

TREATY COMMISSION

update

The independent voice of treaty making in British Columbia

Yale First Nation initials treaty, vote next

"The Yale people have been in the Fraser Canyon for more than 9,000 years leading up to this moment. This agreement gives us our life, our freedom and confirms our land. The certainty it brings provides a solid foundation upon which to build for future generations of Yale members." — Yale First Nation Chief Robert Hope



Federal Chief Negotiator Bill Dymond, Chief Robert Hope and Minister Abbott

Speaking at the event, Aboriginal Relations and Reconciliation Minister George Abbott said, "This treaty will be the foundation upon which Yale members can realize self government and economic certainty, and will help close the social and economic gaps between Yale and their non-Aboriginal neighbours."

Commissioner Dave Haggard said at the event, "I congratulate Chief Hope and Yale First Nation for their perseverance in concluding a treaty they see as good for community members and future generations of Yale children."

The Yale treaty provides a one-time payment of \$12.9 million, which includes \$2.2 million for economic development. A combination of \$900,000 in one-time funding and

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Yale First Nation will hold a vote soon following a treaty initialling ceremony in the community.

Negotiators for each of the parties initialled the treaty in early February signalling their willingness to proceed to ratification votes in Yale, the BC legislature and federal parliament.

Treaties worth more than Olympics

What has a bigger economic impact than the Olympics?

That was the question being asked of British Columbians in an advertising campaign in the run up to the 2010 Winter Olympics.

The Treaty Commission was advertising on radio, in community newspapers and specialty publications to raise awareness of the economic benefits of treaties. Commissioners also brought that message to the Aboriginal

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New treaty commissioner named



Shana Manson

Shana Manson, Lahlawuts'aat, is serving her first term as commissioner following elections at the First Nations Summit in November 2009.

"We will benefit from Shana's experience in negotiations and her knowledge of the issues," said Chief Commissioner Sophie Pierre.

Manson was previously treaty negotiator for the Hupacasath First Nation for two years, where she was also responsible for nation building and constitutional development. As treaty negotiator she participated in the Common Table negotiations and served as technical support during the negotiations on governance and shared decision making.

"Change is required in a number of areas, especially to negotiating

mandates that will remove the current barriers preventing the parties from completing treaties," said Manson. "As part of my commitment to work for positive changes in the BC treaty process, I support a bigger role for the Treaty Commission in facilitating treaty negotiations and in resolving territorial issues among First Nations."

Prior to working with Hupacasath, Manson was employed by the Hul'qumi'num Treaty Group for six years as communications director and senior negotiations support. She is a member of the Lyackson First Nation. ☉

Commissioners to serve a second term

Commissioners Jerry Lampert and Dave Haggard will serve on the Treaty Commission for two more years.

"We are fortunate to have their experience and abilities for another term," said Chief Commissioner Sophie Pierre. "They have served the treaty process and the Treaty Commission well and are fully committed to assisting the parties in making this process work."



Jerry Lampert

Lampert was first appointed in December 2007 by the Government of Canada. Previously, Lampert served for 15 years as president and chief executive

officer of the Business Council of British Columbia, where he was a vocal advocate for developing better business relationships with First Nations.

"I am excited by the opportunities for treaties and agreements in principle,

particularly at the negotiation tables I have been involved with over the past two years." said Lampert. "We will be doing whatever we can, working with the negotiators and governments, to make progress in treaty negotiations."



Dave Haggard

Haggard was first appointed in February 2008 by the Government of British Columbia. A long-time labour leader and forestry advocate, Haggard has extensive experience facilitating negotiations with industry, labour, government and First Nations.

He was first elected in 1996 as national president of the Industrial, Wood and Allied Workers of Canada and has served as vice-president of the Canadian Labour Congress and the BC Federation of Labour. Haggard has worked with a number of Vancouver Island First Nations, including the Maa-nulth First Nations.

"I am committed to seeing more incremental treaty agreements concluded bringing benefits to First Nation communities sooner and to seeing more treaties completed," said Commissioner Haggard. "And we are going to help First Nations prepare for treaty implementation." ☉

update

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Minister promises change to mandates



Minister
Chuck
Strahl

The federal government will take action to facilitate progress in the BC treaty process and bring more flexibility to treaty negotiations, according to Indian Affairs Minister Chuck Strahl.

