

# Fraser Valley Treaty Advisory Committee

## First Nations Media Monitor - Excerpts

### September 4, 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

### **Band Leaders Frustrated by BCUC Ruling**

Leaders of the Sechelt, Squamish and Klahoose First Nations say the B.C. Utilities Commission's (BCUC) recent decision not to support the province's clean energy call will create regulatory roadblocks for independent power projects (IPP) on their traditional territories. Squamish Chief Gibby Jacobs said his band's private partners have already invested close to \$300,000 on preliminary studies for 10 run-of-river power proposals, which are now in jeopardy. Klahoose Chief Ken Brown notes the BCUC ruling goes against the province's move toward building green economies with its recommendation to increase reliance on power from the fossil fuel burning Burrard Thermal Generating Plant. Sechelt Indian Band councillor Tom Paul said the band currently has three or four IPPs existing within their traditional territory, which produce revenue and opportunities for band members as well as local governments. All three bands are now waiting to see if the province will step in and resolve the issue. *(Powell River Peak, August 19)*

### **Clean Power Projects Evaluated for First Nations Consultation**

BC Hydro had expected to be awarding its Clean Power Call contracts now, but recently announced they will wait until later this year in order to comply with recent court rulings calling for additional First Nations consultation. BC Hydro said they will evaluate all new electricity supply proposals to determine if affected First Nations have been adequately consulted and will award contracts this fall provided proponents have documented proof of their consultation with First Nations. Dag Sharman, BC Hydro spokesman, said there are currently 68 unsigned proposals for power, several of which are located within First Nations traditional territories. The contract delays are not related to the recent B.C. Utilities Commission ruling rejecting BC Hydro's long-term acquisition plan, noted Sharman. *(Globe and Mail, August 25, Vancouver Sun, August 25)*

### **Acceptable Alternative to Recognition Act Needed**

Approximately 250 elected and hereditary chiefs and elders from across the province recently gathered in Vancouver for an All-Chiefs meeting to discuss the discussion paper outlining the province's proposed Recognition and Reconciliation Act. The three-day gathering was the last in a series of Aboriginal community meetings that took place over the summer, during which many expressed their concern and lack of support for the proposed act. The leaders at the meeting agreed the proposal did not go far enough to recognize Aboriginal rights and on August 28 they formally rejected it. Aboriginal Relations Minister George Abbott said he is disappointed the proposed act did not receive the chiefs' support but believes B.C.'s New Relationship is still viable. Abbott said he is open to individual talks on resource sharing and shared decision-making and has plans to meet with First Nations leaders to discuss where to go from here. The B.C. chiefs have established a task force to explore acceptable alternatives and ways to advance their cause, which could include international media attention during the 2010 Olympics and submitting a complaint to the United Nations. The legislation proposal was also shelved during the August 25 throne speech, which stated that the provincial government is also seeking other options and that more work must be done with First Nations before introducing the Recognition and Reconciliation Act to the House.

*(Times Colonist, August 27 and 29; Globe and Mail, August 29)*

## **Wet'suwet'en and Resource Company Sign MOU**

The Office of the Wet'suwet'en has signed a memorandum of understanding (MOU) with Lions Gate Metals (LGM), which recognizes Wet'suwet'en title, rights and interests on 22,000 km of traditional territories in northwest B.C. The MOU commits both parties to a respectful, consultative relationship regarding LGM's advanced and early stage mineral exploration activities on Wet'suwet'en territories. The Wet'suwet'en Chiefs want to make sure meaningful dialogue takes place, said Wet'suwet'en executive director Debbie Pierre.

