

TREATY COMMISSION

update

The independent voice of treaty making in British Columbia

New Indian Affairs Minister addresses Summit

Achieving treaties is a priority, Indian Affairs Minister Jim Prentice told First Nation Summit leaders at his first major public appearance since becoming minister.

Speaking to First Nations at the Squamish Recreation Centre in North Vancouver, Prentice said the Conservative government is committed to resolving issues through treaty negotiations in

British Columbia. "I'm encouraged by the significant progress that is being made at a number of the tables.

"I know there is concern and some frustration about the speed with which we are proceeding, but I'm encouraged by some of the progress that is being made."

Prentice said the Yale First Nation Agreement in Principle signed March 9 is "another step in reaching the agreements that we are all seeking."


A former Indian Claims commissioner "who has been involved in the resolution of claims and knows what the settlement of claims brings in terms of resolution and hope and future opportunities to communities," Prentice said he looks

forward to working together on other such opportunities.

"You now have a new partner... we need strong First Nation partners at the table."

Prentice praised the First Nations Summit for "the innovative work that you are undertaking." He cited their work on education issues and fisheries as examples.

The First Nations Summit tabled with the minister a 56-page report on changes it believes are necessary to conclude treaties.

There were also calls for the minister to take specific action on education, health, tourism, fisheries, and energy, and on the mountain pine beetle infestation that plagues the Interior. 

Minister Jim Prentice, Chief Robert Hope and Minister Tom Christensen officially sign Yale agreement in principle.



update inside


Keeper of the process

- 3 Signing ceremony for Yale AiP
- 4 Commissioners host Islanders

- 7 New film in production
- 8 Status Report



Throne speech strengthens commitment to First Nations

The BC government's commitment to a new relationship with First Nations is prominent throughout its throne speech opening the current legislative session.

The throne speech cites as one of the government's four key challenges forging a new relationship with First Nations.

"The new relationship your government hopes to build is a true partnership of opportunity. It obliges us to build on Canada's First Nations heritage as a

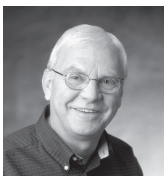
critical advantage in nation building. It obliges us to forge a new relationship based on mutual respect, recognition, and Aboriginals' constitutional rights."

The government promises to provide a new model for aboriginal child and family service delivery, internships for aboriginal students who have dropped out of school, a more responsive court system and correctional facilities, Internet access to First Nation communities and a new national centre of Northwest Aboriginal Art and Culture.

"British Columbia is determined to lead Canada and walk the path together to lasting reconciliation."

In two years, British Columbia will celebrate its 150th anniversary since its founding as a colony, "...our time to reflect on history, our First Nations heritage, our rich cultural diversity, our achievements, and our future." ☉

Third term for Commissioner Weisgerber



Jack Weisgerber

Commissioner Jack Weisgerber will serve a third, two-year term as the BC government appointee to the Treaty Commission.

"I appreciate having the confidence of Premier Campbell and Minister Christensen to carry on the work of the Treaty Commission," said Commissioner Weisgerber. "This appointment allows me to continue to advocate for treaties and for interim agreements which I believe are in the best interests of all British Columbians."

Chief Commissioner Steven Point said, "We at the Treaty Commission very much value the knowledge and experience

Commissioner Weisgerber brings to the treaty process, and I look forward to working with him as we proceed to conclude treaties in British Columbia."

Weisgerber is a former Minister of Aboriginal Affairs and Minister of Energy, Mines and Petroleum Resources who represented Peace River South in the BC Legislature for 15 years.

His leadership as BC's first Minister of Aboriginal Affairs was key to the formation of the BC Claims Task Force, whose report and recommendations are the foundation for the BC treaty process.

Weisgerber was first appointed to the Treaty Commission in 2002. ☉

update

is published by the BC Treaty Commission and distributed to anyone with an interest in treaty negotiations in British Columbia. Please feel free to reprint the material in this newsletter.

If you are not on our mailing list but would like to be, contact us. BC Treaty Commission 203-1155 West Pender Street Vancouver, BC V6E 2P4

Toll-free 1-800-665-8330
Telephone 604-482-9200
Facsimile 604-482-9222
Email info@bctreaty.net

www.bctreaty.net

Parties sign Yale agreement in principle

The youth and the elder Lawrence Hope were the crowd favourites at celebrations to mark the signing of the Yale First Nation Agreement in Principle.



Chief Robert Hope

The elder Hope, father of Yale First Nation Chief Robert Hope, set the tone for the ceremony in a 10-minute video presentation that

focused on community integration and mutual understanding between cultures. Although he was unable to attend the event in Vancouver in person, all participants felt his presence.

