



BC Treaty Negotiations

PROCESS AND PROGRESS

LETTER FROM THE COMMISSIONERS

**What is the Treaty Commission?
Who does it represent? What does
it do? How many treaties have been
negotiated? How many First Nations
are in treaty negotiations?**

These questions get at the heart of the BC treaty negotiations process, a twenty-two year journey of building understanding between individual First Nations, the government of Canada and the government of British Columbia.

Resolving the land question in British Columbia is more important than ever; the Supreme Court of Canada's decision in *Tsilhqot'in* makes this imperative. Given the critical importance of treaties to the future of our province, and the role of the BC treaty negotiations process in shaping that future, the Treaty Commission focused this year's annual report on describing and clarifying its **Process** — the responsibilities of the negotiating parties, and the role and duties of the Treaty Commission itself.

This report reflects on **Progress** — the significant accomplishments in treaty negotiations in BC over the last two decades, a blueprint for reconciliation made right here in BC. The map on page 23 illustrates this progress: areas of the province where treaties have been reached, and negotiations have advanced significantly.

Reconciliation is the fundamental goal of the BC treaty negotiations process. The 1991 *Report of the British Columbia Claims Task Force* describes reconciliation as "the establishment of a new relationship based on mutual trust, respect, and understanding — through political negotiations."

This goal is to be achieved "through voluntary negotiations, fairly conducted, in which the First Nations, Canada, and British Columbia are equal participants. [...] The negotiations will conclude with modern-day treaties. These treaties must be fair and honourable."

The legislation constituting the Treaty Commission legally reinforce this commitment, and they require the Crown, acting honourably, to participate fully in the made-in-BC treaty negotiations process. These statutes demand that answering the land question in BC is much more than a political exercise attached to a government program: it is a constitutional imperative.

British Columbia has the tools to be at the forefront of reconciliation in Canada. The BC treaty negotiations process — with the Treaty Commission at its core — is one of the few accepted and ongoing reconciliatory processes in the country. It is the only statutory tripartite body in Canada, whose mandate is to support reconciliation by continuing to facilitate fairly negotiated and honourably implemented treaties.

There is a successful process in BC, supported by an established legal foundation, already working at a time when discussions around reconciliation between the Crown and First Nations are considered more urgent than ever. This is something to be proud of and something to be protected.

Despite the absence of a full-time Chief Commissioner since April 2015, the Treaty Commission has continued its work. BCTC legislation enables the four remaining Commissioners to "designate, by unanimous agreement, one of them to act as Chief Commissioner during the absence."

In April this year the federal government released its special report on renewing the Comprehensive Land Claims Policy, *A New Direction: Advancing Aboriginal and Treaty Rights*, prepared by special representative Douglas Eyford.

This report recognizes the importance of the continuation of the Treaty Commission to Canada's reconciliation framework and recommends that Canada "consider changes to the mandate of the [BC] Treaty Commission to enable the Commission to more effectively assess and facilitate progress in treaty negotiations and, where the conclusion of a treaty is unlikely, [to] assist the parties in exploring other arrangements to advance reconciliation."

Eyford's recommendations offer opportunities to improve the BC negotiations process and the efforts of the governments of Canada and British Columbia to advance reconciliation with First Nations. The Treaty Commission looks forward to continuing to work with Canada, British Columbia, and the First Nations Summit to develop options and tools to better advance the Treaty Commission's role in facilitating treaty negotiations.

Treaty negotiations are complex and challenging. The investment in the BC treaty negotiations process is significant: over half of all the *Indian Act* Bands in BC are in treaty negotiations. Yet it is little-known that thirty-nine percent [39%] of all *Indian Act* Bands in BC have completed treaties or are in active negotiations. The architects of the BC treaty negotiations process had the foresight to build a solid legal foundation capable of sustaining negotiations while adapting and improving to better meet the changing needs and current realities, so that progress towards reconciliation will continue.

Each of the Principals — the government of Canada, and the government of British Columbia and the First Nations Summit — and the Treaty Commission, have obligations to ensure all possible efforts are made to live up to the constitutional imperative of treaty making in BC.

This constitutional imperative and the commitment to honour it continues to guide the role and work of the Treaty Commission.

COMMISSIONERS

Celeste Haldane, Jerry Lampert,
Tom Happynook, Francis Frank

The background of the image is a wooden surface, possibly a table or floor, with a prominent grain. A large, stylized letter 'L' is painted on the wood. The 'L' is composed of several horizontal and vertical strokes. The top horizontal stroke is red, the middle horizontal stroke is black, and the vertical stroke is black. The bottom horizontal stroke is black, and the bottom vertical stroke is black. The 'L' is painted in a way that it appears to be made of different pieces of wood or paint, giving it a textured, layered appearance. The text 'Supporting Negotiations' is overlaid on the right side of the image, in a white, sans-serif font. A thin vertical line is positioned to the right of the text.

