting (10 days) and material (4 days) to be submitted.

Along with minutes, information, emails are being tampered with and I am not receiving a lot of important meeting requests and letters. This is interfering in the work I do for HFN Citizens within my portfolio.

Also, I continue having issues with tech support at both the CDC & CMB meetings. As a result of this it is a waste of time and money when business cannot be carried out because technical support is not making it a priority to attend these meetings.

B. PROGRESS ON KEY INITIATIVES

(1) ADMINISTRATIVE

Chief Councillor, Jeff Cook

Jack Cook

- Good meeting in Vancouver, approx. 25 citizens in attendance, food fish issued after meeting, questions on education, start up business, education funding for outside BC,
- Regular monthly finance committee meeting, 2013 audit review,
- Meeting with James re portfolio
- Participated in the 2013 BC senior games, team took bronze
- Holidays August 26 – 30
- Executive council meeting via phone Aug 27th

Charlie Clappis

- HFN has secured a funding commitment from AANDC.
- HFN has made significant progress with BMSC on partnership
- A bank account has been opened for the Active Living Society.
- I have attended the First Nations Technology Council first Board meeting and AGM.
- It was a pleasure to be involved in the TRC paddle event.

(2) ALBERNI – CLAYOQUOT REGIONAL DISTRICT (“ACRD”) – *John Jack*

- I have been attending the Union of BC Municipalities Annual Conference in Vancouver for the week of September 16-20, 2013. On the first day, I participated in a panel discussion regarding the relationships between First Nations and local governments. It received good response, and I have made the acquaintance of many representatives of local governments who wish to improve their relationships with their neighboring First Nations communities. In addition, I worked in concert with the Director from Long Beach (from the ACRD) on the successful resolution that asked the UBCM to declare this year their Year of Reconciliation. It was somewhat surprising that they did not actually think of this beforehand, but I was glad to help Tony and the rest of the ACRD out on this very symbolic act of the whole group.

CITIZEN DEVELOPMENT COMMITTEE – *Sheila Charles*

- The CDC committee has reviewed the draft funeral policy; this policy will be brought to Ex Council once complete.
- The CDC committee has reviewed the draft USMA policy; this document will come back to the committee in November for 2nd review and then be sent to Executive Council for review. Deb Foxcroft, Priscilla Sabbas-Watts, HFN- J.E, K.W and K.H went thru the updated policy agreement. Waiting for further update
- Social Services Motion (February 20, 2013 EC Meeting): To date not implemented
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(3) CITIZENSHIP COMMITTEE – *Derek Peters*

- Citizenship committee will meet in October; we currently have nine applicants for enrollment.

COMMUNITY ENGAGEMENT – *Charlie Clappis*

(4) ECONOMIC DEVELOPMENT COMMITTEE – *John Jack*

- Work should be completed in preparation for harvest on Treaty Settlement Lands (TSL) by the time of this meeting. The administration, the corporations and committees have been involved in the work that will allow us to begin a sustainable harvest of timber on our TSL.
- At the last meeting, Council appointed James Edwards as the Economic Development Officer; now that one has been identified, the HUU-AY-AHT Economic Development Committee will be holding their meeting on October 1 after a community information session/lunch dedicated to economic development in the community of Anacla.

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- This communication session will be the kickoff for the development of the plan we need to have in place according to the Economic Development Act. I invite all Members of Council and staff to attend the session and engage with their fellow proponents of Huua-ay-aht economic development in the businesses.

FINANCE COMMITTEE– *Jack Cook*

(5) FISHERIES COMMITTEE– *Tom Happynook*

- I am very happy to report that we caught all of our Huu-ay-aht sockeye allocation for this year.
- We also had a Coho, Chinook and Halibut food fish distribution during the week of September 16th through 20th.
- HFN Government approval for the Foreshore Agreement, the two Letters of Expectation related to the Enforcement Agreement is being sought.
- I continue to participate on the Maa-nulth Fisheries Committee, the Joint Fisheries Technical Committee, Joint Fisheries Committee and the Uu-a-thluk Council of Ha'wiih.

(6) HA WAIH COUNCIL – *Derek Peters*

(7) Work on setting up next Ha wiih Council meeting.

