

**Fraser Valley Treaty Advisory Committee
First Nations Media Monitor - Excerpts
May 16, 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.com/About%20the%20FVRD/FraserValleyTreatyAdvisoryCommittee/Pages/Reports.aspx>

AROUND THE PROVINCE

Preparing for Nisga'a Tax Status Change

The Nisga'a Nation held its fourth biennial assembly since its 2000 treaty with the provincial and federal governments came into effect. Lieutenant-Governor Steven Point was on hand in his first official act in the Nass Valley area since being named to the position last year. The five-day event included reports from every department of the Nisga'a Lisims Government (NLG) covering topics such as property ownership, wildlife protection and economic development. Federal, provincial and Nisga'a officials were also on hand to discuss the Nation's impending change of tax-exempt status, which was part of the provisions in the Nisga'a treaty. As of June 1, Nisga'a citizens will pay GST, PST, and gas, alcohol and tobacco taxes. Officials will also be speaking in Terrace and Prince Rupert in advance of the tax implementation date. NLG is currently negotiating with the federal and provincial governments on how much of the new tax revenue will be able to be kept by the Nisga'a government to be used for upgrading services for the communities.

(Terrace Standard, April 23)

Clayoquot Agreement Extended

The historic Clayoquot Sound agreement, originally forged in 1994 between the Ucluelet, Toquaht, Ahousaht, Tla-o-qui-aht and Hesquiaht First Nations and the province, has been given \$700,000 in provincial funding to extend the interim measures agreement (IMA). The IMA gives the First Nations control over land use in traditional territory through the Central Region Board, which is a joint First Nations, provincial government, and municipal organization. The board works with the government on changes and concerns in the Clayoquot region and reviews development plans and applications for the area.

(Times Colonist, May 3; Alberni Valley Times, May 5)

ACROSS THE NATION

Aboriginal Housing Fund Launched

The federal government has launched the \$300-million First Nations Market Housing Fund, which will be used as collateral by Aboriginal people seeking assistance from financial institutions to purchase their own homes. Land on reserves is owned by the band and not by the individual, so banks are reluctant to issue mortgages to band members. The Minister of Human Resources and Social Development and the Minister of Indian and Northern Affairs have appointed Grand Council Chief John Beaucage as chairperson and will appoint an additional eight trustees to oversee the housing fund. Canada Mortgage and Housing Corporation will manage the day-to-day activities under the trustees in the short-term, but the funding will eventually become First Nations-controlled for the long-term.

(CBC News, May 5)

TREATIES

Federal Government Puts Up Negotiation Road Blocks

B.C. Treaty Commissioner Dave Haggard told members of the Merritt Chamber of Commerce that the federal government is not listening to the concerns of First Nations and continues to put “huge road blocks” in the way of successfully negotiating treaties. “We’ve got to do something as a treaty commission that’s different than what we’ve been doing,” said Haggard. Haggard said the provincial government has been making headway in their negotiations and noted they were working closely with him and the Lower Nicola Indian Band. However, the federal government still refuses to negotiate in areas such as taxation, land, and extinguishment and Haggard says they have to make a decision on whether they want to be a part of the negotiating process.

(Merritt News, April 24)

B.C. First Nations Participate in Common Table Talks

Nine Nuu-chah-nulth Nations took part in Common Table treaty negotiations with the provincial and federal governments in Vancouver. The three-day negotiations involved a total of 45 nations as full participants and several others as observers. Topics of discussion included outstanding issues such as recognition, certainty for individual nations, overlapping claims, constitutional status of land, taxation, and co-management of resources. Chief Les Sam of the Tseshah First Nation, who was there as an observer, said he is hoping the common table will result in a common framework for negotiations. David Mannix, spokesman for the Snuneymuxw First Nation, said the unified negotiations might help to break the “logjam” that has existed at many of the 50 treaty tables for several years. The common table negotiations are expected to conclude by the end of June.

