

**Fraser Valley Treaty Advisory Committee
First Nations Media Monitor - Excerpts
October 30, 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>

First Nations Buys Junction Land

The Ucluth Development Corporation (UDC), owned by the Ucluelet First Nation (UFN), has purchased a piece of property at the Tofino-Ucluelet highway junction from Emcon Services. Emcon decided to sell the property following an unsuccessful bid to rezone the area for light industrial, commercial and residential use. UFN intends to utilize the property within its current zoning as Forest Reserve District. Under the Alberni-Clayoquot Regional District bylaws the area can be used in 14 possible ways, such as fishfarming, hatcheries, water-resource intake, farming, vineyards, wild crop harvesting, or as a park. UDC board president Tyson Touchie said any development plans would go through the band's council and community, and the surrounding communities, stakeholders and private land owners. UDC plans to do a study of the property over the winter and go public with its plans sometime next year. (*Alberni Valley Times, October 16*)

Feds Conclude Mine Will Not Significantly Harm Environment

The federal Department of Fisheries and Oceans and Natural Resources Canada have concluded that although the proposed Terrane Metals' Mount Milligan mine will likely cause harm to fish habitat, with the company's mitigation plans in place, the productive capacity of the fish habitat will be maintained. The conclusions were released in a comprehensive study report and are now open to the public for a 30-day comment period. The study notes the concerns of local First Nations such as the Nak'azdli First Nations and McLeod Lake Indian Band regarding the project's impact on water quality, fish, wildlife, culture, visual values, and traditional land use. It also notes specific concerns from the Nak'azdli including contamination from acid-rock drainage and impacts on future economic growth. However, the federal environmental review concluded that if Terrane carries through with plans to offset the impacts, there wouldn't be any significant adverse effects to the current traditional uses of lands and resources by Aboriginal peoples. The Nak'azdli have already launched court action against the province, following its environmental approval of the project last March. (*Prince George Citizen, October 9*)

Okanagan Nation Restate Land Claims

Chief Tim Manuel and Chief Jonathan Kruger of the Okanagan Nation brought a delegation of government officials and media on a three-day tour of the West Kootenay with the goal to restate their land claims in the region. The Okanagan Nation claim ancestral rights to 69,000 square kilometres of territory and are concerned about the way the province is managing the land. One specific issue of concern is the Glacier-Howser independent power project scheduled for development on two creeks that run into the Duncan Reservoir. Manuel said the project "has not been done in a good way," and that the people of their nation, as well as other residents in the region, are not being properly

compensated for the impacts. “We’re here to put BC Hydro and Columbia Power on notice,” said Manuel and Kruger, who also note the issue of consultation with First Nations would not go away. The Okanagan Nation is looking to form an alliance with the residents of Nelson on issues that concern both groups. (*Nelson Daily News, October 14*)

Leaders Discuss Coast IPP’s

First Nations, provincial ministers, local business, and independent power project (IPP) industry leaders recently met at the McNair Creek IPP in Port Mellon to present their concerns and questions about coast IPP’s. Although not directly involved in the decision-making process for IPP’s, Aboriginal Relations and Reconciliation Minister George Abbott attended the gathering as part of a factfinding mission. Abbott noted that many of the almost 200 IPP applications filed in the province are located on or near First Nations’ traditional territory. The province would like future IPP deals to include First Nations, similar to the deal the Klahoose First Nation has with Plutonic Power Corporation, said Abbott. Chief Garry Feschuk, of the Sechelt Indian Band, was also in attendance seeking more consultation and involvement in the decision-making process for First Nations. (*Coast Reporter, October 16*)

Tahltan Meets with Minister to Discuss Wildlife Issues

The Tahltan Nation agreed to meet with the Assistant Deputy Minister to discuss a resolution to the wildlife management issues in Tahltan Territory, which will be followed by a meeting with Environment Minister Barry Penner. After trying for several years to get the province to address the wildlife management issues and receiving many years of inaction, the Tahltan decided to take their own action and erected “wildlife management gates” to manage wildlife hunting in their territory. Prior to the meeting, the minister requested, as an expression of good faith, that the Tahltan Nation remove the gates and the Tahltan people have indicated they will do so before the minister arrives. (*Nation Talk, October 15*)

Wal-Mart Part of First Nation Retail Complex

The joint venture of the Squiala First Nation and League Assets Corporation, Eagle Landing Retail Limited Partnership, announced that Wal-Mart would be moving to the retail shopping centre development on SFN reserve lands. Wal-Mart is expected to be completed in December 2010 and will be the cornerstone for the Eagle Landing complex, which will have 600,000 square feet of retail space available (*Chilliwack Times, October 9*)

