

Due to an unprecedented public outcry over proposed changes to the Land Act, the province has delayed the legislation amending that Act. Those changes would enable the government to implement and put into place agreements with the 204 BC First Nations pursuant to Section 7 of the Declaration of the Rights of Indigenous Peoples Act. Those agreements, once entered into, have the effect of requiring the government to either obtain prior consent with the Indigenous governing body or establish a joint decision-making agreement. Either way, consent of the Indigenous body would be required.

The Land Act Amendments would allow the government to enter into these agreements with the First Nations concerning all Crown Land in BC, which makes up approximately 95% of the province.

Currently, the government is negotiating a Section 7 agreement with the shíshálh Nation concerning “docks in the swiya.” This announcement merely puts the necessary Land Act Amendments on hold but does not stop these ongoing negotiations.

In a February 21 news release, Nathan Cullen, Minister of Land, Water and Resource Stewardship, said, “Over the past several weeks, I have had the opportunity to discuss proposed amendments to the Land Act with over 650 representatives of stakeholder groups representing tens of thousands of British Columbians, from mining, forestry, oil and gas and clean energy, cattle ranchers, to adventure tourism operators, snowmobilers, hunters and anglers, and many others . . . I’ve also heard that we need to take the time to further engage with people and demonstrate the real benefits of shared decision-making in action. We want to get this right and move forward together.” He concluded: “For that reason, our government has decided not to proceed with proposed amendments to the Land Act.”

We note that PHARA was not included in those discussions Minister Cullen speaks of, notwithstanding that we are the only community we are aware of that is affected by a Section 7 agreement currently being negotiated.

This delay is a win for all those opposed to the province’s ill-thought-out Land Act amendments. In the case of the Sunshine Coast, without those amendments the province cannot continue its implementation of the Section 7 agreement being negotiated in secret between the province and the shíshálh Nation. That agreement would have given the Nation veto power over dock tenure authorizations on the Sunshine Coast.

The province and Nation still plan on revising the Dock Management Plan. Through hundreds of letters, the province has heard loud and clear that they must consult and give fair consideration to the concerns of all stakeholders. The province has said it will publish on March 8 a summary of the concerns expressed through the public engagement process.

Thanks to everyone who helped put pressure on the province to delay the Land Act amendments! Please stay tuned, as the battle to have a say in our dock tenures continues.

PHARA Board