

**Fraser Valley Treaty Advisory Committee
First Nations Media Monitor - Excerpts
April 17, 2009**

*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/AboutUs/FVTAC/Pages/Reports.aspx>

AROUND THE PROVINCE

First Nations and B.C. Sign Mining Agreement

The Kamloops Indian Band (KIB), the Skeetchestn Indian Band (SIB) and the provincial government have signed a Mining and Minerals Agreement that will provide a partnership for resource sharing of mining done within First Nations' traditional territory. KIB and SIB have shared-land on which mining is currently located. KIB Chief Shane Gottfriedson said the band also has a signed agreement with a mining company and once the mine is in full operation "things are going to start paying off."

(Vancouver Sun, April 8)

Chief Notes Grave Flaws at Power Summit

Chief Dan Smith, of the political executive of the B.C. First Nations Summit, told participants of the recent B.C. Power Summit in Vancouver that if "grave flaws" in the way the province and industry are managing private power production in B.C. aren't resolved, there should be a moratorium put on power project development. Smith noted there are two directions the province could take in the near future, the "way for a genuine new relationship and fruitful partnership" or toward "continued costly legal battles and economic uncertainty." The current policy has transferred wealth and resources to the private corporate sector with virtually none going to First Nations, said Smith. Pierre Gratton, president and CEO of the Mining Association of B.C., said the biggest impediment to B.C. "realizing its full potential" remains Aboriginal land claims uncertainty, but noted his group had a very positive week of talks with First Nations leaders who are trying to allay industry concerns.

(Business in Vancouver, March 30)

Lax Kw'alaams Strategize on Response to Land Claim

Members of the Lax Kw'alaams Band are meeting to strategize on an appropriate response to the Kitkatla First Nation's claim that Prince Rupert Harbour lies within Kitkatla traditional territory. In September, the Kitkatla leadership presented a study that asserts, based on oral history, archival data, and archaeological data, Kaien Island, the traditional name for Prince Rupert, is within their community. However, the Lax Kw'alaams, which is one of nine bands of the Allied Tsimshian Tribes Association, say this is not the case and plan to show that the area is within the ancestral lands of the Tsimshian Tribes. The Prince Rupert Port Authority is close to finalizing an agreement with the Tsimshian communities of Lax Kw'alaams and Metlakatla, but the Kitkatla claim could send negotiations "back to square one."

(Prince Rupert Daily News, March 25)

First Nations Chiefs Want to Keep Agreement Alive

The Central Region First Nations (CRFN) of Tla-o-qui-aht, Toquaht, Ucluelet, Hesquiaht, and Ahousaht are meeting with the provincial government to ask them to "live up to their commitment" of the current Interim Measures Agreement (IMA) and continue funding for the Central Region administration and the Central Region board. The IMA sets out the parameters for the province and CRFN to collaborate on decision making for

development in Clayoquot Sound and has been renewed five times since it was first signed in 1994. The Interim Measures Extension Agreement (IMEA) provides the funding for the administration and board, which consists of representatives from all five First Nations and the province. However in January, the CRFN Hereditary Chiefs (Hawiih) received notice that the government was considering “doing away” with the IMA and moving towards dealing with each First Nations individually. In a letter to Premier Gordon Campbell, the chiefs said they were told by provincial negotiator Doug Bowen the IMEA would not be renewed because there is no mandate or resource to fund it, which they said is “very troubling and disrespectful.” The letter notes a clause in the agreement that states resources would be focused on renegotiating the agreement between April 2008 and March 2009. The province now appears to be willing to talk and the Central Region Hawiih said they are hoping to negotiate a multi-year agreement with the province, which would benefit the whole region and has the support of the districts of Tofino and Ucluelet and the Alberni-Clayoquot Regional District.

(Alberni Valley Times, March 27)

First Nations Say Power Project Critics Must Consult

The Klahoose and Sechelt First Nations sent a letter to the Watershed Watch Society, Save Our Rivers, Sunshine Coast Conservation Association, Western Canada Wilderness Committee, B.C. Citizens for Public Power (BCCPP), and the Canadian Office and Professional Employees Union (COPE) 378 asking that the groups respect, rather than attack the bands’ decision to support independent power projects (IPP’s) such as Plutonic Power’s run-of-river stations in Toba Inlet. The First Nations said the organizations’ failure to consult with them along with their predetermined opposition to IPP’s showed “profound ignorance, paternalistic behaviour” and a “modern form of eco-colonialism.” The letter demanded the groups recognize the bands’ rights and title and “not enter our territories without due notice and consideration.” Klahoose and Sechelt noted they are fully capable of ensuring that environmental values are maintained and reject the arguments that IPP’s inherently damage streams and watersheds. Klahoose Chief Ken Brown said the Plutonic project has provided employment for band members and repairs to streams damaged by logging over 20 years ago, but notes that the critics offer nothing positive. However, BCCPP executive director Melissa Davis points out that many other First Nations have expressed opposition to IPP’s.