Treaty Commission Calls on Federal Government to Step Up

B.C. Treaty Commission chief commissioner Sophie Pierre delivered her annual report calling on the federal and provincial governments to reaffirm their commitment to treaty making and to First Nations to resolve overlapping territorial issues. Pierre notes that after 16 years of negotiations, they are just now discovering that federal negotiators don’t have the necessary power to make decisions that will lead to treaties. Ottawa is moving too slowly and needs to give negotiators the necessary mandate to follow through on treaty settlements, said Pierre. The Sliammon, In-SHUCK-ch, and Yale First Nations are all waiting for the federal government to reach fish resource agreements so they can move forward in their treaty talks, but federal negotiators do not have the ability to deal with fish issues. Jim Barkwell, federal director of negotiations for the south region, said the delay was primarily due to

work being done by the Department of Fisheries and Oceans on fisheries largely completed so they are preparing to return to talks. Since 1993, approximately \$500-million has been distributed by the Treaty Commission to about 50 First Nations. For every \$100 of support money, \$80 is in the form of a federal government loan and many First Nations are “staggering under the cost of negotiation loans,” which could collapse the treaty process, warns the First Nations Summit. (*Times Colonist, October 15 and 18; Globe and Mail, October 15 and 29*)

Snuneymuxw Frustrated With Treaty Deadlock

The Snuneymuxw First Nation is running out of patience with the treaty process and says senior levels of government are refusing to negotiate based on legalities of the 1854 Douglas Treaty. The negotiation deadlock involves, among other things, the constitutional status of treaty lands, governance, and co-management of traditional territories. B.C.’s Minister of Aboriginal Relations and Reconciliation George Abbott said he “appreciates the frustrations,” but expects a “break in the logjam” soon. (*Nanaimo Daily News, October 16*)

First Nations and Municipality Launch Community Forest

The Squamish Nation, Lil’wat Nation, and Resort Municipality of Whistler launched their new Cheakamus Community Forest October 15. The forest, comprised of 36,000 hectares, will be jointly managed by the three parties through an agreement reached with the province transferring decisionmaking abilities to the three partners for the next 25 years. Squamish Chief Bill Williams is pleased that the “forgotten resource” of botanical products will be part of the community forest. Williams said the use of botanicals, such as the inner bark from red or yellow cedar used for weaving mats, raincoats, hats or ropes, is very important to the Aboriginal culture. (*Whistler Question, October 22*)

Lax Kw’alaams Appeals Commercial Fishing Ruling

The Lax Kw’alaams Band is being heard by the B.C. Court of Appeals regarding their appeal of a B.C. Supreme Court ruling that dismissed their claim to ancestral Coast Tsimshian fishing rights along the coast of northwestern B.C. and the Lower Skeena and Nass Rivers to harvest and sell fish on a commercial basis. The federal and provincial governments successfully argued that the Coast Tsimshian did rely on fish for sustenance, but did not establish a substantive trade in fish and in the 2008 judgment, Madam Justice Deborah Satanove found that the band’s claim ignored these fundamental facts. (*Globe and Mail, October 30*)

First Nations Upset About Fish Farm Escape

A recent escape of 40,000 Atlantic Salmon from the Port Elizabeth Fish Farm in the Broughton Archipelago has the Kwicksutaineuk Ahkwa-mish First Nation (KAFN) questioning the adequacy of Marine Harvest Canada’s emergency response plans. Attempts to recapture the escaped Atlantics did not begin until approximately 24 hours after the escape was first noticed. Chief Bob Chamberlin said chances of recovering any salmon are “slim to none” at this point. Marine Harvest has agreed to let Musgamagw-Tsawataineuk Tribal Council staff question its staff, but the First Nations remain skeptical about what kind of action will take place. KAFN wants the province to publicly state there will be no expansion of fish farms tenures leading up to the Department of

Fisheries and Oceans (DFO) assuming control of the fish farm industry and wants DFO to engage with First Nations to develop new fish farm regulations. (*Nation Talk, October 26*)

N'Quatqua Sell Water to District

The N'Quatqua recently doubled their reservoir capacity with a new water tank, which will supply their growing community as well as feed a new agreement with the Squamish Lillooet Regional District (SLRD). SLRD residents have been on a boil-water alert for several years and have been getting their water directly from D'Arcy Creek. Through the agreement, which came into effect at the end of September, N'Quatqua will sell drinking water to SLRD, based on the existing units in the area. (*St'at'imc Runner, October 2009*)

Water System Upgrades Will Connect to First Nation

The federal and provincial governments are providing funding for a water system expansion project in the Popkum and Bridal Falls areas, which will also allow the Cheam First Nation to connect to the system with potential for the Popkum First Nation to connect in the future. The Fraser Valley Regional District has been working on a water expansion for 15 years and the project will improve water pressure for fire protection in both the Popkum and the Cheam communities. Chief Sid Douglas said the project, which is scheduled to begin in the spring, would also provide the reserve with water for future economic developments. (*Agassiz Harrison Observer, October 15*)