Supporting Negotiations

BCTC

INDEPENDENT

FACILITATOR

An independent commission is at the core of the BC treaty negotiations process. Independence is at the heart of facilitation, the treaty negotiations process, and the mandate and work of the Treaty Commission.

The Treaty Commission is the only tripartite statutory body in the country whose mandate is to support reconciliation.

The Treaty Commission is not a party to treaty negotiations. Its role in the process is the independent facilitator of the negotiations. The Treaty Commission's independence is guaranteed and protected by its legal foundation consisting of an independent chair, or Chief Commissioner, and four independent commissioners — two elected by the First Nations Summit, one appointed by the federal government and one appointed by the provincial government.

The Treaty Commission reinforces its mandated independence in a mission statement that guides the Commissioners and Treaty Commission staff in its work. It states that the Treaty Commission acts independently to:

- Lobby and advocate for improvements to the treaty negotiations process
- Educate and raise knowledge and comprehension levels regarding the benefits of treaty making
- Allocate funds to First Nations to support negotiations

- Dedicate energy and resources to treaty making through active and effective facilitation of government-to-government negotiations

What does independent mean?

"Independent" does not mean neutral. It does not mean the Treaty Commission is silenced. Indeed, its voice is required to provide opinions about the negotiations or about the conduct of any one or all the parties. The Treaty Commission's independence is rooted in its public accountability and its obligations to report on the status of negotiations. *The Report of the British Columbia Claims Task Force*, 1991 [Task Force Report], which is the blueprint for the BC negotiations process, notes that

Because these negotiations are so important to residents of British Columbia and Canada, the commission should be accountable to the governments of Canada, British Columbia and the First Nations. It should publish reports on the effectiveness and fairness of the process, and the progress of each negotiation, and present those reports to the Parliament of Canada, the British Columbia Legislature and the First Nations. Public accountability will be an important tool enabling the commission to keep the parties on schedule and on course [p.37].

The Treaty Commission's independence is further emphasized in the Treaty Commission legislation that affirms it "is not an agent of any of the principals."

Legal foundation

According to the Task Force Report, the Treaty Commission's role is to "ensure that the process is fair and impartial, that all parties have sufficient resources to do the job, and that the parties work effectively to reach agreements" [p.35].

The governments of Canada, British Columbia, and First Nations accepted the recommendations of the Task Force Report [which can be found on page 46 of this report]. The Treaty Commission itself was established in 1992 by agreement among the governments of Canada and British Columbia and the First Nations Summit [collectively referred to as the "Principals"], with the signing of the *British Columbia Treaty Commission Agreement*, 1992 [the "BCTC Agreement"]. Its doors opened in 1993.

The BCTC Agreement states that the Treaty Commission is to be an independent and impartial body whose primary role is to facilitate the negotiation of treaties between the governments of Canada and British Columbia and First Nations in British Columbia. In addition, where the parties agree, the Treaty Commission will facilitate the negotiation of other related agreements in British Columbia. Along with its role as facilitator, BCTC is responsible for the allocation of negotiation support funding to First Nations, and for providing public information and education about the BC treaty negotiations process.

Federal and provincial legislation was enacted to further strengthen the basis for the Treaty Commission, specifically the federal *British Columbia Treaty Commission Act*, S.C. 1995, c.45, and the provincial *Treaty Commission Act* [RSBC 1996] c. 461. These Acts reinforce the purpose of the Treaty Commission: "to facilitate the negotiation of treaties among one or more First Nations, Her Majesty in right of Canada and Her Majesty in right of British Columbia." To fulfill this purpose, the Treaty Commission shall "encourage timely negotiations" and "perform any other duties that are consistent with the [BCTC] Agreement" and the legislation. The BCTC Agreement explicitly references the Task Force Report to guide the Treaty Commission's ongoing work.

It is important to understand that these Acts not only form the legal foundation for the Treaty Commission, but also ground the BC treaty negotiations process.

The evolution of case law in this country has further clarified that treaty negotiations are a constitutional imperative mandated by Section 35 of the Canadian Constitution. As such, the Treaty Commission's role is critically important — to assist the three parties in living up to this constitutional imperative.

What does facilitation mean?