He spoke of his early years walking three miles to a First Nations school while the non-aboriginal children rode the bus to their school. He said a treaty was important to restore his peoples' dignity, "but also to restore your dignity."

Several Yale First Nation youth representatives were introduced to the

overflowing crowd at a downtown Vancouver hotel and later accepted a gift of books from Tom Christensen, provincial Minister of Aboriginal Relations and Reconciliation.

Minister Christensen said, "This agreement represents a significant step toward our goal of a final treaty, which will help shape a more prosperous future for the Yale First Nation as well as contribute to a strong and vibrant regional economy."


Indian Affairs Minister Jim Prentice said, "Today, Yale formally joins five other First Nations who are negotiating final agreements. The prospects of concluding final agreements over the next 18 months are very good and British Columbians are watching with interest.

"When we talk about the Yale treaty providing certainty over ownership and use of land and resources, and enhancing economic opportunities for the First Nation, there is a significant underlying

message — what is good for Yale First Nation is also good for its neighbours."

Chief Hope said, "We view treaty-making as a process of partnership building with various industries and local, provincial and federal governments. Treaties, if understood, have the potential to be the single largest catalyst for economic development, partnerships and improved governance in British Columbia."

Chief Commissioner Steven Point congratulated the parties for reaching an important milestone. "There is still a lot of work to done, which you have all acknowledged, but I know you will get it done." Commissioners Jody Wilson and Jack Weisgerber also attended the signing ceremony.

The agreement in principle provides \$6.5 million and 1,139 hectares of proposed treaty settlement lands, including 915 hectares of provincial Crown land and 224 hectares of existing reserve land. 

Commissioners host Island leaders

Island leaders gathered recently in Campbell River for the second in a series of community consultations on treaty making organized by the Treaty Commission.

The event brought together First Nations chiefs and federal, provincial, municipal and regional government officials from Courtenay to Woss to share their insights on treaty making in the region.

For many, it was their first opportunity to discuss together the challenges and successes they have faced in building the relationships necessary for treaties to succeed.

Chief Bob Pollard of the Campbell River Indian Band spoke of his frustration over the lack of positive recognition the band's many economic development projects have received from the wider community. Their mall and cruise port projects benefit the whole region, he said, not just the First Nations community.


In turn, Campbell River Chamber of Commerce President Gary Thulin said while the chamber supports progress, development should be in keeping with the Campbell River official community plan.

Commissioner Mike Harcourt reminded participants that "relationship building is a hugely important challenge because

when treaties are completed, the success of the new relationship will depend on the First Nation and regional leaders."

Commissioner Jack Weisgerber believes these meetings create a positive means to promote discussion among elected leaders in First Nation and neighbouring communities.

Chief Commissioner Steven Point created the community consultation series to improve access to the commission, build relationships in the various regions and to hear first hand about treaty negotiations. The first event was held in Prince George.

The next community consultation is scheduled for early spring. 

Commissioners meet

with Lower Mainland advisory group

Where there are good relationships between local governments and First Nations the issues of land ownership and land use can be resolved to everyone's satisfaction.

That was the message Commissioners Mike Harcourt and Jody Wilson conveyed to the Lower Mainland Treaty Advisory Committee's (LMTAC) annual orientation session for new members.

The commissioners focused on treaty issues of interest to local government and stressed the importance of intergovernmental relations in the region.

Commissioner Harcourt said, "A major issue is the scarcity of Crown land for treaty settlements."

The Treaty Commission has urged the provincial and federal governments to protect available Crown land on an interim strategic basis pending the settlement of treaties. Governments may have to provide land from within regional district and municipal boundaries because of a scarcity of Crown land.

"But that isn't as big a problem as some may think," said Harcourt.

"In the end, the question facing all of us is: How can we help fashion the solution so that, working together, we can adjust and benefit from the new political and jurisdictional realities?"

Commissioner Wilson advised the committee that several court rulings have had a direct bearing on the issues that are the subject of treaty negotiations and the manner in which they are being negotiated.

"Aided and informed by the courts, there is a growing acknowledgement among other levels of government of the need to address the rights that First Nations continue to have in their traditional territories," she said. ☉

GVRD creates Aboriginal Relations Committee

The GVRD has formed an Aboriginal Relations Committee to build better relationships with First Nations and other governments.

Struck in January 2006, the Committee provides advice and recommendations on aboriginal issues to the GVRD, the Greater Vancouver Sewerage and Drainage District and the Greater Vancouver Water District Board.

The committee will focus on First Nation issues that impact local governments and the regional government, and on building relations with First Nations,

the BC First Nations Leadership Council and senior government.

"The reality is the GVRD wants to build positive relations with First Nations," says White Rock Mayor Judy Forster, chair of the Aboriginal Relations Committee.

