



huuayaht

ANCIENT SPIRIT, MODERN MIND

***Report of the EXECUTIVE COUNCIL for the month of  
May 2016***

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**For review and consideration at the  
Regular Executive Council Meeting  
On Thursday, June 9<sup>th</sup>, 2016**

## **Chief Councillor Robert Dennis:**

### **Emerging Issues**

1. Vice President Report – Ken Watts NTC Vice President, is running for Co-chair of the First Nation Summit. By record we should show our support for this candidacy.
2. We were provided a summary report of Outstanding First Nation Reports. I am very pleased to report we have a very good record. By official record we should instruct our Executive Director to maintain this impeccable record.
3. We had a very detailed discussion and vote on the “Review of creating a community Tribunal under Section 104 Child, Family and Community Services Act. The matter remains under review and it is anticipated that NTC will deal with this matter within the next two months.
4. James Spencer and Amelia Voss, gave a summary report on Tsunami Debris Update. I suggest we invite James and Amelia to give the same report to HFN Executive Council in June 2016.
5. We were provided a Draft Aboriginal Coalition to End Homelessness – Protocol Agreement between 8 First Nation organizations. NTC has adopted this in principle and will be subject to change pending the review of the other 7 First Nation organizations. We were all very surprised to hear that 75 % of the homeless in Victoria are Nuu-chah-nulth. Is suggest that HFN Executive Council appoint Executive Council member Ben Clappis to be HFN representative on the Aboriginal Coalition.

## **Councillor Sheila Charles:**

### **A. Emerging Issues**

### **B. Progress on Key Initiatives**

(1)

#### **CMB**

- Next CMB meeting scheduled for June 8<sup>th</sup> in Long Beach
- Harvesting permits going back and forth between PCA legal and Nuu-chah-nulth legal
- PCA Resource Conservation Documentary done in November 2014 to be viewed at the next CMB meeting. There still a few edits that need to be made. The public hasn't seen this video yet. Sarah, one of the HFNMLP staff, is in the video and helped count plants. As part of the Site Based Action Plan (SBAP), we have to go back to see how the population has done. Going forward we will continue to monitor that area. There is still opportunity to engage there and work with HFN.
- There is a funding source that could be applied for by First Nations. It's called the Aboriginal Species at Risk Funding. That is something that could be worked on but the HFN would have to apply for it. It is applicable to lands that are managed by First Nations. PC could potentially assist with the creation of an application. The dune where the planting is located on HFN Traditional Territory. In the front there still is some evasive grasses growing.
- Revising the TOR vision statement and add guiding principles to update
- Drafting 2015 Annual Board Review

## Citizen Development Social Services

- Attended one day of the NCN Caucus & Engagement
- Attended a 2 day B.C. First Nations Child and Family Conference in Vancouver. Inspiring and powerful speakers including Mary Ellen Turpel-Lafond, Cindy Blackstock, and Gwen Phillips to name a few. This is in regards to the Truth and Reconciliation Commission Calls to Action Related to Child Welfare. We are all hoping that soon movement will follow and not just another repetitive conference to attend for another decade
- Met with Kuu-us Crisis Services in regards to a protocol with HFN. They will be attending the next Citizen Development Committee meeting to get this started. Although we do not have a protocol agreement yet this does not change the services they give us. The protocol will be a great tool and support for administration to follow in times of a crisis
- 2 more committee members are needed for the Citizen Development Committee. A call out has been made
- USMA Agreement: A brainstorming session from committee members and technical support for ideas on programs for children and family support, the agreements and protocol and procedures. The chair wants HFN to have more control over what is happening with our children so that we are the first call if one of our children is in danger. To work alongside USMA and MCFD and any other aboriginal delegated agencies. Rob Botterell has reviewed the materials and came to the conclusion that Huu-ay-aht does have significant degree of influence in terms of self-government jurisdiction. What we want to do is to clearly understand what the changes to the agreement would be and what degree of influence Huu-ay-aht wants to have. Motion passed and supported by Chief and Council
- Programs for children and family support: Made in Huu-ay-aht programs. Prevention workshops that we can provide to our citizens and offer opportunities for healing. Kathy has found that there are citizens that are starting to come to them for help. Port Alberni is in need of an Anger Management Program and a Lateral Violence Program. Kathy is applying for funding for a Huu-ay-aht Restorative Justice Program, which could include lateral violence. If we need funding, make the Committee aware so that they can go to Executive Council to see what they can do. Support Huu-ay-aht culture with the children and support the parents who have had their children taken away, help them get them back. Support each other as a community, so these children aren't taken away again. All Huu-ay-aht Citizens need a West Coast Huu-ay-aht 101. Suggestion to build a couple homes, if families need help, we move them to our communal housing, where we help and support them. Motion passed and supported by Chief and Council
- Agreements protocol and procedures: We don't want to become another USMA. We don't need to recreate the wheel, it just needs some tweaking. Would like to make sure the schools, all schools, know that the child is Huu-ay-aht, fill out on registration form. Would like to see more protection and more rights for the foster parents and how much input the foster parent has. Offer foster parent course on the weekend instead of weekdays. What are the statistics regarding the circumstances that the children are taken out of the home, are the police involved? If the police are involved, there could at least be a courtesy call and done in a way that doesn't affect Huu-ay-aht liability. Would like to get to a place where, before anyone makes a call regarding children and families, they come to us first. Huu-ay-aht should be involved 100% from day one, if there is a call to any agency. Before any Ministry decision is made on the children and families, they make the decision with Huu-ay-aht. Go right to the top, to the people who train the social workers and let them know that this is what we want you to be teaching them, right across the province. Develop a made in Huu-ay-aht approach, and use it as a springboard for systemic change across the province. The committee recommends strengthening the agreements. Remind citizen of the new procedures and keep re-enforcing the procedures

