

Fraser Valley Treaty Advisory Committee First Nations Media Monitor - Excerpts February 22, 2008

*Summary of news events reported on First Nations, Aboriginal communities, and rights & title issues.
This report can also be found on the FVTAC website at the following link:*

http://www.fvrd.bc.ca/FVRD/About+the+FVRD/0_Fraser+Valley+Treaty+Advisory+Committee/4_Reports.htm

AROUND THE PROVINCE

Throne Speech Includes New Relationship with First Nations

The speech from the throne at the fourth session of the 38th parliament included “new initiatives to strengthen the New Relationship with B.C.’s First Nations.” These include: support for common treaty table negotiations; pursuing “incremental treaty agreements”; statutory recognition of Aboriginal rights to harvest wood for domestic purposes; investments in carbon offset projects that benefit First Nations; working with First Nations and the federal government to implement the Jordan’s Principle; new legislation to enable Aboriginal authorities to assume legal responsibilities for child and family services; contributions to the establishment of the Stehiyaq Healing and Wellness Village in the Fraser Valley; and a new system for effective engagement of meaningful consultation in major economic development projects. Also included in the section for safeguarding the environment was a commitment by the province to work with First Nations, industry and communities toward a goal of zero net deforestation put into law by 2010 with a viable strategy established for implementation by 2015.

(Office of the Premier – News Release, February 12)

More First Nations Consultation Needed

The K’omoks First Nation agrees with the B.C. Ministry of Community Services’ decision to delay the approval of the Kensington Island Properties (KIP) development in Union Bay. The Ministry felt more time was needed to consult with the First Nation. As a result of the decision, bylaws for the Official Community Plan could not be considered for a final reading at the last Comox Strathcona Regional District (CSRD) board meeting and they will now have to start the approval process again with the new Comox Valley Regional District. The development involves re-zoning land owned by KIP, but also changes the zoning of three parcels of Crown waterfront land. First Nation consultation was an issue of dispute with the CSRD who insisted it was the responsibility of the provincial government, and the province said responsibility rested on CSRD.

(Courtenay Comox Valley Record, February 13)

TREATIES

First Nations Work on Common Table Plan

Tsleil-Waututh Nation Chief Leah George-Wilson is part of a working group of First Nations negotiators developing a outline of how a common treaty table might proceed. Common table topics that remain up in the air include which issues would be presented, how many First Nations would participate, and whether Ottawa would reconsider any of their positions. The goal of the working group is to have a plan ready to propose at the next First Nations Summit meeting in March. Once approved by the Aboriginal leaders, the plan will be presented to the federal and provincial governments.

(Georgia Straight, February 7)

First Nations Forge Negotiation Action Plan

Following two days of planning by 70 chiefs, lawyers, and advisers, participants confirmed their support for the Tsilhqot'in court decision. The meeting at the Sensisysten Community Centre of the Westbank First Nation (WFN) focused on action plans to force government to participate in honourable negotiations based on recognition and implementation of Aboriginal rights and title. The Tsilhqot'in Nation case gave recognition to more than 50 per cent of its traditional territory, and treaty negotiations generally involve five per cent of territory claimed. Another meeting co-hosted by WFN and the Tsilhqot'in national government is scheduled to take place in March.

(Okanagan Saturday, January 26)

FISHERIES

Inter-Tribal Fishing Treaty Model for Action Plan

First Nations representatives from seven nations across B.C. gathered in Kamloops to develop an action plan, built upon the Inter-Tribal Fishing Treaty (ITFT), to use in lobbying the federal government for greater measures to protect declining salmon stocks. Almost 20 years ago, bands signed the ITFT to protect the salmon fishery and to prevent infringement on indigenous rights. Attendees at the gathering blame the current decline on continued mismanagement by the Department of Fisheries and Oceans (DFO). The approximately 100 delegates at the meeting agreed that protecting and preserving the Stuart Lake salmon runs was a top priority. The delegates also stated their intention to reach fish sharing agreements among themselves, exclusive of the DFO.

(St'at'imc Runner, February 2008; Kamloops Daily News, February 2)

LOCAL GOVERNMENT

Community Leaders Work on Landfill Expansion Alternative

Following Metro Vancouver's decision last month to abandon landfill in the Interior, Cache Creek held a town hall meeting to discuss ways to fight that decision. Mayor John Ranta told participants that Belcorp, which owns Wastech – the company operating the Cache Creek landfill, will go forward with the communities plans for expansion once a deal is in place with area First Nations. Ranta said the expansion plan is a viable alternative to Metro Vancouver's option of shipping to the U.S. and is supported by local First Nations. Wastech already has a written agreement with the Bonaparte Indian Band and the Shuswap Nation Tribal Council, but are still working on a deal with the Ashcroft Indian Band (AIB) and Nlaka'pamux Tribal Council. Ashcroft Mayor Andy Anderson and AIB's Chief Greg Blain are working together to receive an equal partnership in the landfill, but Ranta questions the neighbouring municipalities claim to Cache Creek lands. Chief Bob Pasco of the NTC has publicly opposed any landfill in the Interior and attempts by Blain to contact him have been unsuccessful. Metro Vancouver chairwoman Lois Jackson has said they are willing to reconsider the decision if Wastech gets signed agreements from all affected First Nations. However, the deadline set by Belcorp has passed without success.