(Alberni Valley Times, April 30; Nanaimo Daily News, April 30)

FISHERIES

Fraser First Nations Asked to Ration Fish

The Department of Fisheries and Oceans (DFO) is predicting a low sockeye salmon return this year on the Fraser River and is asking affected First Nations to ration their catches and come up with recommendations on how to share the limited catch between them. After conservation, the Aboriginal food, ceremonial and social fishery has priority, this usually requires about 1-million fish. However, DFO is only predicting a return of between 1.7-million and 2.7-million and approximately 1.3-million is required for spawning. Along with the 94 First Nations communities along the Fraser River, about 15 bands on Vancouver Island also rely on sockeye allocations from the river to make up the bulk of their dietary protein, particularly the more impoverished communities. Last year, DFO worked with the Fraser River Aboriginal Fisheries Secretariat to come up with a consultation strategy and so far this year there has been six meetings between First Nations leaders and DFO representatives to discuss sharing strategies. As a result of these meetings a group of four chiefs was created to continue discussion on fish-sharing strategies. Tribal Councils had already made clear their concerns about the dangerously low returns of early timed Chinook and Interior Fraser Coho and most have decided to close the river to their people while these runs go by.

(Times Colonist, May 1; St’at’imc Runner, May 2008)

DFO Considers Crabbing Closure

Based on conservation and First Nations access for food, social, and ceremonial purposes, the Department of Fisheries and Oceans (DFO) has proposed a seasonal closure on commercial crab fishing in Area H, which includes the Strait of Georgia waters east of Vancouver Island. There have been serious problems in the area with over 42

crab-licensed vessels making it the highest commercially fished in a location that is home to more than 20 First Nations and 50 reserves. DFO's goal is to open up crabbing opportunities to First Nations and recreational crabbers while maintaining a sustainable harvest and making commercial fishing consistent in all areas of coastal B.C. waters. The Gulf Crab Fishery Association is opposed to the closure, saying it would be a serious economic blow to commercial fishing outlets. DFO said they are considering alternatives to closure, such as reducing seasonal traps from the current 400 per vessel limit to 100.

(Gulf Islands Driftwood, April 16)

LOCAL GOVERNMENT

Cultus Lake Land Issue Raises Sto:lo Concern

Despite the positive support from Soowahlie First Nation (SFN) Chief Joanne Armstrong, the park board and the provincial government for the City of Chilliwack's plan to extend its boundaries to include Cultus Lake, it has raised Aboriginal title issues with some First Nations. The Sto:lo Tribal Council (STC) has advised the province that area bands are laying claim to the lands around the lake and are concerned by suggestions of local residents that the amalgamation process include the opportunity for them to obtain title to the land, which would make the land not subject to Aboriginal title claim. Much of the lands surrounding the lake are protected by the Cultus Lake Parks Act. Under the act, Chilliwack holds title to the land and is prohibited from selling it, but residents are allowed 21-year renewable leases. If the city gives up title of the land, then it should go to the First Nations and not the local residents, said STC Grand Chief Doug Kelly. However, Chilliwack Mayor Clint Hames said council rejected the option of title to the leased land and that amalgamation of the land into city limits would not close the door to future land claims by the Soowahlie.

(Chilliwack Times, April 25; Globe and Mail, April 26)

First Nations Legacy Land Plans Revealed

The Squamish and Lil'wat First Nations have announced their development plans for three of their seven properties acquired through the Legacy Land Agreement with the province and the Resort Municipality of Whistler (RMW). The First Nations will present an application by the end of May to RMW seeking a rezoning of the properties to allow for a mixed housing development, and residential, commercial and light industry use. Whistler Mayor Ken Melamed said the council and staff are committed to working with the bands and expects the application to be processed by October. The subject parcels include 32 acres known as Alpine North, 10 acres near Alta Vista, and five acres at the corner of Function Junction and Highway 99. Plans for the other sites in the remaining 253 acres of Legacy Land are still being developed.