The term "facilitate" is a broad term. For the Treaty Commission it means a variety of empowering steps and actions that advance reconciliation as expressed through the BC treaty negotiations process. The BCTC Agreement describes facilitation as a duty to "[e]ncourage timely negotiations following the six-stage process outlined in the Report of the Task Force or such other process as the Parties may agree by assisting the Parties to establish a schedule and by monitoring their progress in meeting deadlines" [7.1(g)]. The BCTC legislation further reflects this duty to "encourage timely negotiations" and "perform any other duties" that are consistent with the BCTC Agreement.

One of the Treaty Commission's main facilitation tools is its public reporting, also noted earlier as a key element to its independence and accountability:

The commission should draw to the attention of the parties their failure to meet agreed target dates, ask why, and report to the parties if major obstacles block progress. Where the commission finds that progress is not being made, it should draw the failure to the attention of the parties and ascertain the reasons. If the parties do not remove obstacles blocking progress, the commission should make public its recommendation to resolve the delay.

From time to time, the commission may meet with British Columbia, Canada and the First Nations to recommend improvements to the process or seek resolution of similar issues delaying progress in more than one negotiation [Task Force Report p.39].

In facilitating the BC treaty negotiations process, the Treaty Commission:

- Monitors and reports on progress and encourages timely negotiations
- Chairs key meetings and offers advice to the parties
- Assists the parties in developing solutions and in resolving disputes
- Reports publicly on key opportunities and obstacles to progress [for example, on mandates, resources, capacity]
- Works with the Principals on improving the treaty negotiations process
- Supports projects that promote progress in negotiations
- Develops and applies policies and procedures for the six-stage treaty process

Commissioners and staff are involved in an ever-increasing variety of facilitation initiatives. This growing demand comes from a number of circumstances, including:

- Intensified treaty negotiations at Stage 5 and Stage 4 tables
- Completion of final agreement negotiations and the ratification requirements for First Nations
- Stalled treaty negotiations

- Intensified inter-First Nation dialogue on overlapping and shared territories, particularly where treaty negotiations are approaching final agreement
- Intensified internal First Nation dialogue, especially in multi-community First Nations, on issues of shared territory, governance, and capacity
- Assisting First Nations with internal mandate challenges, sometimes requiring internal governance-related facilitation between community factions
- Consultations between the Crown and First Nations affected by overlaps
- Principal-level and senior official-level discussions on common issues through processes such as the Treaty Negotiations Process Revitalization Table and the Multilateral Engagement Process

The Treaty Commission is exploring special initiatives that will benefit the BC treaty negotiations process and provide the parties with additional tools, such as:

- The *Human Resource Capacity Tool*, created to assist First Nations in preparing for self-government
- The *Ratification Guide*, created to assist First Nations with ratification votes
- Resources to address overlapping and shared territory issues in order to support First Nations resolving these issues earlier in the negotiations process
- Hosting Governance Forums to support the sharing of knowledge, experiences, and best practices amongst First Nations.



Supporting First Nations Negotiation Funding

INDEPENDENT FUNDING AUTHORITY

An independent funding authority is an essential part of the BC treaty negotiations process. It is one of the recommendations agreed to by the Principals [see page 46]. This is set out in both the BCTC Agreement and legislation establishing the Treaty Commission.

The Treaty Commission allocates negotiation support funding so that First Nations can prepare for and carry out treaty negotiations on a more level playing field with Canada and BC. This aspect of the Treaty Commission's mandate "ensure[s] that the process is fair and impartial, that all parties have sufficient resources to do the job, and that the parties work effectively to reach agreements" [Task Force Report, p.35].

Allocations are to be comprised of a maximum of 80% loans advanced by Canada, and a minimum of 20% contribution funding. These loans are taken on by the First Nation, and are treated by Canada as an advance on the cash transfer component of a treaty. Canada provides 60% of the contribution funding and BC provides 40%. Contribution funding is available to a First Nation until the Effective Date of a treaty. However, loan advances must stop at least 30 days prior to all three parties signing the Final Agreement [FA].

Since negotiations began in May 1993, the Treaty Commission has allocated approximately \$656 million in negotiation support funding to nearly 60 First Nations — approximately \$515 million in loans and \$141 million in non-repayable contributions.

Outstanding negotiations loans totaled approximately \$506 million [excluding accrued interest] at March 31, 2015. The Tsawwassen First Nation and the five Maa-nulth First Nations are repaying their negotiation loans under the terms of their Final Agreements.

Negotiation loan funding and the growth of debt for First Nations has been under a lot of scrutiny in recent reviews and studies, including by the Treaty Commission. The Eyford Report also noted that "the debt burden for participating First Nations in the BC treaty process has become an 'unsustainable barrier to progress'" [p.61], and "have indeed become a 'way of life' for many [First Nations]" [p.61].