Forrester says the GVRD has a lot of issues it has been dealing with including economic development, water, utilities and sewage, solid waste, regional parks, and housing.

"It's really important that we work very closely with our First Nation neighbours,"

continues Forster. "Collectively we share this region and we all want what's best for it."

The 2006 committee members are: Chair Judy Forster, White Rock mayor; Vice-Chair Hal Weinberg, Village of Anmore mayor; Robert Campbell, Delta councillor; Ralph Drew, Village of Belcarra mayor; BC Lee, Vancouver councillor; Darrell Mussatto, City of North Vancouver mayor; Harold Steeves, Richmond councillor; Ken Stewart Maple Ridge councillor; and Wayne Wright, New Westminster mayor. ☉

Study probes local government concerns

Servicing agreements between neighbours are the best way to avoid problems for local governments when Crown lands become treaty lands.

That's the finding in a new report on Treaty Settlement Land by Peter Adams. The author notes that First Nations in the treaty process are seeking clear jurisdiction over land in a treaty. Land ownership will provide a foundation for future social and economic development, so it is important for First Nations to see that land converted to Treaty Settlement Land (TSL) once a treaty is concluded.

Once a treaty is signed TSL will no longer fall under local government jurisdiction. Some local governments have raised concerns about the loss of tax revenue

and have suggested that some form of compensation or mitigation be considered to offset the negative impact.

Local government concerns include the loss of revenue to finance services, the loss of opportunity to generate net revenue, the loss of economies in service delivery, and the loss of community amenities or opportunities.

"In conceptual terms, the fiscal concerns raised by local government are understandable and reasonable but they also need to be kept in context," writes Adams.

First, treaties are expected to create positive economic benefits for both First Nations and neighbouring communities through new investment and consumer spending. Second, the fiscal impact could be quite modest. Third, since local government is

likely to be the least cost supplier of basic services the First Nation will be inclined to enter into a service agreement that will generate revenue for local government.

Situations will also vary. The impact of treaty settlement land will depend on the location of TSL relative to the location of services in the community, the nature of development on TSL, the amount of land transferred in relation to the overall amount of developable land in the community. Also important is population size, the community tax base and the pace of development.

Adams concludes, "The net fiscal impact on local government will depend on whether there is an appropriate sharing of tax room and servicing costs between the local government and the First Nation."

Approaches to Servicing Agreements

The Adams report considers three alternative approaches to addressing local government concerns about the possibility of negative fiscal impact.

1 Let the Parties Resolve it Themselves on Their Own Timetable

This is the simplest approach to negotiating servicing agreements. It postpones the negotiating process to a time when land development plans are better known and services are actually required. The strength of this approach is that it allows negotiations to be based on the known circumstances of the day and it does not divert effort and capacity from the more pressing issues at the time of a treaty. However, success hinges on a good relationship between the parties. Moreover, it does not provide any certainty for local governments or First Nations — there is no guarantee of a satisfactory agreement.

2 Set the Framework at the Time of Treaty

In this approach, the parties negotiate a framework agreement, or set of principles that would underpin any service agreements between local governments and First Nations, prior to land transfer. All aspects of the service relationship are addressed. This approach has been favoured where all the parties consider the matter of service agreements critical to future intergovernmental relationships.

3 Share Taxing Jurisdiction Until a Servicing Agreement is in Place

Under this approach, provincial taxing authorities continue to exercise taxing authority over TSL until an acceptable servicing agreement is put in place. Like approach #1, this approach allows the matter of tax and servicing agreements to be settled when the parties are ready to work out a suitable arrangement. Unlike approach #1, it puts the onus on the province to resolve any disagreement between the parties on sharing tax room.

Katzie cabins

opening for tourists

A project expected to boost the Katzie Indian Band's economic development portfolio is igniting the enthusiasm of band members.

Katzie will soon finish work on seven cabins at their Pitt Lake reserve, which they intend to market as vacation properties. The seven rental units are the First Nation's first foray into the tourism business.

"The treaty office did a study four years ago asking the membership what we could do to make Katzie economically viable," explains Mike Leon, band councillor in charge of economic development. "Number one was fishing, then forestry and tourism was number three.

"If we can sustain ourselves, I think it will make it easier when we do step into a treaty. At least this way we've

started something already that may start generating revenue for Katzie, may start building capacity for our nation, so that when we do sign a treaty one day at least we will be somewhat ready."

Band members are currently taking Tourism BC's *SuperHost* workshops for customer service training. Future plans include canoe and forest tours and an on-site interpretation centre offering workshops to the general public.

