To: Chair and Directors  
From: Fred Banham, Chief Administrative Officer  
Subject: Opportunity to Comment on Site C Impact Benefit Agreement with Blueberry River First Nations

RECOMMENDATION(S):
That the Regional Board offer a letter of No Objection at this time to the land offers provided in the Site C Impact Benefit Agreement with Blueberry River First Nations; and

That the Board provide comment that should these lands ever be transferred from fee simple title or crown ownership to reserve lands, that discussions with regard to land and improvement assessments be held in consideration of lost regional district services taxation.

BACKGROUND/RATIONALE:
The proposed Site C Impact Benefit Agreement with Blueberry River First Nations is identifying specific fee simple, titled lands for title transfer to the Blueberry First Nations and some crown lands for designated protected traditional use.

See attached letter and maps from the Ministry of Aboriginal Relations & Reconciliation requesting comment on the lands identified in the Site C Impact Benefit Agreement with Blueberry River First Nations.

Staff has mapped out the site locations to identify any Peace River Regional District (PRRD) land interests. No PRRD land interests are located in or around the proposed agreement lands. See attached map that identifies where the proposed parcels are in the PRRD, and PRRD land interest in the region.

STRATEGIC PLAN RELEVANCE: None
FINANCIAL CONSIDERATION(S): None
COMMUNICATIONS CONSIDERATION(S): None
OTHER CONSIDERATION(S): Lost regional district services tax assessment if, in the future, any of the lands were to transfer to Federal Reserve jurisdiction.
July 4, 2013

Peace River Regional District
9505 100th Street
Fort St. John, BC
V1J 4N4

Re: Land offers provided in the Site C Impact Benefit Agreement with Blueberry River First Nations

Attn: Peace River Regional District

The Province of British Columbia and BC Hydro are currently working with the Blueberry River First Nations (BRFN) on an Impact Benefit Agreement (IBA) for the proposed Site C Clean Energy Project. The draft IBA identifies fee simple parcels to be transferred to BRFN in addition to parcels of Crown land over which protection measures will be applied. To that end, the BRFN have identified particular parcels of land which are proposed to be included in the agreement. If the proposed Site C Clean Energy Project is approved through the cooperative federal-provincial environmental assessment process, the fee simple parcels and agreed protection measures are proposed to then be established when project construction begins. In the interim, the land will be protected from disposition for other uses by a Section 16 Land Act reserve.

The selected parcels are shown on the maps attached, and described below.

Site 1
LOCATION: Pink Mountain
DISPOSITION TYPE: Crown Grant (fee simple transfer)
BACKGROUND/PURPOSE: The identified area at Pink Mountain has significant importance for hunting, gathering of rare medicinal plants and as a meeting place for BRFN members. The BRFN also have an interest in guide outfitting operations on this parcel.
PARCEL AREA (ha): 1068 hectares

Site 2
LOCATION: Pink Mountain
DISPOSITION TYPE: Protection measures
BACKGROUND/PURPOSE: The identified area at Pink Mountain has significant importance for hunting, gathering of rare medicinal plants and as a meeting place for BRFN members. No significant improvements are proposed.
PARCEL AREA (ha): 1103 hectares
Site 3
LOCATION: Dancing Grounds
DISPOSITION TYPE: Protection measures
BACKGROUND/PURPOSE: This parcel has spiritual significance and BRFN intends for it to stay undisturbed.
PARCEL AREA (ha): 202 hectares

Site 4
LOCATION: IR 205
DISPOSITION TYPE: Crown Grant (fee simple transfer)
BACKGROUND/PURPOSE: The BRFN intends to seek conversion of this parcel to reserve land through the federal Additions to Reserve Process for housing and community infrastructure.
PARCEL AREA (ha): 1181 hectares

The Province recognizes that you hold an interest in this area. As such, your comments are requested with regard to how the proposed land selections may impact your interests.

Your review of this information and the attached maps is appreciated. If you have comments, require additional information or would like to meet, please respond to:

Jocelyn Elliott, Senior Resource Coordination Officer
Phone: (250) 787-3277
Fax: (250) 787-3219
Email: Jocelyn.elliott@gov.bc.ca

Sincerely,

Jocelyn Elliott
Senior Resource Coordination Officer
Ministry of Aboriginal Relations and Reconciliation
Suite 370, 10003 110th Avenue
Fort St. John, BC V1J 6M7

cc: BC Hydro, Trevor Proverbs, Trevor.Proverbs@bchydro.com
MARR, Glenn Ricketts, glennricketts@shaw.ca
MARR, Alexandra Banford, Alexandra.Banford@gov.bc.ca
SITE C CLEAN ENERGY PROJECT

VOLUME 5 APPENDIX A03 PART 1

COMMUNITY SUMMARY:
BLUEBERRY RIVER FIRST NATIONS

FINAL REPORT

Prepared for:
BC Hydro Power and Authority
333 Dunsmuir Street
Vancouver, B.C.
V6B 5R3

Prepared by:
Fasken Martineau
2900-550 Burrard Street
Vancouver, B.C.
V6C 0A3

January 2013

August 8, 2013
Blueberry River First Nations

Blueberry River First Nations (BRFN) has two reserves covering 1508.8 ha. The main community lives on Blueberry River IR No. 205 located approximately 80 km northwest of Fort St. John. The second reserve is the south half of Beaton River No. 204. The North Half of Beaton River No. 204 belongs to the Dolg River First Nation.