The Treaty Commission has noted its concern that treaty negotiations have, in some circumstances, and for all parties, become an industry. The Treaty Commission has strongly urged the Principals to consider exit strategies for the parties where the negotiations are not currently a viable option for reconciliation.

Recommendations from the Eyford Report that pertain to funding include: "Negotiation support funding should be tied to progress achieved in negotiations taking into account annual work plans developed and agreed to by the parties," and that tariffs and transparent negotiating costs guidelines be developed.

The Treaty Commission is cognizant of these issues and has been implementing measures to slow the growth of loan debts, while maintaining its funding responsibility to allocate funding to First Nations to support their participation in negotiations.

In addition, the Principals, a number of years ago, made changes to the negotiation loan authorities so that First Nations are able to accept just the non-repayable contribution or take any portion of their loan allocation. Since this change, several First Nations have chosen to accept fewer loan dollars. This is a helpful option for First Nations in managing their growing negotiation debt, and an effective tool for the Treaty Commission to address this issue.

Supporting Public Information and Education



INDEPENDENT VIEW OF THE PROCESS

As the independent voice of treaty making in British Columbia, the Treaty Commission is uniquely positioned to provide public information and education as well as advocacy. The governments of Canada and BC also share responsibility for public information. As well, the three parties in each set of negotiations — Canada, BC and First Nations — provide specific information on their participation in treaty negotiations.

The Treaty Commission publicly reports on the status of treaty negotiations throughout the year through its annual report and newsletter *Update*. It works to support the negotiations process by organizing forums on key issues, and creating toolkits and best practices guides — such as the upcoming *Ratification Guide* and the *Human Resources Capacity Tool For First Nations*. The latter responds to a growing need for a practical tool for First Nations with diverse sets of priorities, capacity levels, and traditions of governance.

The Treaty Commission website is a resource of materials and current information on treaty negotiations. All publications: annual reports, news releases, newsletters, forum materials, videos and teaching materials are available for download at www.bctreaty.ca.

In addition, the website is an information base regarding negotiations, with specifics about the six-stages of treaty negotiations, dispute resolution, agreements in principle, final agreements, an interactive timeline of treaty negotiations in BC, and information about each First Nation in the process.

The Treaty Commission has been increasing its online and social media presence. Follow the BC Treaty Commission on Instagram, Facebook, YouTube, LinkedIn and the BCTC blog, www.bctreatyblog.com.

The Treaty Commission presents at conferences, forums, special events, community forums and schools. In 2015, we made presentations at universities, to city officials, law groups and to industry professionals. On occasion, the Treaty Commission hosts visitors from around the world and shares information about the treaty negotiations process.

Each year, the Treaty Commission travels to Ottawa to meet with federal departments to advocate for the importance of treaty negotiations to fulfilling Canada's constitutional obligations. These meetings emphasize the need for interdepartmental cooperation and coordination to support Canada's negotiators as they participate fully in treaty negotiations in BC.

Highlights of public education in 2015 include presenting on resolving territorial overlaps as part of a Nation Building forum at the Assembly of First Nations' [AFN] Annual General Assembly. BCTC also promoted treaty awareness and the importance of forging strong relationships with First Nations at both the Union of BC Municipalities conference and the Vancouver Island Economic Alliance Summit.

The Three Parties



ROLES AND RESPONSIBILITIES

The Parties

The decision to enter into treaty negotiations carries significant responsibilities for each of the **Parties**. Those responsibilities are set out in their commitments to each other and to the treaty negotiations process.

The **Principals** to the BC treaty negotiations process are the First Nations Summit, as represented by the three member Task Group, the Government of Canada, as represented by the Minister of Aboriginal Affairs and Northern Development, and the Government of British Columbia, as represented by the Minister of the Ministry of Aboriginal Relations and Reconciliation. The **Principals** are signatories to the BCTC Agreement, that established the Treaty Commission, followed by federal and provincial legislation that further secured the foundation for the process.

The First Nations Summit is not a party to treaty negotiations. It is a forum for First Nations in the BC treaty negotiations process. The Treaty Commission is not a party to the negotiations — it is the independent facilitator for the negotiations.

The **Principals'** responsibilities are established by their acceptance and commitment to the 19 Recommendations of the *Report of the British Columbia Claims Task Force*, 1991 [see page 46].

The **Parties** to the negotiations are the individual First Nations, and the government of Canada and the government of British Columbia.

The Treaty Commission's responsibilities are as set out in the BCTC Agreement and legislation, and explained in sections of this report. Its primary role is to support the Parties and the Principals.