"We continue to believe that negotiations under the BC treaty process are the best method of resolving outstanding rights and title issues," said Strahl.

However, a major setback for the treaty process in the short term was the announcement that negotiations involving fish will be deferred pending the results of the Cohen Judicial Inquiry expected in May 2011 with an interim

report in August 2010. Excepting Yale First Nation, In-SHUCK-ch Nation and Sliammon Indian Band, Canada will defer discussions on fisheries.

"Salmon is too fragile and uncertain to be enshrined in a treaty until the government knows how we are going to manage the fishery," said Strahl. "Aboriginal rights to fish is not in question; management is the issue."

The new approaches were explained at a meeting in Victoria with Aboriginal Relations and Reconciliation Minister George Abbott, First Nation Summit representatives Grand Chief Edward John, Grand Chief Doug Kelly and Dan Smith that was chaired by Chief Commissioner Sophie Pierre.

In a move BCTC sees as promising Strahl said the federal government will recognize in treaties that a First Nation has existing aboriginal rights and will acknowledge these rights have not always been respected by the Government of Canada. Canada will also provide greater options for

First Nations to meet their interest in maintaining the connection between their historic rights and treaty rights.

Federal negotiators will have a range of treaty-related measures to assist First Nations in reaching treaties that will no longer require cost sharing agreements with the BC government.

The federal government is also developing a new pan-Canadian approach to financing self government for First Nations. Over the next few months, Canada will outline this funding approach and then engage with First Nations that are self governing and with representatives of groups in the advanced stages of negotiation to work out the details of the new approach.

Minister Abbott said there are multiple paths to reconciliation, which the BC government will pursue with willing First Nations, including incremental treaty agreements, strategic engagement agreements and reconciliation protocols. ☉

Treaties tap "industry and ingenuity"

First Nations had an essential role in building the economic backbone of the country, a fact recognized in the federal Throne Speech.

The completion of treaties will reinvigorate this economic contribution, according to the BC Treaty Commission.

"The completion of treaties will bring First Nations into the economic mainstream and strengthen the role that First Nations in BC play in the economic health of our province and the nation," said Chief Commissioner Sophie Pierre. "Treaties

will tap into the industry and ingenuity that the Throne Speech refers to as the hallmarks of Canada's economy."

The BC government's financial commitment to the treaty process and First Nation issues remains strong, noted Pierre in a news release. "The momentum we have gained in treaty negotiations over the past two years, and the good prospects for agreements, are reflected in the provincial budget. There will be no change to the Treaty Commission budget for the fiscal year beginning April 1.

"The benefits that can be achieved through treaties are essential to our overall economic recovery and to the future well being of our province," said Pierre. "The whole province will benefit from completed treaties."

The Treaty Commission expects both the provincial and the federal governments to give priority to First Nation issues and treaty negotiations in the coming year. "We had that assurance in a recent meeting with Indian Affairs Minister Chuck Strahl and Aboriginal Relations and Reconciliation Minister George Abbott in Victoria. ☉

Lheidli T'enneh

consider value of treaty



Procession of Lheidli T'enneh members at treaty initialling ceremony.

A land offer potentially worth more than \$100 million to the Lheidli T'enneh First Nation will remain open for another year to allow members to review the treaty.

Overall annual revenues could increase by as much as \$5 million even without the property taxes expected to come from lot sales.

The governments of Canada and British Columbia will extend the offer originally made in 2007 when Lheidli T'enneh members rejected the treaty by a vote of 123 to 111. A one-year extension to the offer was followed by a two-year extension given in 2008. That

agreement, which retains the lands for treaty, was set to expire on March 31, but will be renewed for another year.

The land offer includes: 153 hectares in Harper Valley which may earn as much as \$35 million on sales from 700 lots and produce \$1.4 million annually in property taxes; and 664 hectares in University Heights which may earn as much as \$65 million on sales from 1200 lots and produce \$2.6 million annually in property taxes.

The value of the 240 hectare experimental farm land is unknown but the land is considered desirable given the potential for airport expansion and a light industrial park. (The new runway, the third largest commercial runway in Canada, is a partnership among the airport, federal and provincial governments, Northern Development

Trust, the City of Prince George and Lheidli T'enneh First Nation.)