*(Lions Gate Metals – News Release, August 20; Interior News, August 26)*

## **FISHERIES**

### **Aboriginal and Sport Fishers Tension Rises on the Fraser**

Upper Fraser Valley RCMP are investigating an altercation that occurred on the Fraser River between First Nations and sports fishers, which ended in Chief Willie Charlie of the Chehalis Indian Band being shot in the face with a pellet or BB gun. Charlie was operating a boat, along with several other First Nations boats, using driftnets in a traditional area during a legitimate 12-hour First Nations driftnet fishery opening for Chinook salmon when his gear became entangled with two sports fishers boat. The anglers refused to move out of the way, repeatedly rammed his boat, shot at him twice, and threatened others with a knife before fleeing, said Charlie. Fraser Valley Angling Guides Association president Vic Carrao, said the use of violence is unacceptable, but claims First Nations fishers are instigating altercations as a “method of intimidation” in an effort to get sports fishers kicked off the river. Several First Nations groups have recently called on the Department of Fisheries and Oceans (DFO) to shut down all sport fishing on the river. DFO has closed the Fraser to all sockeye fishing due to diminishing stocks but fishing for other species is still allowed by First Nations and sports fishers. The poor salmon return is causing tensions to build on both sides and Charlie would like sport fishing to be closed down at least when First Nations are there for food, social and ceremonial fishing. Sto:lo Tribal Council spokesman Ernie Crey said part of the problem is that people don't understand that Aboriginal driftnet fishing is a DFO authorized method and more education is needed. Kwantlen First Nation councillor Les Antone said this is the third year in a row that there has been no sockeye opening and notes that the impact on First Nations people is massive. “That's our food for the winter,” said Antone, who is hoping the numbers for other late summer and early fall species will be better. Although it is unlikely DFO will shut down sport fishing, they may consider more fishing opportunities for First Nations and officials are meeting with various groups to discuss the problem and determine who can fish and when.

*(Chilliwack Progress, August 18; The Province, August 19; Chilliwack Times, August 21;*

*Maple Ridge News, August 21; Langley Advance, August 21)*

### **Diminishing Pacific Salmon Worries Chief**

Chief Bob Chamberlain, of the Kwicksutaineuk/Ak-Kwa-Mish Tribes, says the diminishing number of pacific salmon could become a major dietary health concern for the 268 Tribes members who live in the Broughton Archipelago. “Our village relies upon the resources of our territory in order to survive” and the whole supply for last year was only two salmon per household, said Chamberlain. The Lax Kw'alaams Band has been able to fulfill their food fish supplies for 2009 but is falling short on an economic standpoint. The band's fish plant in Port Simpson recently sent 400 pounds of pink salmon to Asia via the container port. However, the salmon came from the Metlakatla community in Alaska, where the fishing season is stronger. Even so, Lax Kw'alaams Chief John Helin is pleased with the successful shipment and is looking forward to the development of the Arrow Point ferry landing in Prince Rupert, scheduled for 2010, which would make shipping easier. Lax Kw'alaams is currently waiting for final approval on the project from the Department of Fisheries and Oceans, the Canadian Environmental Assessment Agency and Transport Canada.

*(Prince Rupert Daily News, August 19 and 21)*

## **Fishing Treaty Delegates Meet**

Inter Tribal Fishing Treaty (ITFT) delegates from St'at'imc, Nlaka'pamux, Secwepemc and the Carrier met on July 23 and 24. Sto:lo and Okanagan Nation Alliance are currently in the process of appointing political representatives. ITFT received \$21,000 from the Fraser River Aboriginal Fisheries Secretariat and the Department of Fisheries and Oceans to conduct three workshops later this year on policy, procedure and codification. Over the past 18 months a commission was appointed and along with the political representatives have now developed a document outlining the bylaws and constitutions of the Intertribal Treaty Organization, which will enable the ITFT parties to interact with other local, national and international organizations and governments.

*(St'at'imc Runner, August 2009)*

## LOCAL GOVERNMENT

### **Ktunaxa Still Oppose Jumbo Resort Plan**

The Ktunaxa Nation continues to oppose the proposed Jumbo Glacier Resort, despite a recent vote by the Regional District of East Kootenay (RDEK) in favour of designating the development as a "resort municipality" if the Master Development is approved. "Until we have reached an agreement on the outstanding concerns, our opposition will remain the same," said Ktunaxa chair Kathryn Teneese. The Ktunaxa oppose the resort because of concerns over possible impacts to grizzly bears and other wildlife species, water quality and flows and hunting access, which would directly affect their Aboriginal interests. These concerns were presented to the RDEK Board prior to their vote and "still apply," said Teneese.

