

**Fraser Valley Treaty Advisory Committee  
First Nations Media Monitor - Excerpts  
May 2, 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

### **INAC Won't Help Band's Internal Issue**

Grand Chief Doug Kelly said the new audit requirements announced by Indian and Northern Affairs Canada (INAC) Minister Chuck Strahl would do nothing to help the alleged spending irregularities within the Soowahlie Indian Band. A Soowahlie Elder recently sent a request for INAC to investigate the spending of \$120,000 of funds meant for dike repairs that new Chief Joanne Armstrong spent on "other expenses," which the Elder noted is "contrary to funding agreements." Doug Kelly and five other past Soowahlie councillors also made similar allegations to INAC regarding Armstrong's lack of response to community concerns. However, the B.C. INAC regional office responded saying that it was an internal band issue. Kelly said the new audit policy would not be productive because it only deals with events after the fact. What band's need, particularly small bands with only part-time staff, is INAC officials working with the councils and administration, said Kelly.

*(Chilliwack Times, April 8)*

## ACROSS THE NATION

### **Record Number of Land-Claims Resolved**

The federal government resolved 54 specific land-claim disputes this fiscal year, a record number in the 34-year history of the specific claims process. The closest previously on record was 1993-1994 when the government resolved 30 claims with financial settlements totalling \$263-million. This year's settlement costs will be about \$70-million and Indian Affairs Minister Chuck Strahl acknowledges that the department likely went after the simpler claims in order to meet former minister Jim Prentice's order to conclude at least 50 claims. Some First Nations leaders were concerned that the federal government would stop negotiating while they established a new specific claims tribunal, and Prentice made the 50 claims promise to ease concerns. The specific claims tribunal was introduced last November and would have the power to make \$250-million in settlement payments over a 10-year period, but it is still in the House of Commons and has yet to become law.

*(Kahtou, April 2008)*

## FISHERIES

### **Tsimshian Lose Fight for Commercial Fish Rights**

The B.C. Supreme Court has ruled that the Tsimshian First Nation (TFN) does not have the right to a separate commercial fishery. TFN was seeking a court declaration that it has an Aboriginal right to commercial fish for a wide variety of seafood, including salmon, halibut and herring. The provincial and federal governments disputed this claim and argued that historically the Tsimshian only harvested for sustenance and traded very little amounts of fish. The court found that the band never received promise of commercial fishing rights from the Crown and an exemption from fish allocation limits.

*(Globe and Mail, April 19)*

## **First Nations Concerned About Geoduck Projects**

After receiving overwhelming skepticism and negativity from local First Nations and environmentalists at a recent stakeholders public meeting to discuss geoduck projects for the Sunshine Coast, the Ministry of Agriculture and Lands announced it has denied the licence submission by Discovery Diving Ltd. for a geoduck clam sub-tidal facility. There are two more sub-tidal geoduck applications near Trail and Nelson islands still pending. The Sechelt First Nation has expressed concerns, but Jim Russell, director of the fisheries and aquaculture licencing and compliance branch, said his office is currently in consultation with First Nations.

*(Coast Reporter, April 4)*

## **Districts Upset Over First Nations Agreement Talk**

The Powell River Regional District (PRRD) is upset that the provincial Integrated Land Management Bureau is seeking a land-use agreement with the Tla'amin, Sechelt, Klahoose, and Homalco First Nations without input from the district. Minister of Agriculture and Lands Pat Bell met with the First Nations a month ago and asked them to bring forward interim measures and to identify areas of high conservation and cultural interest. Tla'amin identified two areas, the Upper Powell Daniels and Savary Island. PRRD and the Sunshine Coast Regional District have been lobbying the province to start a land and resource management plan (LRMP) process for the Sunshine Coast Forest District. However, an agreement with the First Nations could mean that there would be no LRMP, said Colin Palmer, Electoral Area C director and regional board chairman.

*(Powell River Peak, March 19)*

## **Campbell River Band Sues City for Tye Spit**

The Campbell River Indian Band (CRIB) has filed a lawsuit against the City of Campbell River, the province, and the Attorney General of Canada over ownership of approximately 100 acres of waterfront land including Tye Spite. The city purchased the spit from TimberWest in 1994, but the band contends that the original sale in 1921 to International Timber was improper. The intent of the sale was to build a sawmill on the land, which was located on part of CRIB's original reserve. However, this was never carried out and in 1922 the spit was leased out for a fishing lodge and ownership has been transferred several times since. The band maintains that the spit remains under title as part of the original reserve and are seeking compensation and return of land. Campbell River Mayor Roger McDonnell said the city intends to fight the lawsuit and is currently in discussions with the provincial and federal governments. CRIB Chief Bob Pollard doesn't think the lawsuit will affect the band's other relationships with the city, which include the development of a Home Depot and Wal Mart and a nearby housing complex. Contracts for the Home Depot are almost complete and negotiations are continuing with Wal Mart and the city to finalize infrastructure agreements.

