

Fraser Valley Treaty Advisory Committee First Nations Media Monitor - Excerpts September 19, 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

Squamish Reach Sea to Sky Agreement

The Squamish First Nation (SFN) has reached an agreement with the provincial government to widen the Sea to Sky Highway through its traditional territory. In return for supporting the expansion, SFN will receive \$9.75-million, 600 acres of Crown land, \$1.25-million for training, employment and advice on joint ventures, and the right to purchase an additional 600 acres of Crown land within five to ten years. The Lil'wat First Nation signed a similar agreement with the province in 2006. Through these agreements the province gains the right to expand or improve the highway, even where it crosses reserve land, without dealing with the bands' rights and title claims.

(Vancouver Sun, September 13)

Sinixt Seek Consultations

Since filing their aboriginal title suit in August, the Sinixt Nation Society (SNS) says the federal and provincial governments are obligated to consult and accommodate them regarding development within their claimed traditional territory in the interim. SNS also seeks consultation from companies and groups wishing to do business in the claimed area and noted their recent formal consultation with Hydromax Energy regarding its independent power producer plans for a run-of-river hydroelectric project.

(Arrow Lakes News, September 3)

Chief Seeks Improved Rail Safety

Following the latest CP Rail derailment, in which two railcars plunged into the Thompson River and are now leaking ethylene glycol into the river, Grand Chief Doug Kelly, of the First Nations Summit, has called for a meeting with both CP and Canadian National (CN) Rail to explore improved safety measures. The July 1 derailment occurred at the same time as the annual Chinook salmon migration and Kelly said the priority is to identify the most ecologically important portions of the salmon-bearing river with adjacent rail-lines and ensure extra protective measures are taken for these locations. Kelly also noted that railcars able to safely carry hazardous materials need to be developed. Lytton First Nation Chief Byron Spinks and Lytton Mayor Chris O'Connor want to see a regional training centre established, manned by both First Nation and non-First Nation volunteers from the region, to deal with emergency first response so that train crews won't have to wait hours for an adequately-trained rescue team from Agassiz arrived.

(Squamish Chief, August 22)

First Nations Leader Wants Fall Session

Grand Chief Stewart Phillip, of the B.C. First Nations Leadership Council, said he is offended by Aboriginal Relations and Reconciliation Minister Mike de Jong's recent statement that the fall session has been cancelled because there is "no significant legislation to be considered." Phillip wants the session to be recalled in order to debate a bill for the B.C. Aboriginal Title and Rights Recognition Act, which could enshrine the "New

Relationship” into law and develop a legal framework between Aboriginal groups and the province on issues such as resource revenue sharing and land-use agreements. However, de Jong said the bill is “far from being ready to become legislation.” In response, Phillip said the government is “stonewalling” because they do not want to address the legislation before the next election.

(Vancouver Sun, September 13)

Penticton Chief Will Step Aside for New Leader

Grand Chief Stewart Phillip officially announced that he would not be seeking another four-year term as chief of the Penticton Indian Band at the band’s upcoming chief and council election. Phillip is also president of the Union of B.C. Indian Chiefs and the Okanagan Nation Alliance, and an executive on the B.C. First Nation’s Leadership Council (FNLC). “My [FNLC] duties and responsibilities at the provincial level are becoming very demanding and time-consuming,” said Phillip. Six candidates have been nominated to take over the chief position and an all-candidates forum has been set for September 17 with the election day set for October 22.

(Penticton Herald, September 5)

TREATIES

Sto:lo Concerned About Yale Treaty

Grand Chief Clarence Pennier of the Sto:lo Nation says that if the Yale Indian Band (YIB) treaty is finalized as now drafted it will lead to increased friction among area bands. The Yale band has reached an agreement-in-principle under the B.C. Treaty Process that includes 1,000 hectares of land, \$6.5-million cash, self-government provisions, and a salmon catch allocation on the Fraser River. The agreement also states that the band “may regulate public access to their treaty settlement lands to prevent harvesting of resources owned by Yale First Nation.” Fights have already occurred when Yale band members have tried to evict Sto:lo fishermen from the Fraser Canyon. Pennier says YIB is claiming sole ownership to fishing grounds that other bands have overlapping claims to and Kuthlath Indian Reserve 3 has been assigned to the Yale band, which he says has long been claimed by the Sto:lo. Pennier has taken his complaints to the province and a representative from Indian and Northern Affairs Canada said the Sto:lo’s concerns have been noted and discussions regarding overlapping First Nations claims are ongoing. *(Globe and Mail, September 15)*