*(Kootenay News Advertiser, August 14; Valley Echo, August 19)*

### **K'omoks Wants to Protect Estuary**

Chief treaty negotiator for the K'omoks First Nation (KFN) Mark Stevenson says the band is currently asserting its ownership claim to the Courtenay Estuary in treaty negotiations. However, the band recognizes that the area has several other users and despite competing claims – the province is also asserting its ownership over the estuary – the most important thing is protecting the area and its surroundings. The Comox Valley Regional District has suggested forming a joint estuary management committee. KFN would like to work with the district in taking the necessary steps to protecting the estuary and participate in the committee, providing it is understood that participation "would be without prejudice to their claim to Aboriginal rights and title," said Stevenson.

*(Comox Valley Echo, August 14)*

## EDITORIAL EDITS

### **Globe and Mail, August 14 – Edward John (Grand Chief of the Tl'azt'en Nation and elected member of the First Nations Summit Executive) wrote, in part:**

"Four years ago we agreed to a 'new relationship' with the provincial government. It raised hopes and expectations. Sadly, government action, policies and conduct have fallen short.

This winter, a discussion paper was developed with provincial government officials. It sharpened the focus of the issues, but as Crown conduct has not substantially changed, the paper stirred deep suspicions among First Nations of the Crown's motives.

At community meetings held across the province, we hear an absolute lack of trust, bordering on contempt for the government.

My hope for the future is simple. It is time for governments to abandon their denial-based policies, which form the

basis of their litigation and negotiations mandates.

The ‘new relationship’ commitments of four years ago need to be fully and properly implemented.”

### **Globe and Mail, August 18 – Editorial, in part:**

“The Assembly of First Nations is wrongly perceived by some Canadians to represent all of Canada’s status Indians. In fact, it is an organization that represents the chiefs of reserves.

In many regards, the interests of chiefs and members of bands intersect.

Even to the extent that the AFN aims to represent broader interests, a large swath of the Aboriginal population is mostly left out of the equation. Chiefs answer primarily to reserve residents. As a result, band members who reside elsewhere capture little of the AFN’s attention, even though they face many similar social and economic challenges.

The more modest of two basic proposals to reform the way in which the national chief is chosen would go only a small distance toward addressing these shortcomings. By shifting toward a system in which chiefs’ votes for national chief were weighted based on the size of the populations of their reserves, the AFN would end the disproportionate influence of leaders of tiny reserves.

The argument that chiefs effectively serve as representatives of their reserves in national votes – made recently by B.C. Chief Doug Kelly, who co-chaired [Shawn] Atleo’s campaign – does not hold up to scrutiny in many cases, particularly those where there are lax standards in how local chiefs are chosen. To truly change the character of the AFN would require a bolder move to some form of universal voting – either by allowing all band members to vote directly for the national chief, or by allowing them to elect delegates to attend conventions on their behalf, similarly to the model followed until recently by most political parties.”

### **Vancouver Sun, August 26 – Wayne Christian (Chief of the Splitsin First Nation and Shuswap Nation Tribal Council spokesman) wrote, in part:**

“In British Columbia, Premier Gordon Campbell and the First Nations Leadership Council announced the New Relationship vision in 2005 aimed at the reconciliation of Aboriginal and Crown titles and jurisdictions. Campbell and the First Nations leadership Council formed the Recognition Working Group in order to implement their vision, but their recently proposed Recognition and Reconciliation Act has been firmly opposed by most First Nations chiefs and members.

The Recognition Working Group operated largely behind closed doors and through secret negotiations in order to have the legislation passed before the provincial election in May, ignoring in part the constitutional obligation to consult and accommodate individual First Nations as the holders of Aboriginal title and rights.

The proposed Recognition and Reconciliation Act did not adequately address the coexistence of Aboriginal and Crown titles and jurisdictions. Rather, many First Nations believed that it paved the way to unprecedented and unsustainable development of lands and resources.

Following the provincial elections, the First Nations Leadership Council, in an attempt to hold onto power, moved the starting point of discussion by consulting with some lawyers who work for First Nations and by announcing an All-Chiefs Assembly starting this week.

Ultimately, a lobby of chiefs and lawyers is not an effective means of consultation. Rather, a mandate is required from a majority of First Nations members who expect to fully participate in decision-making affecting their inherent rights and who will not support recognition for recognition’s sake without any substance and without their prior informed consent.

Unilateral provincial legislation is not the beginning of a new relationship based on recognition and reconciliation but a repeat of past colonization where the government holds all the power. We need a mutually agreeable plan based on inherent rights as a first step in the journey to reconciliation.”