According to Aboriginal Affairs and Northern Development Canada, as of December 2012, BRFN has a registered population of 469, with 204 members living on their own reserves. BRFN has a Chief and four Councillors, and uses the Indian Act electoral system. BRFN's economic activities include a band office, convenience store, slashing, trapping, firefighting and ranching.

BRFN is a Treaty 8 signatory but is not a member of the Treaty 8 Tribal Association.

History

BRFN members are culturally Beaver (Dane-zaa), part of the Northern Athapaskan language group. Some members also speak Cree, part of the Algonquian language group. The Beaver have lived in the Peace River since at least the early days of contact with Europeans in the late 1700s. Old Joseph Apsassin, a Cree ancestor, joined the Band through marriage circa 1895–1898.

The BRFN was historically joined with the Doig River people as a single administrative entity, known as the Fort St. John Indian Band. When the Fort St. John Band dissolved in 1977, BRFN became an independent band.

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3 AANDC, Blueberry River First Nations.
5 AANDC, Blueberry River First Nations.
6 AANDC, Blueberry River First Nations.
7 Treaty 8 Tribal Association, Blueberry River First Nations.
9 Treaty 8 Tribal Association, Blueberry River First Nations.
11 The Fort St John Band is also known as the Beaver Band of Fort St John. Other historical documents refer to the band as the St John Band, the St John Beaver Band of Indians, and the St John Beaver Band. The Supreme Court, in its decision in Blueberry River Indian Band v. Canada (Department of Indian Affairs and Northern Development), [1995] 4 SCR 344 ("Blueberry River Indian Band v. Canada"), refers to the band as the "Beaver Band". See: Indian Claims Commission (ICC). 2005. Blueberry River First Nation, Doig River First Nation, Highway Right of Way IR 172 Inquiry. Ottawa, ON. Available at:
The Fort St. John Indian Band adhered to Treaty 8 on May 30, 1900. In 1913, the Band selected the site of its reserve, St. John Reserve No. 172. The 28 sq. mi. were surveyed in July 1914 and IR 172 was confirmed by Order-in-Council PC 819 on April 11, 1916. This reserve was used as the site of its summer campground.

The Fort St. John Band continued to use IR 172 as a summer gathering place after 1914, but a permanent settlement was never established there, as they would hunt and trap for the winter and spring months. Near the end of World War II, the federal government established a program that made agricultural land available to returning veterans. The possibility of using IR 172 for this program came under consideration, and ultimately the Fort St. John Band agreed to surrender IR 172 to the Crown. In 1948, the Department of Indian Affairs transferred IR 172 to the Director of the Veterans' Land Act for $70,000.

The Department of Indian Affairs used a portion of the $70,000 from the sale of IR 172 to purchase other lands further north, which became the Fort St. John Band's new reserves.

Treaty Land Entitlement Claim

Canada has accepted the treaty land entitlement claims of BRFN and Doig River First Nation respecting alleged shortfalls in their original Treaty 8 land entitlements. Canada subsequently sought the involvement of B.C. in the negotiations to resolve the claims. B.C. agreed to participate.


12 Blueberry River Indian Band v. Canada at para. 29.
13 ICC, Highway Right of Way IR 172 Inquiry at 4.
14 ICC, Highway Right of Way IR 172 Inquiry at 4.
15 Blueberry River Indian Band v. Canada at para. 25.
16 Blueberry River Indian Band v. Canada at paras. 27–28.
17 Blueberry River Indian Band v. Canada at para. 27.

August 8, 2013
202 hectares

Legend
- Proposed IBA Lands - Fee Simple
- Proposed IBA Lands - Protective Measures
- Indian Reserve
- Protected Areas, Provincial Parks
- Regional Parks, and Ecological Reserves
- Surveyed Parcels

BC Hydro

Blueberry River First Nation
Proposed IBA Lands
1:250,000
Map 2: Dancing Grounds

Date: June 11, 2013
1016-C14A6387 R.0

Construction of the Site C Clean Energy Project is subject to required regulatory approvals including environmental certification.

August 8, 2013
Map Notes:
1. Datum: NADe
2. Projection: UTM Zone 10N
3. Base Data: Province of B.C.
4. Orthophotos, Bing Maps Aerial
5. Property boundary locations are best available but should be considered approximate. Property information is a combination of surveyed data representing BC Hydro's current ownership records and ICIS data. Property data is current as of March 14th, 2013.

Legend
- Proposed IBA Lands - Fee Simple
- Proposed IBA Lands - Protective Measures
- Crown Land
- Private Land
- Blueberry First Nation Holdings Ltd. Properties
- Protected Areas, Provincial Parks, Regional Parks and Ecological Reserves.
- Indian Reserve

Site: Blueberry River First Nation Proposed IBA Lands
1:50,000

Map: Dancing Grounds

Date: June 11, 2013

Construction of the Site C Clean Energy Project is subject to required regulatory approvals including environmental certification.

August 8, 2013