(Kamloops Daily News, February 7 and 9)

WFN Non-Member Residents Concerned About Future

During the Westbank First Nation's (WFN) Advisory Council's annual meeting, non-member residents asked when the band council was going to "do what's right and give everyone the vote" on taxation and local government-type issues. Chief Robert Louie responded by pointing out that under the federal law that set up the WFN self-government model, there is no vote for non-members and their interests are solely represented through advisory council and mandate. Louie said the WFN's residential premises law follows provincial landlord and tenant legislation, and is in the process of being amended. The proposed amendment will maintain the 12 month notice for eviction but will change the moving allowance from a blanket \$2,000 to the equivalent of six month rent.

However, residents are still concerned about the future of the 14 mobile home parks on band land and say there is nothing in the WFN law to protect the investments they've made in their homes. New Central Okanagan West director Jim Edgson said he is meeting with Westbank administrator Jim Montain to explore ways to best represent the more than 7,000 non-native residents.

(Kelowna Capital News, February 3; Kelowna Daily Courier, February 13)

Merritt Works with Bands to Move Project Forward

The City of Merritt met with stakeholders in an attempt to move forward with the Gateway 286 project. The city has stressed the importance of involving First Nations groups that claim rights and title over the land in the project. This includes the Coldwater Indian Band, the Lower Nicola Indian Band (LNIB), and the Cook's Ferry Indian Band, all of which agree the project will bring economic opportunities to their communities. However, they are still in discussion as to how involved each band will be. LNIB Chief Don Moses said his band wants complete control over the development of the new tourist information booth and is willing to buy water and sewer services from the city if necessary. Mayor David Laird is not optimistic that the province will agree to LNIB's request and is concerned it will shut down the whole project. Both chiefs from the Coldwater and Cook's Ferry bands have expressed confidence in working with the city in a mutually beneficial way.

(Merritt Herald, February 13)

Westbank Alliance with CORD

The Westbank First Nation said the provincial government has failed to seek input from them on some recent Crown land applications so the band has sought support from the Central Okanagan Regional District (CORD). Wayne d'Easum, CORD administrator, is in favour of an alliance with the band and said it is important for the board to know whether an application has been referred to WFN in advance of making a decision. Peachland director Mayor Graham Reid expressed the importance of having a WFN representative at the board table to ensure that the First Nation's interests are being addressed.

(Kelowna Capital News, February 3)

EDITORIAL EDITS

Okanagan Saturday, January 26 – Tom Wilson wrote, in part:

“An important meeting of First Nations leaders in Westbank Thursday produced ominous words about the future of treaty negotiations.

When the Tsilhqot'in won a landmark decision in B.C. Supreme Court last November, some chiefs vowed treaty process was dead and future negotiation would continue in the courts. Thursday's meeting in Westbank was an initial effort to get the province to adjust its bargaining stance, or face court actions and 'direct action' from the bands.

The Tsilhqot'in won a court decision that gave them rights to 2,000 square miles in the Chilcotin area – 50 per cent of the band's original court claim. That's a lot more land than any negotiated settlement in B.C., which typically amounts to five per cent of the land claimed.

However, the Tsilhqot'in case took 10 years to get through the courts. Appeals might make it another decade before any band member actually feels any benefit from the deal.

Contrast that approach with the Vancouver Island Maa-nulth First Nations, which recently signed a deal with the province for \$73.1-million in cash, annual resource revenues averaging \$1.2-million for 25 years and almost 25,000 hectares of land, including hunting and fishing allotments. Those are real, immediate benefits.

The B.C. government cannot just ignore the message coming out of the Westbank meeting.

Negotiation is still the preferred way to solve these land issues. The leaders who met in Westbank want the government to soften its 'take-it-or-leave-it' negotiation mandates, and that's where some compromise might be achieved.

The province will not simply sign away half of B.C.'s land to First Nations, so native leaders must also accept compromise.”

Vancouver Sun, February 14 – Vaughn Palmer wrote, in part:

“The B.C. government’s 2008 speech from the throne commenced with the promise of additional progress in the budding new relationship with Aboriginal people.

But that passage must have been greeted with a sense of irony by many of the province's Aboriginal leaders, given the lack of progress on a key concern of theirs.

Native leaders have been pressing the provincial government to adopt what they call the Recognition Act, formally recognizing Aboriginal rights and title.

As well, the act would set out the legal framework for 'consultation and accommodation.'

In effect, the law would set out the guidelines for those consultations - when they would kick in, what form they would take - and the mechanisms for accommodating interests.

The Liberals had already recognized rights and title in the speech from the throne. They also issued general directives to government agencies to consult and accommodate.

So the government agreed to discuss the proposed legislation in face-to-face negotiations, believing it might offer an alternative to endless litigation around the meaning of rights and title, consultation and accommodation.

While the government representatives agonized over the very idea of the legislation, the natives submitted a draft text - their version of the Recognition Act.

I've not seen the text, but I gather it increased the anxieties on the government side. The Liberals decided the concept needed a lot more work before it could make the grade as government legislation.

Premier Gordon Campbell and Aboriginal Relations Minister Mike de Jong delivered the word in a meeting with native leaders late last week.

They relayed the concerns about the scope and powers of the proposed legislation. They indicated the bill was unlikely to see the light of day in the spring session of the legislature; indeed, there was no mention of it in the speech from the throne.

I'm not aware of any formal response from native leaders to the rebuff from the Liberals."