FISHERIES

Secwepemc Fishery Explores Inland Feasibilities

The Secwepemc Fisheries Commission (SFC) was granted a permit by the Department of Fisheries and Oceans (DFO) to catch 1,500 chinook, above and beyond their food, social and ceremonial allotment, for commercial processing and resale. This is the second year that SFC has been exploring the feasibility of inland commercial salmon fishing on Kamloops Lake. Last year they caught about 60 fish, but so far this year crews have caught about 200 fish with another 11 days fishing still to go. The crews are working only at night when the chinook cannot see the monofilament gill-nets, which are checked every two hours by hand to ensure non-target species can be live released. The catch is transported to a First Nations processing plant in Lytton. DFO resource manager Adrian Wall has been working with SFC on the feasibility of inland fisheries, which are more sustainable than open ocean fisheries and easier to differentiate between specific runs of salmon. The band received \$56,000 from the Pacific Integral Commercial Fisheries Initiative (PICFI) to assist with the project. PICFI is a federal program that was created following a 2003 review of the west coast fishing industry with a mandate to reduce the size of the coastal fishing fleet. If the Secwepemc fishery proves viable, PICFI will help with the band’s goal of creating a self-sustaining, environmentally sound commercial fishery by 2012 by providing training and capital costs.

(Kamloops Daily News, September 5)

LOCAL GOVERNMENT

City May Partner With First Nations for Island Park

New Westminster's parks and recreation comprehensive draft plan recommends the acquisition of Poplar Island from Metro Vancouver and turning it into a park. However, several First Nations, including the Musqueam, Tsawwassen, Katzie and Qayqayt, have lands claims to the island. The earliest historical records show the island as one of three First Nations reserves assigned to the Qayqayt (New Westminster Indian Band) and later, following a small pox epidemic, coastal First Nations were quarantined there. City councillor Cal Donnelly, chair of the parks and recreation commission, said the land claims must be dealt with before proceeding. Councillor and acting New Westminster Mayor Lorrie Williams believes partnering with First Nations and including cultural features to the park might be the solution.

(New West NewsLeader, August 21)

Whistler Swaps Land With First Nations

The Squamish and Lil'wat First Nations' amended zoning bylaws and community plan unanimously received first and second readings from the Resort Municipality of Whistler (RMOW) council. Amendments to the plan were made after RMOW said they were uncomfortable with the original plan of residential housing in the Alta Vista area and because a large portion of the Alpine North land was too steep to build on and contained old-growth forest. The new plan involves the transfer of a two-hectare portion of Whistler's community land bank to the First Nations in exchange for their Alta Vista land, also known as the BCBC site. An agreement-in-principle has been established to secure the transfer. The two hectares of land will allow the Squamish and Lil'wat to expand their Alpine North development to include all 458 bed units allocated under the Legacy Land Agreement without disturbing the old-growth forest. RMOW staff believe the development will be able to utilize existing public roads and the Rainbow highway intersection, currently under construction.

(Whistler Question, August 28; Pique News Magazine, August 28)

Delta Discusses Tsawwassen Development Impacts

Corporation of Delta councillors attended a workshop to discuss the preliminary findings of a South Delta transportation study, which looked at the effects the Tsawwassen First Nation (TFN) development plans could have on municipal streets and roadways. Study findings indicated that TFN development would significantly impact road congestion and intersection performance along Deltaport Way, Highway 17, and recommended building additional capacity. However, it was noted that the study was based on an early TFN community plan containing a large industrial component, which has since been downsized decreasing the volume of truck traffic. The latest development plan approved by Tsawwassen members has a smaller industrial area with higher residential and commercial components. Mayor Lois Jackson said further analysis of TFN's development plan is needed and noted the importance of sharing municipal roadway capacity information with the band. Although approval from Delta or Metro Vancouver is not required for TFN's development plans, it's important that the band realizes Delta isn't going to take on all of the upgrades needed for their build-out, said Jackson. Municipal staff are meeting with Tsawwassen representatives early September to discuss the issue.