(Powell River Peak, April 1; Vancouver Sun, April 6)

TREATIES

Maa-nulth Final Treaty Agreement Signing Complete

Minister Chuck Strahl, of Indian and Northern Affairs Canada, and Chief Robert Dennis of the Huu-ay-aht First Nation joined B.C. Aboriginal Relations and Reconciliation Minister Mike de Jong and the leaders of the four other Maa-nulth First Nations bands in a ceremony to complete the signing of the Maa-nulth Final Treaty Agreement. Negotiations for the treaty concluded in December 2006 and in July and October 2007, members of the Maa-nulth community voted 80 per cent in favour of ratifying the agreement. In November 2007, the province introduced and passed the settlement legislation to ratify the Final Agreement and in July 2008, the leaders of the four of the five Maa-nulth First Nations – Ka:’yu:’k’t’h’/Che:k’les7et’h, Toquaht, Uchucklesaht and Ucluelet – signed it. With the signing by Huu-ay-aht and Canada, the federal government can now formally proceed with introducing legislation to ratify the treaty in Parliament. The agreement recognizes the traditional hereditary chiefs (Hawiih) governance system of the Nuu-chah-nulth people and includes 24,550 hectares of land, cash transfers of \$73.1-million over a 10-year period, annual resource revenue payments, and \$10.3-million per year to implement the treaty. During the ceremony, de Jong announced that the province would immediately begin transfer of six parcels of land to the Maa-nulth First Nations.

(Indian and Northern Affairs Canada – News Release, April 9; Vancouver Sun, April 11)

K'omoks and Hupacasath Sign Overlap Agreement

The K'omoks First Nation in the Comox Valley and Hupacasath First Nation in the Alberni Valley have signed a shared territory agreement setting out a framework to consult each other about their intentions in the Cameron Valley. "This is a very sensitive and culturally important area to our nations...we are committing to work together to protect our common rights and interests in our shared territory," said Hupacasath Chief Judith Sayers. Both bands are currently engaged in the B.C. Treaty Commission (BCTC) process with provincial and federal representatives and this agreement will help the negotiations to move forward. In advance of concluding the treaty process, BCTC compels First Nations with overlapping claims to negotiate agreements for shared territory, which is defined as a geographical area within a territory claimed by more than one First Nation. The K'omoks/Hupacasath agreement covers areas of mutual interest such as resource rights, property acquisition, land-use planning and management, and the protection of cultural areas.

(Alberni Valley News, March 27; Alberni Valley Times, March 31; Courtenay Comox Valley Record, April 1)

(Alberni Valley News, March 27; Alberni Valley Times, March 31; Courtenay Comox Valley Record, April 1)

FISHERIES

K'omoks Traditional Sockeye Study Funded

BC Hydro is investing \$144,000 in fish projects on the Puntledge River, which will allow the K'omoks First Nation to conduct an investigation of the traditional sockeye run on the river. The project is designed to fund restoration and enhancement initiatives that benefit fish and wildlife as well as help fund scientific studies that will assist with future decisions on fish and wildlife projects. The restoration program is a partnership between BC Hydro and the B.C. Department of Fisheries and Oceans along with First Nations and community groups.

(Comox Valley Echo, March 27)

LOCAL GOVERNMENT

Lil'wat Chief Concerned About Growth Strategy

During a recent meeting of the Squamish-Lillooet Regional District (SLRD), directors discussed a letter from Chief Leonard Andrew, of the Mount Currie Band (Lil'wat Nation), which said the district's current Regional Growth Strategy fails to address the issues that face the Lil'wat people and "undermines the core aspect of Aboriginal title." Andrew is concerned that it would limit use of land within Lil'wat traditional territory, which overlaps with SLRD land, and is asking the SLRD to use the strategy as a starting point for consultation with the band. SLRD directors voted to ask the provincial and federal governments to work with them and the Lil'wat Nation.

(Squamish Chief, March 27)

Tribal Council and Regional District Sign Protocol

The Shuswap Nation Tribal Council (SNTC) and the Thompson-Nicola Regional District have signed a protocol agreement that promises cooperation between the groups. The two parties have been trying for five years to come to an agreement but could not agree on the issue of recognition of Aboriginal claims. TNRD politicians said recognition of Aboriginal rights and title was not within their limit of power and did not want to include language reflecting that. However, both sides have now agreed to disagree on some language within the agreement.