Conference Explores Aboriginal Child Care

A recent conference in Victoria highlighted the fact that there is a disproportionate number of Aboriginal children in the province's care and that they are often cut off from their culture. "Research shows that when children know about their culture it acts as protective factor," said Leslie Brown, a University of Victoria associate dean who helped organize the conference for the Indigenous Child Welfare Research Network. One idea discussed at the conference was the introduction of an "aunties" program, which involves chosen women from the community working with families or children in trouble or in need of protection before the system gets involved. (*Times Colonist, October 9*)

Times Colonist, October 9 – Editorial, in part:

"Only Coca-Cola is Coke and only a Frisbee can be a Frisbee – and there is really only one Cowichan sweater. It is one that is produced by the Cowichan Tribes. Anything else is a knockoff, an imitation. So while the Cowichan Tribes should feel flattered by the choice of a Cowichan-like sweater as outerwear for the Canadian Olympic team, they also have a right to feel as if they have been ripped off. The Cowichan knitters did their best, submitting a bid for the work and providing samples of what they can do. Emily Sawyer-Smith of Hills Native Art in Duncan also guaranteed that the knitters in the tribe would have no trouble producing the sweaters, which are made of Buffalo brand wool, a loose-spun wool that produces warm, water-resistant garments. That didn't matter, however. The local bid was not accepted. Having the Cowichan Tribes create a special Olympic sweater would have been a powerful symbolic way to counter those feelings and to make our First Nations a visible part of the first West Coast Olympics. It's unfortunate the opportunity has been lost."

Vancouver Sun, October 15 – Vaughn Palmer wrote, in part:

“The federal Conservative government’s ‘silence and inactivity,’ particularly on the native fishery, is stalling treaty settlements in B.C., the independent treaty commission reported Wednesday. ‘From Canada there have been periods of silence and inactivity, thereby creating the perception they lack commitment to the process,’ declared B.C. native leader Sophie Pierre in releasing her first public report as chief treaty commissioner. By comparison, the report from Pierre and the four other commissioners acknowledged that the provincial government has managed to make some progress this year, despite the distraction of the failed proposal to recognize Aboriginal rights and title in legislation. Was she saying that the main holdup in making progress on treaties in B.C. was the federal government? ‘Yes,’ she replied. ‘This is what I am saying.’ As she leveled those criticisms, Pierre was flanked by the federal representative on the treaty commission, Jerry Lampert. When asked Wednesday why Ottawa still hadn’t provided its negotiators with a mandate on the native fishery, Lampert gave the same explanation as last year. The he added, somewhat ruefully, that the review of salmon stocks is ‘now in the second year.’ Fisheries and Oceans Minister Gail Shea represents Prince Edward Island at the cabinet table. Her parliamentary secretary is B.C. Conservative MP Randy Kamp-, who hails from a riding across the river from [Minister for Indian and Northern Affairs Chuck] Strahl’s Chilliwack-Fraser Canyon constituency. In the past, Kamp has been sympathetic to calls for a ‘unified fishery in B.C.’ one of the preferred slogans for critics of the native-only fishery. Indeed, party leader Stephen Harper aligned himself with those views early in his term as prime minister with a vow to ‘oppose racially divided fisheries programs.’ So that long-running review of salmon stocks may simply be providing a convenient cover story for those members of the federal government who’d rather not sign over a greater share of the fishery to natives in any circumstances.”

Vancouver Sun, October 16 – Vaughn Palmer wrote, in part:

“The B.C. treaty process risks becoming just another unproductive fixture inside government, rather than a route for native people to settle claims and take control of their own affairs, the head of the treaty commission warned. [Chief commissioner Sophie] Pierre delivered her comments in the context of an alarm-bell-ringing complaint about Ottawa’s persistent stalling on the one outstanding issue – a fisheries mandate – that stands in the way of a prospective treaty settlement with the Sliammon, a First Nations of about 1,000 people living in the vicinity of Powell River. The provincial government is already on-side on the terms of treaty. Ottawa is now in its second year of foot-dragging on the fishery. Little wonder that within the native community there’s talk of launching yet another court action, this time accusing the federal government of negotiating in bad faith. Pierre and her colleagues praised several B C Liberal government innovations, such as the use of reconciliation agreements as a prelude to more comprehensive treaty settlements. ‘Of interest to the treaty commission is a new type of agreement currently being proposed by the B.C. government as an interim solution to land and resource issues,’ wrote the commissioners. ‘Strategic engagement or reconciliation agreements have the potential to resolve a number of issues pending a comprehensive solution through a completed treaty.’”