Leon said, "It (tourism) was an open door and we just wanted to step


"If we can sustain ourselves, I think it will make it easier when we do step into a treaty. At least this way we've started something already that may start generating revenue for Katzie, may start building capacity for our nation, so that when we do sign a treaty one day at least we will be somewhat ready."

through and risk it." But getting to this point hasn't been easy for the band.

The band's decision in early 2000 not to renew the leases of cabin owners was met with considerable anger. Some cabin owners even torched their summer homes when their leases expired in 2003. Their actions attracted national media attention.

Since then relationships have begun to heal. Forest company J.S. Jones has donated excavator time, an operator, and barge to assist the band in cleaning up the debris left when the leases expired.

"They've been a huge, huge help," says Leon.

The A-frame cabins are located near the shores of Pitt Lake on forested property accessible only by boat. 

Comings and goings Recent changes at the Treaty Commission

Glenn Rickard has joined the Treaty Commission as office manager. Rickard has previously held positions with various provincial ministries, including manager of finance and administration and tax auditor.

He replaces **Linda Froehlich** who is retiring from the Treaty Commission following nearly 13 years of service as office manager. She was one of the first hired when the Treaty Commission opened its doors in 1993. Froehlich served four chief commissioners and 13 different commissioners during her tenure.

Status

REPORT

There are now 57 First Nations participating in the BC treaty process. Because some First Nations negotiate at a common table, there are 46 sets of negotiations. There are 40 First Nations in Stage 4 agreement-in-principle negotiations and seven First Nations in Stage 5 negotiations to finalize a treaty. Maa-nulth First Nations, Lheidli T'enneh Band, Sliammon Indian Band, Tsawwassen First Nation, Yekooche Nation, and Yale First Nation have signed agreements in principle (AIPs) — the blueprint for a final treaty.

First Nations in the treaty process make up about two-thirds of all aboriginal people in BC. The treaty process is voluntary and open to all First Nations in BC.

For information on the open negotiation sessions, please visit our website.

7 First Nations in Stage 5

Lheidli T'enneh Band
Maa-nulth First Nations
Sechelt Indian Band
Sliammon Indian Band
Tsawwassen First Nation
Yekooche Nation
Yale First Nation

40 First Nations in Stage 4

Carcross/Tagish First Nation
Cariboo Tribal Council
Carrier Sekani Tribal Council
Champagne and Aishihik
First Nations
Da'naxda'xw Awaetlatla
Nation

Ditidaht First Nation
Esketemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Gwa'Sala'Nakwaxda'xw
Nation
Haisla Nation
Heiltsuk Nation
Homalco Indian Band
Hul'qumi'num Treaty Group
In-SHUCK-ch Nation
Kaska Dena Council
Katzie Indian Band
Klahoose Indian Band
Ktunaxa/Kinbasket
Treaty Council
Kwakiutl Nation
(in suspension)

Laich-Kwil-Tach K'omoks
Tlowitsis Council of Chiefs
Lake Babine Nation
Musqueam Nation
'Namgis Nation
Nazko Indian Band
Nuu-chah-nulth Tribal Council
Oweekeno Nation
Pacheedaht Band
Quatsino First Nation
Snuneymuxw First Nation
Sto:Lo Nation
Taku River Tlingit First Nation
Te'Mexw Treaty Association
Teslin Tlingit Council
Tlatlasikwala Nation
Tsay Keh Dene Band
Tsimshian Nation

Tsleil-Waututh Nation
Westbank First Nation
Wet'suwet'en Nation

2 First Nations in Stage 3

Cheslatta Carrier Nation
Squamish Nation

8 First Nations in Stage 2


Acho Dene Koe First Nation
Allied Tribes of Lax Kw'alaams
Council of the Haida Nation
Hupacasath First Nation
Liard First Nation
McLeod Lake Indian Band
Ross River Dena Council
Tlowitsis Nation

Minister supports objectives in Kelowna accord

Indian Affairs Minister Jim Prentice has assured First Nations the Conservative government supports the targets and objectives in the Kelowna accord.

The accord commits the federal, provincial and territorial governments to materially improve the lives of aboriginal people in five key areas — health, education, housing, economic opportunity and intergovernmental relations.

Despite a \$5 billion commitment for the accord made by the former Liberal government, Prentice said government has not approved a budget “to put wheels on the Kelowna process.”

“What we’re now focused on is building a sustainable fiscal plan that will achieve the Kelowna targets,” Prentice said. 

“I believe that the alleviation of poverty amongst aboriginal Canadians is the most pressing issue that we face as a nation.”



Merging past and present, the Treaty Commission symbol represents the three Principals in modern-day treaty making — the governments of Canada and British Columbia and First Nations. Pointing in an upward and forward direction, the symbol implies a “coming together” pivotal to successful negotiations and treaty making.