Lheidli T'enneh would have also received \$400,000 annually for 50 years as a resource royalty, a one-time capital transfer of \$13.2 million and \$13.5 million to implement self government. The package also contained a Community Forest Licence of 15,000 cubic metres and a Renewable Forest Licence of 93,000 cubic metres valued at \$3.89 million annually based on a conservative return of \$36 per cubic metre for the fibre.

The treaty was to have increased annual transfers for programs and services to \$1.9 million for the first five years of the agreement. Overall annual revenues could increase by as much as \$5 million even without the property taxes expected to come from lot sales.

The First Nation members were also entitled to 9–10,000 sockeye salmon for food, social and ceremonial uses and 6,000 for sale. The wildlife, fish and migratory bird harvest area accessible to Lheidli T'enneh citizens, under the treaty, was to be approximately 45,000 square kilometres. ☉

“The Treaty Commission is pleased to see the governments of Canada and BC extend the life of this offer while the Lheidli T'enneh continue to consider their options,” said Commissioner Robert Phillips.

Yale initials treaty... *Continued from cover*

approximately \$600,000 annually will support treaty implementation and governance. Annual funding for programs and services is \$700,000.

Treaty Settlement Lands comprise 1,987 hectares, including 217 hectares of former reserve lands and 1,749 hectares of former Crown land, as well as 21

hectares of former Crown land within the Agricultural Land Reserve.

Treaty allocations of sockeye, pink, coho, chinook and chum salmon are for food, social and ceremonial purposes. A Harvest Agreement, outside the treaty, will provide commercial licences for salmon.

Yale First Nation will regulate their members' harvest of wildlife and migratory birds. Members do not require federal or provincial licences and do not pay any fees or royalties to harvest wildlife, migratory birds or plants. ☉



Chief Hope and Minister Abbott are surrounded by young community members for the initialling of the treaty.

Treaties worth more than Olympics... *Continued from cover*

Business Showcase & Artisan Village in Vancouver during the Olympics.

Completing treaties with First Nations could deliver more than \$10 billion dollars in economic benefits to British Columbia's economy over the next 15 years, according to a PricewaterhouseCoopers report commissioned by the Treaty Commission.

The report, *Financial and Economic Impacts of Treaty Settlements in British Columbia*, confirms projections made in four earlier studies and assesses

the impact that accelerating treaty completions will have on BC's economy by using three final agreements as benchmarks.

This latest economic analysis confirms that more treaties — sooner — yields maximum benefits for First Nations and all British Columbians. If all 60 First Nations currently in the BC treaty process completed treaties by 2025, they could receive a net financial benefit of \$10.28 billion. (The 60 First Nations include 110 of the 198 *Indian*

Act bands in British Columbia.) BC could receive \$6.4 billion in economic benefits — after deducting settlement costs. Total wage income in BC could rise by more than \$14 billion.

"This economic analysis of treaty settlements illustrates that the economic benefits to First Nations and all British Columbians increase when more treaties are settled sooner," said Sophie Pierre, chief commissioner of the BC Treaty Commission. ☉

Commissioners call on BC Conservative MPs

Commissioners have asked BC Conservative MPs to support treaty completion and the economic benefits it will bring to the province.

In her message to the BC/Yukon Federal Conservative Caucus in Vancouver, Chief Commissioner Sophie Pierre said the federal government should make every effort to resolve treaties.

The investment in treaties will increase employment and improve conditions in First Nation communities. A large percentage of treaty funds will be invested in treaty settlement lands and jobs will be created through First Nation businesses and community infrastructure projects.

Treaty settlement funds will stimulate local and regional economies and provide much-needed jobs in rural areas where suffering from the economic downturn has been the most severe.

Post-treaty, First Nations will become self-supporting through their own taxes, earnings and enterprises and will rely less on federal transfers.

Report to Parliament recommends action on treaties

The House of Commons Standing Committee on Finance is recommending to Parliament action on treaties following a plea by the Treaty Commission.

In response to the Treaty Commission's presentation to the finance committee in Ottawa last fall, their report to parliament will include recommendations to move treaty negotiations forward.

"The government should reaffirm its commitment to the British Columbia treaty process, to timely implementation of the west coast fisheries review, and to updated mandates for Canada's negotiators on specific

issues hindering treaty completion," the committee report states.

Chief Commissioner Sophie Pierre and Commissioners Robert Phillips, Jerry Lampert and Dave Haggard had asked the committee members to consider, in their pre-budget consultation report to parliament, the importance of achieving the economic stimulus effects that will result from completing treaties in British Columbia.