The Public

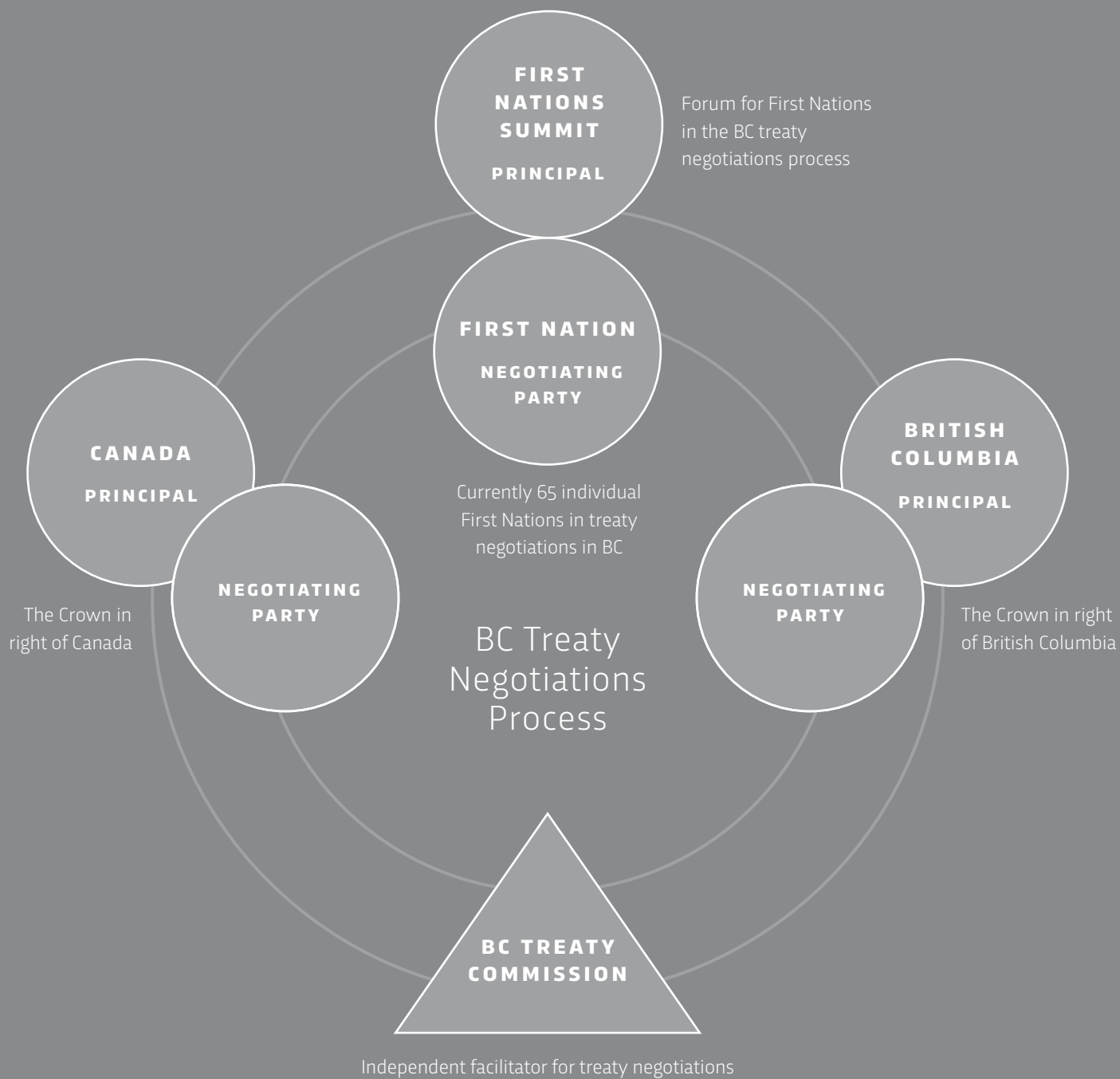
Treaty making cannot be done in isolation. Everyone has a role in reconciliation, including the public. It requires the will of communities to initiate change, to embrace the process of moving forward as British Columbians in a new relationship.

Although the **three parties** conduct negotiations, the **public** has a number of important roles and ways to be involved in the BC treaty negotiations process.

Citizens can get to know their First Nation neighbours, finding opportunities to understand the journey of First Nations, their rich cultures and deep ties to the territories, through the colonial and residential school legacies, to reconciliation and modern treaties.

Learning about the BC treaty negotiations process — and becoming informed about important local issues and our shared history — is a responsibility that must be taken seriously by all British Columbians and Canadians. Non-aboriginal interests are represented at the negotiation table by British Columbia and Canada. Another important feature of negotiations is the participation of Municipalities and Regional Districts, making sure local governments are represented by regional officials.

The BC treaty negotiations process is based on mutual respect and shared responsibility. All British Columbians and Canadians have an integral role to play in forging this new relationship.