(Kamloops Daily News, March 27)

Workshops Designed to Build First Nations Awareness

Local politicians and agency representatives are taking part in a series of three workshops designed to share information and build their awareness of the K'omoks First Nation. Subjects being covered at the Shared Understanding workshops include cultural awareness, rights and title, and respectful engagement of First Nations. The workshops are sponsored by the Union of B.C. Municipalities and are funded by the Bell Group and Sage Hills. (*Courtenay Comox Valley Record, April*)

EDITORIAL EDITS

National Post, March 23 – Nelson Leeson and James Eetoolook wrote, in part:

“Canada’s relationship with modern Aboriginal treaty organizations is currently in crisis, and the Crown’s ongoing failure to implement the promises of modern treaties is largely to blame. In 2003, in an attempt to address the crisis, Aboriginal peoples from across Canada formed a coalition to press Canada to adopt a policy for implementing modern treaties. After much work and many failed attempts to engage government in a collaborative process, the Land Claims Agreements Coalition [LCAC] completed a Model Canadian Treaty Implementation Policy, which it released on March 3, 2009. Effectively implementing the opportunities in these agreements requires the Crown to work with the Aboriginal signatories in a government-to-government relationship. Unfortunately, this has seldom happened, as the Crown has often refused to meet with the leaders of these Aboriginal treaty organizations. Rather than fully implementing the spirit and intent of these agreements, the Crown has focused on the narrow, legal obligations. In May 2008, the Senate standing committee on Aboriginal peoples reported that federal practices and policy relating to modern treaty implementation actually resulted in the diminishment of the benefits and rights promised to Aboriginal peoples. With few exceptions, the broad promises of modern treaties remain unfulfilled, and relationships between the Crown and many Aboriginal treaty organizations continue to deteriorate. Major implementation elements of the Nunavut Land Claims Agreements expired in 2003. Canada’s refusal to act upon arbitration offers and conciliation recommendations resulted in the commencement of litigation against the federal government in 2006. Meanwhile, seven Yukon First Nations and the Nisga’a Nation are still waiting for negotiations to begin in respect to fiscal agreements that originally expired in 2005 and 2006, respectively. In the coalitions’ view, a new national policy is urgently required to address the current crisis and ensure that all agencies of the Crown implement modern treaties fully, according to their letter, their spirit and intent and the fundamental objectives they embody.” (Leeson is president of Nisga’a Nation and LCAC co-chair, Eetoolook is acting president of Nunavut Tunngavik Inc. and acting LCAC co-chair)

Kamloops Daily News, March 30 – Editorial, in part:

“Just words. That’s how Shuswap Nation Tribal Council co-chairman Wayne Christian described the ‘Protocol Agreement for Cooperation’ signed last week between the tribal council society and the Thompson Nicola Regional District. The problem is that bands see such agreements from the perspective of history. They want them to acknowledge their land rights, and that means including language that re-affirms who was here first and who is a visitor. That creates an instant inequality that city councillors and regional representatives feel uncomfortable with. For one thing, the rights-and-title issue isn’t within their authority. For another, they worry about it being used at some point for legal purposes. Is such an agreement a binding contract, or is it a statement of intent? In the case of the Tribal Council-TNRD document, the two sides agreed to disagree, and to sign what they could agree on. What they could agree on was to deal with each other from positions of respect, to work toward common goals, and – well, that’s pretty much it, repeated over and over again in somewhat different ways. It’s progress of a sort, in that it provides a reference point for cooperation on such things as economic development. It will serve as a useful reminder that we all live in this region, and it’s to everyone’s benefit to work together rather than apart. Just words, indeed, but any time people take the trouble to sit down and put in writing that they trust and respect each other, the words are important.”

Times Colonist, April 6 – Editorial, in part:

“First Nations governments are starting to flex their muscles, and that’s something builders and politicians are going to have to get used to. The Tsleil-Waututh Nation has put Lower Mainland leaders on notice that they expect to be part of development projects. Nothing gets built in Metro Vancouver without satisfying the local council. The Tsleil-Waututh don’t want to settle for less – and the law says they don’t have to. But while developers have to accept there’s another chair at the table, Aboriginal leaders have to realize there isn’t an unlimited number of chairs. The prospect of 10 or more nations all demanding extensive consultation for the same project as widened the eyes of more than one local politician. If left unaddressed, the issue of overlapping claims could paralyze development entirely. But perhaps a more creative solution exists beyond simply drawing lines on maps. After all, that’s what got us into this mess in the first place.”