"Settling treaties now results in greater benefits being delivered sooner to First Nations and British Columbians and creates a multiplier effect in the economy," said Pierre. "We accomplished what we set out to do in getting our message to parliamentarians by way of this report."

The full report *A Prosperous and Sustainable Future for Canada: Needed Federal Actions* is available at <http://www.parl.gc.ca>. 

Resolving territorial issues among First Nations critical

Territorial issues among many First Nations remain unresolved leaving significant uncertainty for the BC treaty process. Disputes among First Nations over territories may delay or even prevent the completion of treaties.

If asked to describe the primary purpose of treaty making in British Columbia, most people would say to reconcile First Nations', Canada's and British Columbia's respective interests, jurisdictions and use of resources. Often forgotten is that First Nations, too, must reconcile their interests, jurisdictions and use of resources amongst themselves.

There is a long history of protocols being reached among First Nations on territorial issues reaching back hundreds of years. The Treaty Commission with its limited resources has been exploring


old and new approaches to overlaps, including dispute resolution and early resolution.

Building upon these initiatives and experience, the longstanding experiences of First Nations, and other approaches, and by examining new developments, the Treaty Commission will provide valuable information for the parties to use in resolving territorial issues. The initiative is funded, in part, by Indian and Northern Affairs Canada.

The Treaty Commission addresses overlap issues at various stages of negotiation; for example, when a First Nation enters the treaty process, amends their traditional territory map, or separates from allied First Nations. Treaty process policies and

procedures on overlapping and shared territory disputes require First Nations to document and report their efforts to resolve these issues. But these efforts have not often resulted in agreements.

Treaty Commission policies will be evaluated and the processes now being used will be reviewed as part of the initiative to find workable solutions to address territorial issues.

"Additional resources may be required to resolve territorial issues among First Nations, but it is a price we must pay to have certainty for all British Columbians, including for First Nations," said Chief Commissioner Sophie Pierre. "This initiative will give us a better sense of what will be required to get the job done and remove a significant barrier to treaty completion." 

Nisga'a to celebrate 10th treaty anniversary



Ten years ago the Nisga'a began their journey forward with the first modern-day treaty in British Columbia.

On May 11, 10th anniversary celebrations will bring together the Nisga'a people, dignitaries, friends and supporters in New Aiyansh, the home of the Nisga'a Lisims Government.

The event *Our Journey Forward: Celebrating 10 Years of the Nisga'a Treaty 2000/2010*, marks another milestone in a long line of firsts stretching back to the nineteenth century.

Back in 1887, the Nisga'a people, pressing to settle the Nisga'a land question, climbed into their canoes and paddled down the BC coast to Victoria's inner harbour, where on the steps of the legislature, they were sharply turned away by Premier William Smith.

Speaking at the treaty initialing ceremony 111 years later, then Nisga'a Chief Joseph Gosnell said, "Today, let us talk of reconciliation and a new understanding between cultures. Today, we join Canada and British Columbia as free citizens — full and equal participants in the social, economic and political life of this country. That has been our dream for more than a century. Today it becomes a reality."

In taking on the challenges of self government, three things have stood out for the Nisga'a: governing is difficult; there will always be challenges; and it's good to have friends.

"To the Nisga'a people, a treaty is a sacred instrument," said Gosnell. "It represents an understanding between distinct cultures and shows respect for each other's way of life. It stands as a symbol of high idealism in a divided, fractious world."

Chief Commissioner Sophie Pierre and commissioners will participate in the event at New Aiyansh. "The 10th anniversary is an opportunity for all British Columbians to hear about the Nisga'a experience with self government," said Pierre. "The Nisga'a people have always been willing to share their experience and we can learn from them." ☉

[Unfinishedbusiness.bctreaty.net](http://unfinishedbusiness.bctreaty.net)