Reconciliation

ROLES AND RESPONSIBILITIES

Modern Treaties

When the three parties engage in treaty negotiations, they commit as follows:

The Government of Canada

- Makes a formal commitment in writing to the First Nation to negotiate a treaty under the BC treaty negotiations process
- Appoints a Chief Negotiator and a negotiating team
- Confirms that its negotiators have a comprehensive and clear mandate to negotiate a treaty, and a timely and effective process to develop and modify its mandate throughout the negotiations. This includes the ability to access other government departments
- Dedicates resources to support an effective negotiating team with cross-departmental support
- Adopts a ratification procedure for how agreements will be approved
- Identifies the substantive and procedural matters for treaty negotiations, which are set out in a Framework Agreement that is the “table of contents” for the negotiations
- Establishes mechanisms for consultation with non-aboriginal interests

The First Nation

- Makes a formal commitment in writing to Canada and British Columbia to negotiate a treaty under the BC treaty negotiations process
- Appoints a Chief Negotiator and a negotiating team
- Confirms that its negotiators have a comprehensive and clear mandate from its constituents to negotiate a treaty, and a timely and effective process to develop and modify its mandate throughout the negotiations
- Dedicates resources to support an effective negotiating team [the Treaty Commission allocates First Nation Negotiation Support Funding to financially support negotiating requirements]
- Adopts a ratification procedure for how agreements will be approved
- Identifies the substantive and procedural matters for treaty negotiations, which are set out in a Framework Agreement that is the “table of contents” for the negotiations
- Addresses overlapping and shared territory issues with neighbouring First Nations

The Government of BC

- Makes a formal commitment in writing to the First Nation to negotiate a treaty under the BC treaty negotiations process
- Appoints a Chief Negotiator and a negotiating team
- Confirms that its negotiators have a comprehensive and clear mandate to negotiate a treaty, and a timely and effective process to develop and modify its mandate throughout the negotiations. This includes the ability to access other government departments
- Dedicates resources to support an effective negotiating team with cross-departmental support
- Adopts a ratification procedure for how agreements will be approved
- Identifies the substantive and procedural matters for treaty negotiations, which are set out in a Framework Agreement that is the “table of contents” for the negotiations
- Establishes mechanisms for consultation with non-aboriginal interests



Supporting Governance and Ratification

STRENGTHENING THE PATH TO SELF-GOVERNANCE

When it comes to roles and responsibilities, mandates are the most important. Mandates are central to a party's commitment to the negotiations, to each other, and to the ultimate decision to move forward to reconciliation together.

Because mandates are so important to the parties, the Treaty Commission dedicates significant efforts to strengthen and support them.

For First Nations, the mandate is particularly important, and challenging at times, as it makes the transition from the *Indian Act* to self-government. A First Nation's mandate is impacted by — and impacts — its governance and its ratification process.

Governance forum

Self-governance under a modern treaty is a monumental shift for a First Nation. It requires a complete restructuring of the governing body, new self-governance powers and authorities, drafting and implementing numerous new First Nation laws, and preparing and staffing new positions within the governing body.

The Treaty Commission has been focusing efforts to support First Nations in strengthening their governance today in preparation for modern self-governance on effective day.

In March 2015, the Treaty Commission successfully hosted a three-day Modern Treaty Self-Governance Forum that brought together 80 delegates, representing 32 First Nations from across BC. It was a venue for sharing knowledge and building relationships with other First Nations in advanced treaty negotiations.

A best practices guide is being developed to provide a comprehensive overview, highlighting the forum presentations and specific topics, and the successes and challenges of modern treaty self-governance.

In the spring of 2016, the Treaty Commission plans to host another governance forum focused on multi-community First Nations. Some of the first modern treaties in BC, Nisga'a and Maa-nulth, are multi-community First Nations. Currently, there are 11 First Nations with multi-community governing structures in the treaty negotiation process. These 11 First Nations represent 39 *Indian Act* Bands. Three multi-community First Nations [representing 8 *Indian Act* Bands] are in final agreement, and three multi-community First Nations [representing 15 *Indian Act* Bands] are in advanced Agreement in Principle [AIP] negotiations. In addition, hereditary house structures add another layer of complexity to some of the larger First Nations in the treaty negotiations process.

Self-definition is a cornerstone of the BC treaty negotiations process. For multi-community First Nations, strengthening and supporting the ties between their communities is an essential part of self-definition; the success of the negotiations process is directly related to how a modern treaty can contribute to the strengthening of the First Nation's governing structure.

"Aggregation" is an important consideration for modern treaty self-governance. Aggregation is an element of good governance principles, including costs efficiencies. Successful First Nations governance in modern treaties must also be financially viable; aggregations can assist in this regard.

