



FREQUENTLY ASKED QUESTIONS

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Ministry of Forests, Lands and Natural
Resource Operations

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Proposed Collaborative Management Agreement Fraser River Transition Area

Introduction

Port Metro Vancouver's Head Leases covering the north, south and middle arms of the Fraser River expired on December 31, 2014. At that time, Port Metro Vancouver (now Port of Vancouver) did not renew the head leases and administration of the head lease area, referred to as the Fraser River Transition Area (FRTA), transitioned to the Ministry of Forests, Lands and Natural Resource Operations (FLNRO).

Administration of the tenures within the FRTA involved a comprehensive review of the files including site visits and consultation with First Nations. Through the consultation process, stewardship of the Fraser River estuary was identified as a common concern from both First Nations and FLNRO. One of the ways in which the Province is addressing this concern is to partner with the Musqueam Indian Band (Musqueam) on stewardship through a proposed Collaborative Management Agreement.

Before finalizing the collaborative management agreement, FLNRO and Musqueam want to inform tenure holders about the proposed agreement and provide an opportunity for input.

First Nation Consultation and Accommodation

Q1. Why does the Province consult with First Nations?

- The Province has a legal duty to consult with First Nations where the Province has knowledge of an asserted or established Aboriginal or treaty right and is contemplating conduct that could adversely affect the right.
- The provincial consultation process provides an opportunity to identify Aboriginal interests, potential impacts and the appropriate mitigation or accommodation measures.

Q2. Why does FLNRO choose to have an agreement with Musqueam?

- During the consultation process, Musqueam and other First Nations identified concerns around stewardship of the Fraser River, particularly the estuary.

Stakeholder Engagement – Collaborative Management Agreement

Frequently Asked Questions

- FLNRO considered multiple factors in determining how best to work with Musqueam and other First Nations on stewardship in the FRTA.
- Musqueam have a long history of living and fishing in the Fraser River estuary, and expressed an interest in working with FLNRO on stewardship in the FRTA.
- Musqueam and FLNRO agreed to develop a Collaborative Management Agreement in which the core principle is stewardship of the FRTA.
- These types of agreements are part of a broader reconciliation effort between the Province and First Nations.

Q3. What about the other First Nations with interests in the FRTA?

- Over a dozen First Nations are being consulted on the replacement tenure application decisions.
- The Province is providing funding to First Nations with asserted Aboriginal rights or treaty rights in the FRTA to support their participation in stewardship initiatives.

Q4. Do First Nations have influence over decisions made by FLNRO?

- Many decisions on Crown land require consultation with First Nations. It is the Province's obligation to consider First Nations' concerns with respect to potential adverse impacts to Aboriginal and treaty rights.
- If an authorization has the potential to adversely impact a First Nation's asserted or established Aboriginal right or treaty right, the Province is obligated to consult with the affected First Nation, and if appropriate, mitigate or accommodate the adverse impacts.
- An example of a mitigation measure could include a reduction of the length of the tenure term or an adjustment of their proposed improvements to address a concern related to the Aboriginal interest(s).

The Collaborative Management Agreement

Q5. What is the Collaborative Management Agreement?

- The Collaborative Management Agreement is an agreement between FLNRO and Musqueam.
- The draft agreement has been developed to address concerns specific to the FRTA. The core principle of the agreement is collaboration with Musqueam on stewardship initiatives. The agreement supports potential joint stewardship initiatives such as:
 - Reviewing and updating best management practices for some Crown land program areas;
 - Development of recommendations for the improvement of the overall health of the FRTA;
 - Hosting stewardship forum meetings with stakeholders; and
 - Improved monitoring to support compliance and enforcement.

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- The agreement will also include an engagement framework that sets out how FLNRO will engage with Musqueam on future authorizations under the *Land Act* and *Water Sustainability Act* in the FRTA which may have potential adverse impacts on Musqueam's asserted or established Aboriginal rights.

Q6. How does this agreement fit with reconciliation with First Nations?

- The agreement is seen by both the Province and the Musqueam as part of broader reconciliation between reconciliation with First Nations and the Crown.
- The agreement is not a treaty.

Q7. How will the Collaborative Management Agreement affect me as a tenure holder?

- The agreement is anticipated to provide improved certainty for tenure holders, as the Province moves forward with its decision-making on the tenure replacement applications in the FRTA.
- The agreement is anticipated to improve stewardship of the FRTA.
- As a result of the agreement, new best management practices may be developed, or current best management practices may be updated, to help tenure holders better manage their tenure area and improve overall stewardship of the FRTA.
- Tenure holders may want to participate in the stewardship forums as a way to help identify and develop stewardship measures.

Q8. Could my tenure term be shorter than the maximum possible term outlined in policy because of the Collaborative Management Agreement?

- While the issues raised during First Nation consultation will be considered by the FLNRO decision maker, and could therefore impact tenure term length, the collaborative management agreement itself has no impact on the term length of your tenure.
- A number of factors affect tenure term length including but not limited to non-diligent use of the land, outstanding rent, compliance issues, inadequate management plans, or issues raised during First Nation consultation.

Q9. Will the Collaborative Management Agreement increase cost to tenure holders?

- All tenure holders are subject to provincial laws and regulations, as well as local bylaws.
- Tenure holders will be responsible for ensuring their tenures are in good standing and compliant with provincial regulations.
- If provincial regulations change as a result of findings from the stewardship initiatives or otherwise, stakeholder engagement on proposed changes would occur via announcements or engagement at that time.
- Tenure holder participation in the stewardship forums is encouraged. There is no fee to participate.