- Citizen Development Officer Report: The Community Services Director reviewed the report with the committee members. This report is created to do a snapshot of all the programs and services that are provided and where there were any gaps that we are missing.  
In previous years the Community Services Director has held this position. The position has been vacant for a while. The committee decided to make a recommendation to Executive Council to appoint a Citizen Development Review Officer. Motion passed by Chief and Council
  - Policy Table of Contents: Every program needs a policy. We can't administer any kind of programs or funding for programs without a policy being in place. The ones that are most often used should be the top priority. The areas that have been recommended to the committee are the Social Development / Social Assistance Policy. NTC changed their policy, it was going to be a detriment to the people in Anacla, we decided arbitrarily at that time to continue with the old policy and not to adopt the new policy which we were allowed to do under Treaty. We never did ever implement a Huu-ay-aht policy. We have been using this policy all along, it's a fairly good policy, and there are a couple tweaks here and there that we should make.  
The next one we should tackle should be the Elder's Service Policy
  - Plan for AANDC Funding (verbal update): The chair and committee came up with some ideas on how to spend the funding. Government is contributing to Rob Botterell time, to get the protocol agreement complete so there are no legal costs associated with drawing down the jurisdiction. What prevention, tools and workshops would the committee like to see? Kathy come up with some top initiatives that are financially related, and bring it to the committee, then from there we can make a recommendation to Executive Council on what we can do with the \$250 000.00 Possibility of buying a couple of neurofeedback machines that citizens can use to heal. Training to use it is a 3 day online course. Person to administer the neurofeedback sessions should have done neurofeedback themselves.  
Long term, one day maybe we can have an administration office that sub-leases other office spaces for professionals like drug and alcohol councilors, doctors, dentists, specialists all in one place where are citizens feel comfortable, with pictures of Huu-ay-aht and Elders. Then you have some of our own staff saying, you need to go see a dentist and you have to fill out your patient travel papers across the hall.  
There are prevention dollars to be had all across Canada, but BC is the only province that still hasn't received them.
- ~ Attended a 2 day Steelhead LNG info session including a trio to Sarita with Chief and Council and delegates
- ~ Participated in interviews for our new Executive Director

### **Councillor Trevor Cootes:**

#### Portfolio:

- Economic Development
- CMB co-chair

#### Overview:

- Grow and diversify new and existing businesses in Huu-ay-aht traditional territory
- Expand the economic potential of tourism within the Huu-ay-aht traditional territory (ḥahuuḥi)

- Support citizen entrepreneurship
- Develop business partnerships and joint venture agreements
- Promote employment of HUU-ay-aht citizens in secure, high paying jobs
- Explore economic potential in natural resource research and development

### Progress on Key Initiatives:

- Ambassador Program completed at beginning of May, the 5 day program brought participants out of their comfort zone in a safe environment. It brought HGB staff and HFN staff closer together. This program will provide skills for HGB staff that will bring a consistent service for our tourism based businesses at the same time brings HUUayaht culture to our service base businesses.
- Sarita Run of the River, Chief Councillor Robert Dennis, Tliishin, Trevor C Ec Dev Portfolio, Cynthia Rayner EDO, Ian Benoit Economic Policy Analysis, Stan Coleman and the Barclay group met with Tseshaht chief councillor Cynthia Dick to talk about each FN run of the river projects. HUUayaht is ready to move forward. Tseshaht new chief councillor needs to get brought up to speed on her project but has no issue with HFN moving forward. Barclay group spoke with Dididaht FN and they also have no issue with HFN moving forward
- Sarita Run of the River project, Barclay Group, Stan C are working closely with HUUayaht EDO bringing Cynthia up to speed on project and on securing funds through NEDC for Impact Study, Interconnection study, and a Testhole study
- EDC has directed EDO to write a feasibility study on Motel, the Kingfisher
- EDO developing Business Plan for Pawaats
- EDC directed EDO in March 2016 to develop Prospectus and Executive Summary to EDP, EDO is currently completing final draft.
- EDO is currently completing selection criteria for New Business Opportunity
- EDO is has first draft of selection criteria for Citizen Entrepreneurship Grant
- PAPA – negotiations ongoing
- LNG – negotiations ongoing
- WFP 1.2m3 – negotiations ongoing