(Pique News Magazine, April 17)

Penticton Band and City Reach Sewer Agreement

An agreement has been reached between the Penticton Indian Band (PIB) and the City of Penticton under which the city will treat sanitary sewage coming from the band's land on the west side of the Okanagan River Channel. PIB lands have attracted several development proposals over the years, but the lack of amenities such as sanitary sewers has stopped them from proceeding. The band is currently working on a comprehensive development plan and the agreement will give them the ability to proceed, said Grand Chief Stewart Phillip. The city plans to complete its upgrades to the sewer treatment plant by 2010 and once completed will connect the band lands to the plant. The city will front PIB the \$840,000 connection costs, which the band can either repay within 30 days of invoicing or as monthly payments over a 20-year period.

(Penticton Western News, April 23)

EDITORIAL EDITS

Kelowna Capital News, April 23 – Editorial, in part:

“Back when the Westbank First Nation was negotiating its historic self-government agreement with the Ottawa, much was made of the fact there would be a new openness about how the WFN planned to conduct its affairs.

Council meetings, declared WFN officials at the time, would be open to the public.

But that has not occurred.

Requests from this newspaper for access to WFN council meeting – in the same manner as other local government council meetings are covered – have been met with refusals or statements that it will be up to the council on a meeting-to-meeting basis.

Hardly the open and transparent government that was promised.

The WFN is a major player in development of the Westside.

Both the band members and non-native residents on and off the reserve are interested in knowing what is going on.”

Vancouver Sun, May 9 – Vaughn Palmer wrote, in part:

“The B.C. Liberals are moving to establish eight regional offices as one-stop centres for dealing with First Nations on land and resources. The offices are the storefront for the ‘coordinated First Nations engagement initiative,’ an attempt to cut through the bureaucratic snarl in government-to-native relations. The predicament arises from Supreme Court of Canada decisions in late 2004 ordering government to consult natives meaningfully and accommodate their interests. Before long, Aboriginal leaders demanded help sorting through correspondence and identifying which issues were critical to their interests. From the government side came concerns that the consultations were bogging down as band leaders stalled on everything or turned matters over to their lawyers. The result was the coordinated First Nation engagement initiatives, admittedly not the most graceful name. ‘The objectives for this initiative are to provide greater efficiencies and improved working relationships for both the collective provincial agencies and for First Nations.’ Thanks to the backing of the premier's office, the initiative has been given close to \$9 million and an approved staffing complement of 42, including managers, negotiators, resource coordinators and analysts. The new team has also ‘been asked to lead the implementation of this new approach with its partner ministries,’ meaning the so-called ‘dirt ministries’ - forests, energy, mines, environment, transportation, and related agencies. Not only with First Nations. The great fear is that the other ‘partners’ will be marginalized. The competing fear is that the new level of bureaucracy will be sidelined by the need to consult all of the entrenched interests. But the one-stop approach is probably worth a try as an alternative to what was becoming a no-go on the native file.”

St’at’imc News, May 2008 – Kerry Coast wrote, in part:

“While Aboriginal communities are assigned Communal Fishing Licenses, with catch limits involved, there is no limit to the number of sports fishermen who can get a license. DFO [Department of Fisheries and Oceans] managers along with conflicting court rulings and self-contradicting policies about commercial sales of fish has completely skewed the peoples’ ability to help each other out in a year like this one. While some runs will be plentiful this year, the priority right of the Aboriginal people to have those fish and trade them as they wish will not play out to the advantage of many headwater communities who are counting the whole returning run at about 50 fish. If Aboriginal fishermen could trade, people would do this year what they always did when their run was low and someone else’s was higher – trade. At the sixth province-wide consultation on April 3 in Richmond, DFO refused to consider canceling all sports fishing opportunities. Why does the Department of Fisheries and Oceans spend so much money on ‘consultation’ when they could just do their job – protecting Aboriginal rights?”