Governance and sharing of territory

Overlap and self-governance are closely related. As discussed in last year's annual report, "in many ways overlapping and shared territory issues are as much about families and relations, and that overlap resolution can play a role in governance and nationhood by uniting and strengthening the bond between First Nations."

Not all overlaps will be resolved at the time of final agreement. Addressing overlaps and shared territories is an important part of the ongoing relationship building function of governance. In addition, cooperation on overlaps can result in efficient and practical multi-First Nation governance authorities.

Multi-community First Nations necessarily share territory. Whether the governing structure is a confederacy model, an informal alliance of communities, a "common bowl" [Nisga'a], tribal council, or a traditional governance with multiple Hereditary houses, the sharing of territory and governance is a unifying element. These First Nations therefore have valuable experiences and knowledge to contribute to overlapping and shared territory discussions.

Ratification

Ratification is an essential step in reaching a modern treaty. All parties are required to go through a ratification process. For First Nations this can be particularly challenging, as the ratification process and threshold is more onerous than that of Canada and BC. In fact, the ratification threshold for a First Nation for treaty is higher than any other community vote in the country.

In the BC treaty negotiations process, First Nations are required to have a community approval process for the AIP, and are required to have a ratification vote for a final agreement.

The decision of a First Nation to move forward with a modern treaty can face strong opposition, misunderstandings, mistrust and misinformation. These challenges became particularly evident at the time of the Tla'amin Nation treaty vote, which faced a blockade on the day of the vote [requiring a postponement], RCMP intervention, legal action by a small number of community members to stop the vote, and a campaign of misinformation.

Canada and BC are of the view that they cannot actively and overtly support the First Nation's communications efforts during the ratification process. As a consequence, the First Nation must undertake the process and the vote essentially on their own. The Treaty Commission has increased its involvement in ratification processes to fill this gap and to provide support for this critical work.

The Treaty Commission has taken on multiple activities to support First Nation ratification processes. These include:

- Increased funding or additional allocations of Negotiation Support Funding for communications initiatives and community engagement
- Working closely with the First Nation's ratification team on their planning
- Providing public information and materials
- Connecting the First Nation with other First Nation contacts that have been through the ratification process

There are numerous First Nations entering Stage 5 that will be conducting ratification votes in the next two to five years. The importance of ratification votes and AIP approvals cannot be understated. All the parties to the negotiations have invested significant resources to complete their negotiations — at stake is a new relationship of reconciliation between the First Nation, Canada and BC.

Ratification forum

Recognizing the specific need for ratification support, the Treaty Commission hosted a ratification forum to bring together First Nations to share their experiences and expertise. The *First Nations Ratification Forum: Building Free, Prior and Informed Consent*, was hosted in March 2014. The Treaty Commission is creating a best practices guide to assist First Nations with ratification.

Overlapping and shared territory resolutions support ratification

The close ties between First Nations neighbours can solidify or divide communities if a final agreement is seen to negatively impact another First Nation. Overlap efforts can avoid these potential divisions.

For the Maa-nulth Final Agreement, the Treaty Commission was significantly involved in the facilitation of an overlap agreement between Tseshaht and Maa-nulth. Finalized days before the Maa-nulth treaty Effective Date, Tseshaht stood beside Maa-nulth in support of its modern treaty achievement. For the Tsawwassen Final Agreement, the Treaty Commission supported financially, and in the background, a facilitated engagement with Cowichan.

When First Nations share experiences, knowledge and best practices they strengthen and build upon each other's successes. The Treaty Commission will continue to facilitate opportunities to support these connections.



Supporting Recommendation 8

OVERLAPS RESOLUTIONS AND SHARING OF TERRITORY

First Nations resolve issues related to overlapping traditional territories among themselves

Resolution — of overlapping claims and shared territory — is complex.

Resolving overlapping claims and shared territory issues has proven to be much more challenging than any of the parties anticipated. In some respects, it creates another set of negotiations or discussions with neighbouring First Nations, often on several fronts. This makes it difficult to give the resolution of overlaps priority, given the demands on the First Nation's negotiating team and its resources.

All parties to treaty negotiations feel the impact of outstanding disputes. Overlap disputes disrupt negotiations, slow implementation of treaties and reconciliation generally. First Nations are best placed to resolve overlapping and shared territory issues themselves — reinforcing the continued importance of Recommendation 8 — but all parties have an interest in supporting First Nations in finding solutions to overlap issues.