*(Campbell River Mirror, April 9 and 11; Nanaimo Daily News, April 11)*

## **Metro Seeks Ruling on Musqueam Settlement**

Metro Vancouver is seeking a court ruling on whether the provincial government had the constitutional authority to expropriate without compensation a portion of the Pacific Spirit Park as part of a land claim settlement agreement with the Musqueam Indian Band. Metro said the province is reneging on past promises not to use municipal and regional park lands to settle Aboriginal land claims and argues that Aboriginal settlements are an exclusive federal jurisdiction. Aboriginal Relations and Reconciliation Minister Mike de Jong said the park was created in 1989 with the condition that the transfer to the regional district was without prejudice for future resolutions of Musqueam claims.

*(The Province, April 22; Peace Arch News Daily, April 22)*

## **First Nation to Vote on City Border Plans**

Members of the Soowahlie First Nation and Cultus Lake residents were part of a public consultation process to inform stakeholders about the City of Chilliwack's proposal to extend its borders to include Cultus Lake. A referendum will be held before the end of August 2008 where band members and residents will be able to vote on whether the city should go forward with the proposal.

*(Chilliwack Progress, April 19)*

## **Province Funds First Nations and Municipal Partners**

The Union of British Columbia Municipalities (UBCM) has received \$300,000 from the province to help build links between First Nations and municipalities. All First Nations and their municipal partners across the province are eligible to apply to UBCM for funding for projects in various areas, such as joint services, job skills development mentoring, and information exchange on program delivery.

*(Ministry of Aboriginal Relations and Reconciliation – News Release, April 10)*

## **Sandspit Joins Haida Protocol**

The regional district on Queen Charlotte Islands voted to authorize Sandspit director Travis Glasman to sign a protocol agreement with the Council of Haida Nation (CHN), which other island communities signed between 2004 and 2006. The agreement provides formal recognition and respect between CHN and the non-Aboriginal communities on the islands and commits all parties to support a sustainable environment and economy, promote local decision-making on resources, hold regular open meetings, and discuss the implications of Haida rights and title. Some Sandspit residents were concerned about wording on the agreement referring to the “co-existence of Crown and Haida Aboriginal title” so Glasman added a footnote to state that Haida Aboriginal title is “as defined by the Constitution of Canada, federal and provincial legislation and policy as it exists from time to time, and relevant case law.”

*(Queen Charlotte Islands Observer, April 3)*

## **Kwikwetlem Gets Flood Study Funds**

A multi-party committee, consisting of the Kwikwetlem First Nation (KFN), the City of Coquitlam, the City of Port Coquitlam, Metro Vancouver, BC Hydro, Ministry of the Environment, the Inspector of Dikes, and various consultants, is preparing a funding application to the province for a flood management study for a future grant request for flood protection for the Coquitlam River. KFN approached the committee for funding to do a flood study in the First Nation's cemetery, which has been a longstanding problem for the community. The cemetery analysis is estimated to cost \$120,000 and the committee resolved to do the study independently. Coquitlam council proposed to commit \$5,000 to the study, BC Hydro and Ministry of Environment have committed \$40,000 each, Port Coquitlam has promised \$5,000, and KFN also plans to approach Indian and Northern Affairs Canada.

*(Coquitlam Now, April 2)*

## EDITORIAL EDITS

**Vancouver Sun, April 25 – Editorial, in part:**

“Metro Vancouver has decided to launch a constitutional challenge against the backroom deal Premier Gordon Campbell negotiated last November to hand over large tracts of land to settle lawsuits brought by the Musqueam First Nation.

When the provincial government passed the Musqueam Reconciliation, Settlement and Benefits Agreement Implementation Act, the die was cast for confrontation. The legislation gave the province the authority to seize the land, adding that ‘no compensation is payable to the Greater Vancouver Regional District...’

Metro Vancouver's board of directors said on Monday that it will ask the court to decide whether the province has the constitutional authority to expropriate land, specifically regional government assets, to settle aboriginal title and lands claims which, it argues, fall under federal jurisdiction.

However, Metro Vancouver is a special case because its relationship with the provincial government is so dysfunctional. The province has pushed forward on the Canada Line and the Gateway project over the GVRD's opposition. Then it blocked Metro Vancouver's plans to establish a new landfill at Ashcroft Ranch in the B.C. Interior and ordered it to find alternative solutions, wasting a decade of planning and millions of dollars.

The province has not engaged Metro Vancouver in any meaningful consultation on matters that affect the population of the region profoundly.

Because these two levels of government can't or won't talk to each other, taxpayers will have to finance a costly court battle.

What is needed to resolve this impasse is not a court ruling, but rather a political accommodation. The only way to reach one is for the parties to sit down together and work it out.”