### Emerging Issues:

- HGB 5 yr Projections has been completed and next steps is consultation with HUUiih, Hahouthlee, and Finance

### **Councillor John Jack:**

#### **Treaty Implementation – Progress Report**

General: As of the date of this report, there was an attempt to schedule an HFN Treaty Implementation Meeting on May 18. Due to several factors, one being a member did not check his personal e-mail about the meeting, and two being due to a cross-schedule conflict with Ha'wiih representative Derek Peters, it was moved to June 1. While this technically means that the meeting was held outside the scope of this monthly report, I will give a quick update on some items that will soon come to Council.

Voluntary Initiatives: Maa-nulth have a list of prospective voluntary initiatives that HUU-ay-aht may want to contribute toward and participate. The process here is quite similar to the ACRD service and program system, where members may choose to contribute to a service or program and benefit from it in some way.

Forestry Stewardship Plan: During the meeting, we were given notice that the MTS will be sending a letter of support for HUU-ay-aht Group of Business' (?) Forestry Stewardship Plan should be forthcoming, or may have already arrived.

Federal Fiscal Approach: Formerly called "Fiscal Harmonization" in a previous report, treated and self-governing First Nations met with senior staff members of Indigenous and Northern Affairs Canada (INAC) to discuss the proposed new approach to the fiscal relationship between us and the Crown. The background was that the Conservative government created a document to cover the federal government's new mandate for fiscal relationships. The truth of the matter was that the Harper government's approach would be damaging to FN fiscal positions and would be damaging to the efforts of those Nations for their own self-determination. The new federal Liberal government seemed well-aware of these implications and consequences, and they came to the meeting prepared to throw the old document out. They ended up asking the collected treated and self-governing Nations to provide direct input on how the new policy should be created *and* what should go into it. To be fair, the FN representatives were not prepared for victory on the first turn. There will quickly be follow-up meetings to work together on creating the process and policy to be submitted to INAC.

Real Property Tax: From the last report, we have a request from BC to assume the tax responsibility that we claimed in 2012. We have taken internal steps to commence our Real Property Tax Act, and we have appointed Chief-Councillor Robert Dennis, Councillor Connie Waddell and myself as the first sitting Tax Authority Board. We have sent a letter to the Ministry of Community, Sport and Cultural Development (CSCD) informing them of our intention to send along the required information in good time with reasonable efforts. This will prepare us to collect property tax from the few tax-paying entities we have on our lands.

Groundwater Negotiation Team: Maa-nulth is putting together a negotiation team regarding our access and rights to groundwater. They have requested that a representative be tapped from each member-nation to participate. The Committee has made a recommendation that I tentatively be appointed until such a time that we can make a determination as to whether more technically-proficient HFN staff may be more appropriate.

## **Treaty Implementation – Emerging Issues**

Voluntary Initiatives: The Treaty Implementation Committee will be recommending that HFN Executive Council approve contribution and participation in a law-making workshop as its benefit to staff such as the Executive Director, Law Clerk, and subordinate personnel would be very beneficial. The Committee will also refer certain initiatives to each of the relevant HFN committees to determine whether they see a benefit from these prospective initiatives.

Federal Fiscal Approach: A Briefing Note from the Committee will be forthcoming, it will be suggesting that I be allowed to directly participate with the group of Treated and Self-Governing First Nations working on this (called the Land Claims Agreement Coalition or LCAC) to ensure HUU-ay-aht interests are forwarded.

Groundwater Negotiation Team: The Committee has made a recommendation that I tentatively be appointed to the Maa-nulth team on groundwater until such a time that we can make a determination as to whether more technically-proficient HFN staff may be more appropriate.

Identify a General Approach to Taxation: HFN needs to quickly identify a general approach to taxation. I would like permission to be an agenda item for the following HFN groups: Ha'wiih Council, Economic Development, Hahouthlee, and ultimately Finance. The idea would be for a presentation to each, then a second discussion to gather any feedback. From there, the T.I. Committee would form a recommendation on next steps to be put before Council. My suggested target for a finalized General Approach would be the last Regular Meeting of July or the first meeting of August.