(8) INTERGOVERNMENTAL RELATIONS – *Tom Happynook*

- There are no emerging issues that have come to my attention in this portfolio during the past month.

(9) LANDS & NATURAL RESOURCES COMMITTEE – *Jeff Cook*

- The Lands & Natural Resources Committee will be making recommendations on lands purchase
- The Timber License Agreement submitted to Executive Council for approval

(10) MEDIA & COMMUNICATIONS – *Tom Happynook*

- The only emerging issue is that Tawnee has been relieved of his duties, This means we need to meet our communication needs as soon as possible.
- I think we need to create a communication department so we can truly begin to keep our citizens up to date on our progress.

(11) NA NANIIQSU – *Derek Peters*

(12) PARKS CANADA (CMB) – *Sheila Charles*

- There will be a CMB meeting on October 4, 2013 at PAGO.
- Invasive dune grass removal was a success with participation from WCT guardians and a few local volunteers. Will have more of an update after the next CMB meeting

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- At the October 4, 2013 meeting we will meet & greet with PRNPR Superintendent Jim Morgan. All C&C & administration are welcome to meet.
 - We will also Review / discussion “Board Review: Maa-nulth Side Agreement & HFN PCA CMB” DRAFT 2
 - Plans are in the works to have Parks Canada come to a future EC meeting for us (CMB) to report on how the board is working and what can be done for HFN to benefit more.

(13) TREATY IMPLEMENTATION COMMITTEE– *Tom Happynook*

1. Access to Capital funds,
 - Canada’s view is that the Capital monies for Maa-nulth is in their FFA and therefore we are not eligible to access Federal Capital programs,
2. Paying back the loan portion in Treaty Implementation,
 - It is our view that the loan repayments should be reallocated towards Treaty Implementation as there is not enough money to implement our treaty properly,
3. Canada’s fiscal harmonization initiative,
 - We are not sure how this will affect our block funding agreement in our Treaty,
4. Interpretation of the Treaty clauses,
 - Canada is already interpreting clauses to our detriment, i.e. access to capital funding
5. Receiving one time payments and program funds on time,
 - These payments have been late over the first two years of our Treaty,
6. Timely production of Maa-nulth Annual Report,
 - The funding for this project has not been timely,
7. Access to Pooled Borrowing monies to help with infrastructure development,
 - BC has made it clear that the changes required to provide us access to the Municipality Pool Borrowing Fund cannot be done,
8. Access to Canadian Mortgage and Housing Corporation’s funding,
 - Treaty Nations may be barred from access these funds,
9. BC Hydro’s Grants in Lieu of Taxes program,
 - This program will not be ready until 2016,
10. BC’s Legislative schedule for meaningful input into BC law development,
 - BC is working on a schedule that should give us proper time to respond to new or amended laws,
11. BC’s issue relating to subsurface resources on additions to treaty Lands,
 - BC will not consent to additions to Treaty Lands unless the value of the subsurface resources is determined. If there is value then they want it paid for, if there isn’t any subsurface resources than they will consent to additions to Treaty Lands,
12. BC unable to fund land surveys,
 - BC has not funded this important work adequately,
13. Canada’s cabinet has not appointed their representative to the Maa-nulth Joint Fisheries Committee,

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- Andy Thompson has not been appointed by the federal cabinet yet. It has been months now and without Andy being formally appointed we can't make any decisions to the Joint Fisheries Committee,
14. Communications at the Tripartite Implementation Committee,
 - A better communication procedure needs to be put in place so there is effective communication between the Parties at this level.
 15. BC is working on a way to make sure MFN is consulted on Policy Decisions in advance of the policy going to cabinet.
 16. We have got a flat "no" from BC regarding our Nations becoming part of the municipal borrowing authority. This leaves the FN borrowing authority (federal) as our only option.
 17. We are thinking that we will do some research on whether we should take the "Major Capital" issue to Dispute Resolution.
 18. BC has never done a "Prosecutorial Agreement" before so they are trying to develop a policy to do this. This is going to take some time so if an incident happens the affected FN will have to contract with a prosecutorial lawyer until BC has figured it out.
 19. The mapping issues with the Foreshore Agreement have been resolved.
 20. We met with Raven Coal representatives on Sept 17, 2013 at the Barkley. They made a presentation to us.