(The Now, August 29)

First Nations On Site to Observe Water Line Dig

With improvement to the water line in the Village of Lillooet about to begin, the Lillooet Tribal Council (LTC) and the community of T'it'q'et have been discussing how to proceed to protect a 10,000-year-old St'at'imc village site located in Lillooet. Although the Village of Lillooet's proposal received funding from Western Diversification that included an Environmental Assessment review, it did not include capacity for a full archaeological assessment

report. St'at'imc representatives said they are anticipating that items of archaeological importance will be uncovered and made it clear they want an archaeologist present during the work. However, the Ministry of Tourism, Sports and the Arts, which holds the Archaeological portfolio, suggested that sites of importance in the area are well known and documented and the water line would not affect any. The Village administrator said he was not aware of any standard procedure for involving archaeological considerations, but met with LTC and T'it'q'et to discuss their concerns. Following the meeting, LTC technicians agreed to have their staff on site for ten days of the excavations to observe, and a verbal agreement was made to stop work and conduct a proper investigation if any items of archaeological importance were found.

(St'at'imc Runner, September 2008)

EDITORIAL EDITS

Tri-City News, September 7 – Terry O'Neill wrote, in part:

“If, like me, you watched the Olympics on CBC, you couldn't help but notice the ads placed by the Gitksan, an Aboriginal band from northern B.C. Although the spots weren't exactly riveting television, they nevertheless served to confirm something that should be of concern to all British Columbians: that the province's billion-dollar-plus treaty system is, at best, a mess and, at worst, a failure.

They say they've been spinning their wheels for 14 years and are getting fed up with government stalling. In an attempt to gain some traction, the chiefs unveiled an entirely new negotiation position.

Of particular import is the Gitksan's declaration that they want nothing to do with the type of self-government being offered to native groups. They say such self-government would deny natives their constitutional right to be part of Canada.

I have long argued that successive provincial governments have misled British Columbians by declaring the sort of self-government won by the Nisga'a was merely a type of municipal government. Now, the Gitksan are agreeing with me.

What to do about all this? Let's start with the government adopting the principles supported by 80 per cent of British Columbians in the 2002 referendum, the most important of which is that Aboriginal self-government should have the characteristics of local government, not quasi-sovereign nations.”

Vancouver Sun September 23 – Wendy Hom wrote, in part: *Tuesday,*

Several weeks ago, the process for public comment on the Agricultural Land Reserve exclusion application for Richmond's Garden City Lands drew to a close. This Monday, almost two years to the day after rejecting it for the first time, an Agricultural Land Commission panel convened to re-evaluate whether this 55-hectare parcel of land in the heart of Richmond should be removed from the ALR and slated for development.

Whether you live in Richmond, Burnaby, the North Shore or Chilliwack, the decision on the fate of the Garden City Lands will be a tipping point for urban agriculture and community engagement. What happens next is going to impact communities across the Lower Mainland for a very long time.

The decision by the ALC's South Coastal Panel is final; it cannot be appealed. It is for this reason that commissioners should know that their decision is being watched by the public. As ALR land, the property is assessed at just over \$100,000 an acre. Removed from the ALR, value jumps to an estimated \$4 million to \$5 million an acre.

In an astounding, behind-closed-boardroom-doors manoeuvre that completely bypassed the established treaty negotiations process, CLC granted the **Musqueam First Nation** a one-half interest in the property in return for a joint venture development partnership. CLC then approached the City of Richmond with an offer they couldn't refuse: Support an ALR exclusion to allow residential and commercial development (including a token park for the community) or face land claims litigation ad nauseum. The agrologist's report that formed part of the developer's exclusion application was titled Agricultural Assessment of the CLC Lands, yet no agricultural capability

assessment was ever conducted. In the same report, agricultural suitability was limited to commercial cranberry, blueberry and potato crops, which were deemed not economically viable (in fact, not a justification for exclusion under the ALC Act). The use of the land for urban agriculture was dismissed out of hand ("not commercial agriculture").

Since the 2002 restructuring of the ALC (from one provincial body into six regional panels), 580 hectares of farmland have been removed from the ALR in the South Coast region (GVRD, Fraser Valley, Powell River, Squamish-Lillooet and the Sunshine Coast) and 11.7 hectares included, for a net loss of 568.3 hectares. Seventy per cent of farmland lost (397 hectares) was in the Fraser Valley and 25 per cent (140 hectares) was in the GVRD. In 2007, 59 per cent of ALR applications to the South Coast panel were approved (73 of 124); not all were exclusions. Call the BC Agricultural Land Commission. Tell them to reject the exclusion application and keep these lands within the ALR. It is time for the community to engage.