Resource Harvest Reporting (and Enforcement?): My understanding is that we need to underline the importance of our HFN citizens duly and reliably reporting their fishing catches, wildlife and plant harvesting to us so we can (1) gather data for evidence-based policy decisions, and (2) prove our active use of these resources so as to protect the amounts we have in the Final Agreement and any relevant Side Agreements. We may want to connect these discussions to a wider discussion on both data collection and even enforcement.

## **Alberni-Clayoquot Regional District – Progress Report**

ACRD-SD70 AVRA Negotiation: I was asked by ACRD Board Chair, Mayor Josie Osborne of Tofino, to support a negotiation between the ACRD and the School District regarding a Christmas Tree Farm issue on Alberni Valley Regional Airport lands. The negotiation is admitted confidential, but I felt as though I needed to note that it's going on.

## **Alberni-Clayoquot Regional District – Emerging Issues**

West Island Woodlands Advisory Group (WIWAG) Involvement: In the previous term of office, I had been the ACRD's representative to WIWAG. The meetings are held on one Thursday each month after work hours. For that reason, and that it conflicted with my personal participation in recreational volleyball, I stepped back. The current representative, Director Lucas Banton from Cherry Creek, finds himself in a new work situation and needs to step away. He believes that I might (still) be the best candidate for the task. I just flag this as a use of time that may, from time to time, conflict with potential availability for other items. I will, of course, prioritize my high importance and mid-to-high urgency items and Council Meetings.

## **LNG Advisory Committee – Progress Report**

The LNG Advisory Committee was invited to participate in a joint discussion between Executive Council and the Ha'wiih Council. The entire process was well-regarded and the roundtable discussion seems to have led to a renewed commitment to the process of exploring LNG and ensuring we're doing it "in a good way."

## **LNG Advisory Committee – Emerging Issues**

Committee members have identified concerns over changes in SLNG's approach. It will be good if we could have our Chief-Councillor or our Negotiator to come in and present a report to the committee.

## Law & Policy Development Committee – Progress Report

Policy Backlog: Administrative support has identified a rather large list of policies (mostly regulations and prescribed forms) that require attention and prioritization. Target will be for a prioritized list of recommendation to be submitted to Council by the last meeting of June.

## Law & Policy Development Committee – Emerging Issues

HR Policy Regulation: Now that Executive Council has provided support in principle for an updated Organization Chart, we should get moving on amending the Policy Regulation.

## John Jack: Special Assignments or Projects

Port Alberni Port Authority: At our last meeting, PAPA CEO Zoran Knezevic has given a presentation, and has asked for a letter of support for their campground/paving plans. I would suggest we pass a motion to provide that letter of support.

Negotiations Team: The Chief-Councillor and/or Legal Counsel will likely provide an in-camera update on this issue as it has on-going confidential information.

### **Councillor Connie Waddell:**

#### Portfolio:

- Finance
- Capital and Infrastructure
- Participate on the LNG Negotiating Team

#### Overview:

- Consultation, planning and construction of subdivision in upper Anacla
- Ensure water quality in Anacla consistently meets Canadian drinking water standards
- Maintain and improve Anacla citizens septic systems on TSL
- Design and build Bamfield sewage system treatment plant and outfall for upper Anacla
- Improve existing cemeteries on TSL
- Secure funding for Sewer and Sub-division
- Maintain balanced budgets

#### Progress on Key Initiatives:

- The two community consultation meetings took place on May 24, 2016 in Anacla and Port Alberni. Although I was not able to participate in the meeting, I did canvas both communities leading up to the date. I fielded numerous questions on the design with the common one

being are we going to look like a city sub division. Others for me were cost, completion date and if the Nation was going to build the homes. The turnout for both meetings was not large.

- Stephen Rayner has had the crew flushing the fire hydrants and testing the quality of the water which he has stepped out due to a personal experience I myself had with the water.
- We currently are in the process of assessing each septic field in Anacla. Once the report is received we will be developing a action required plan. Some fields are older than others and will require more work.
- Phase 3 of the sewage treatment plant is in full gear, a lot of work has gone into getting this final phase off the ground in the last month. I have been working very closely with Stephen and the engineers to meet the deadline of June 2, 2017 to present to the BMSC Society. We now have a verbal commitment from them with a commitment letter to follow. This means we will be now working on the Right of Way for the pump-house to be built on their land.
- The expansion to the cemetery is moving along now and we will be putting it out to tender
- The Finance Committee has been very active and has asked the Finance Department to become even more detailed when presenting to the committee. This has been done once before by the team but because of the complexities with the different projects and projects coming up they felt more of a breakdown was required. The Annual Financial Plan was also reviewed and accepted.

### Emerging Issues:

- Two new Finance Committee members are required
- Legal Counsel will be required to finalize the details of the Right of Way
- Trust Account (In-Camera)