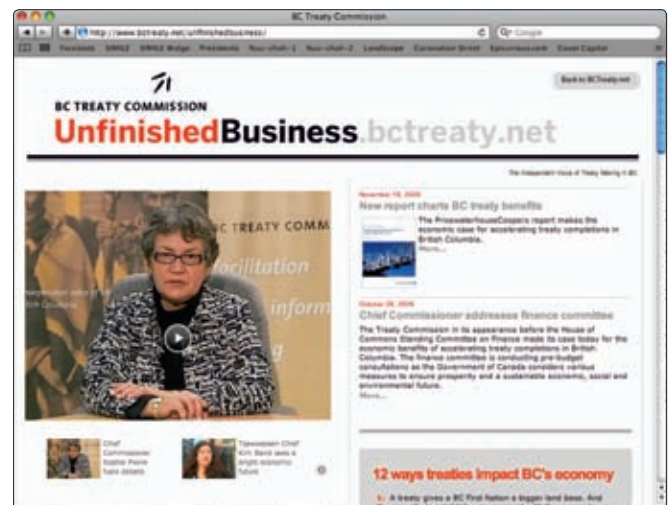
Treaty economic benefits focus of new website

How many billions of dollars will completing treaties bring to the BC economy?

The answer can be found on a new Treaty Commission website that focuses on the economic benefits of treaties — Unfinishedbusiness.bctreaty.net.

A sub-domain of bctreaty.net, the new website was created to locate in one place the information on the economic benefits of treaties.

Content includes "12 ways treaties impact BC's economy"; video clips of Chief Commissioner Sophie Pierre, Tsawwassen First Nation Chief Kim Baird and BC Chamber of Commerce John Winter commenting on the economy. The site has background information, insight into various treaty issues and reports on the economic benefits of treaties. ☉



Status

REPORT

There are 60 First Nations, or 110 of the 198 BC Indian Act bands, participating in the BC treaty process. Because some First Nations negotiate together, there are 48 sets of negotiations. There is 1 First Nation in Stage 6, 7 First Nations in Stage 5 and 44 First Nations in Stage 4.

1 First Nation in Stage 6

Tsawwassen First Nation

7 First Nations in Stage 5

In-SHUCK-ch Nation
 Lheidli T'enneh Band
 Maa-nulth First Nations*
 Sechelt Indian Band
 Sliammon Indian Band
 Yekooche Nation
 Yale First Nation**

*Ratified Final Agreements

**Final Agreement initialled; ratification to follow

44 First Nations in Stage 4

Carcross/Tagish First Nation
 Carrier Sekani Tribal Council
 Champagne and Aishihik First Nations
 Council of the Haida Nation

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

Hupacasath First Nation

Kaska Dena Council

Katzie Indian Band

Klahoose Indian Band

K'omoks First Nation

Ktunaxa/Kinbasket

Treaty Council

Kwakiutl Nation

Laich-Kwil-Tach Council of Chiefs (Hamatla Treaty Society)

Lake Babine Nation

Musqueam Nation

'Namgis Nation

Nazko Indian Band

Northern Shuswap Treaty Society

Nuu-chah-nulth Tribal Council

Oweekeno Nation

Pacheedaht Band

Quatsino First Nation

Snuneymuxw First Nation

Sto:Lo Nation

(Sto:lo Xwexwilmexw

Treaty Association)

Taku River Tlingit First Nation

Te'Mexw Treaty Association

Teslin Tlingit Council

Tla-o-qui-aht First Nation

Tlatlasikwala Nation

Tlowitsis Nation

Tsay Keh Dene Band

Tsimshian First Nations

Tsleil-Waututh Nation

Westbank First Nation

Wet'suwet'en Nation

2 First Nations in Stage 3

Cheslatta Carrier Nation

Squamish Nation

6 First Nations in Stage 2

Acho Dene Koe First Nation

Allied Tribes of Lax Kw'alaams

Hwiltsum First Nation

Liard First Nation

McLeod Lake Indian Band

Ross River Dena Council

Link agreements to treaties

Link bilateral agreements that First Nations are signing with provincial and federal agreements to treaties.

The issue of linking bilateral agreements to treaties will become critical over the next year.

The issues covered by these recent agreements — shared decision-making,

revenue sharing, and recognition — are issues critical to most treaty tables.

Important opportunities for the treaty process have emerged with the recent signing of reconciliation protocols between north and central coast First Nations and the BC government. These agreements provide for significant shared-decision making and revenue sharing. Provincial strategic engagement agreements, which address land and

resource issues, represent additional opportunities.

These agreements provide tangible benefits to communities and help to develop a cooperative working relationship between the parties, and could be welcomed stepping stones to comprehensive agreements. Negotiation of bilateral agreements may invigorate treaty negotiations leading to comprehensive agreements. ☉



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.

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