For First Nations, overlap disputes not only affect treaty negotiations, they also impact claims to aboriginal title. A legal opinion on the Supreme Court of Canada's decision in *Tsilhqot'in*, featured in the 2014 Treaty Commission annual report, states that "*Tsilhqot'in* affirmed that a successful aboriginal title claim requires proof of exclusive control of the title lands, and that overlapping claims may result in the denial of title." It adds, "while the historical presence of various First Nations on lands subject to a title claim will not eliminate the possibility of title being proven, the assertion of competing claims to exclusive occupation of title lands poses significant challenges."

Treaty Commission support for Recommendation 8

The Treaty Commission's facilitation role in overlaps is both direct, through involvement in First Nation-to-First Nation overlap discussions, and indirect, through efforts to create space for this essential dialogue. There is no single solution to these issues, and it is only through continued engagement that solutions are found and resolutions are reached.

In March 2015, at the three-day Modern Treaty Self-Governance Forum, a special session was held on overlaps. Overlapping and shared territory issues are about families and relations, and overlap resolutions can play a role in governance and nationhood by strengthening bonds between First Nations.

A highlight of the Forum was an informative panel with the three former Chief Commissioners, Miles Richardson, Steven Point and Sophie Pierre, continued conversation from the 2014 annual report. Each shared their insights on overlapping and shared territories, presented their ideas for moving forward, and answered questions from delegates. A key idea explored was the creation of a panel of experts — possibly the former Chief Commissioners themselves — that would make recommendations on the overlapping disputes that have not reached resolution, and would consider whether or not sufficient efforts have been made by the parties to resolve their disputes so that negotiations can move forward.

This summer, the Treaty Commission also presented on the issue and on its ongoing work at the Assembly of First Nations Annual General Assembly: "Closing the Gap: Building Nations, Asserting Sovereignty," broadening the conversation on experiences, possible solutions, and resolutions.

The Treaty Commission provides facilitation to First Nations on overlapping and shared territory issues in a number of circumstances and offers different supporting tools. This work includes direct facilitation to assist First Nation-to-First Nation engagement and informal support by providing information, precedent agreements, examples of First Nation overlap resolutions and financial support.

In recent years, the Treaty Commission has made small contribution-only allocations to some First Nations for overlap work, when surplus funds are identified later in the year. It also made contribution overlap funding available to First Nations from separate funding provided by Canada in the 2010–2011 and 2011–2012 fiscal years that led to several successes, including an accord between Tseshaht and the Maa-nulth First Nations days before the effective date of the Maa-nulth treaty, and significant progress by K'ómoks First Nation on overlaps with its neighbours, including a protocol agreement with Homalco First Nation.

Beginning in 2012, BCTC received approval from Canada and BC to carry over unexpended contribution funding to support First Nations that are addressing overlapping claims and shared territory. Further approvals to use the carry forward were granted to support this overlap work.

The carry-forward contribution funds expended by the Treaty Commission assisted greatly in achieving success in several overlap initiatives, including an agreement on treaty settlement lands between Metlakatla and Kitselas; a lands communications protocol between We Wai Kai, Wei Wai Kum, and Kwiakah to assist with overlapping land negotiations; support for two overlap processes with mediators from the federal claims

roster involving First Nations outside the treaty process; and substantial progress on a larger harvesting area agreement between Metlakatla and Kitsumkalum and Kitselas.

Contribution funding assisted with the March 2014 overlap forum hosted by the First Nations Leadership Council.

Contribution funding and facilitation by the Treaty Commission is supporting a process to bring ten First Nations on the Skeena together to achieve a watershed-based governance approach to fisheries.

A VIEW OF PROGRESS

Socio-Economic Benefits of Treaty

To better understand what treaties mean for British Columbians and First Nations, the Treaty Commission has initiated several studies. In 2014, the Treaty Commission began working with Deloitte LLP to undertake a study identifying the socio-economic benefits of modern treaties. This study builds on previous reports that indicate treaties create certainty in the marketplace, therefore creating economic opportunities for First Nations, British Columbia and Canada.

In 2009, the Treaty Commission published a report by PricewaterhouseCoopers that quantified direct and indirect benefits of modern treaties to be in the billions of dollars to British Columbia's economy. This report 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.

Deloitte reviewed the 2009 economic impact model used to forecast the financial and economic impacts of treaty, and compared components in the model to actual treaty First Nations. This analysis confirmed that, despite the variance in the rate and pace of actual negotiations to projections in the 2009 report, the assumptions used to forecast a net economic benefit for BC, Canada and First Nations from treaty settlements are directionally correct.

Several BC First Nations, ranging from those that are implementing modern treaties, to those that have chosen to pursue alternate agreements, were interviewed by Deloitte.

These interviews confirmed the following common non-financial benefits of treaty and the treaty negotiations process for First Nations:

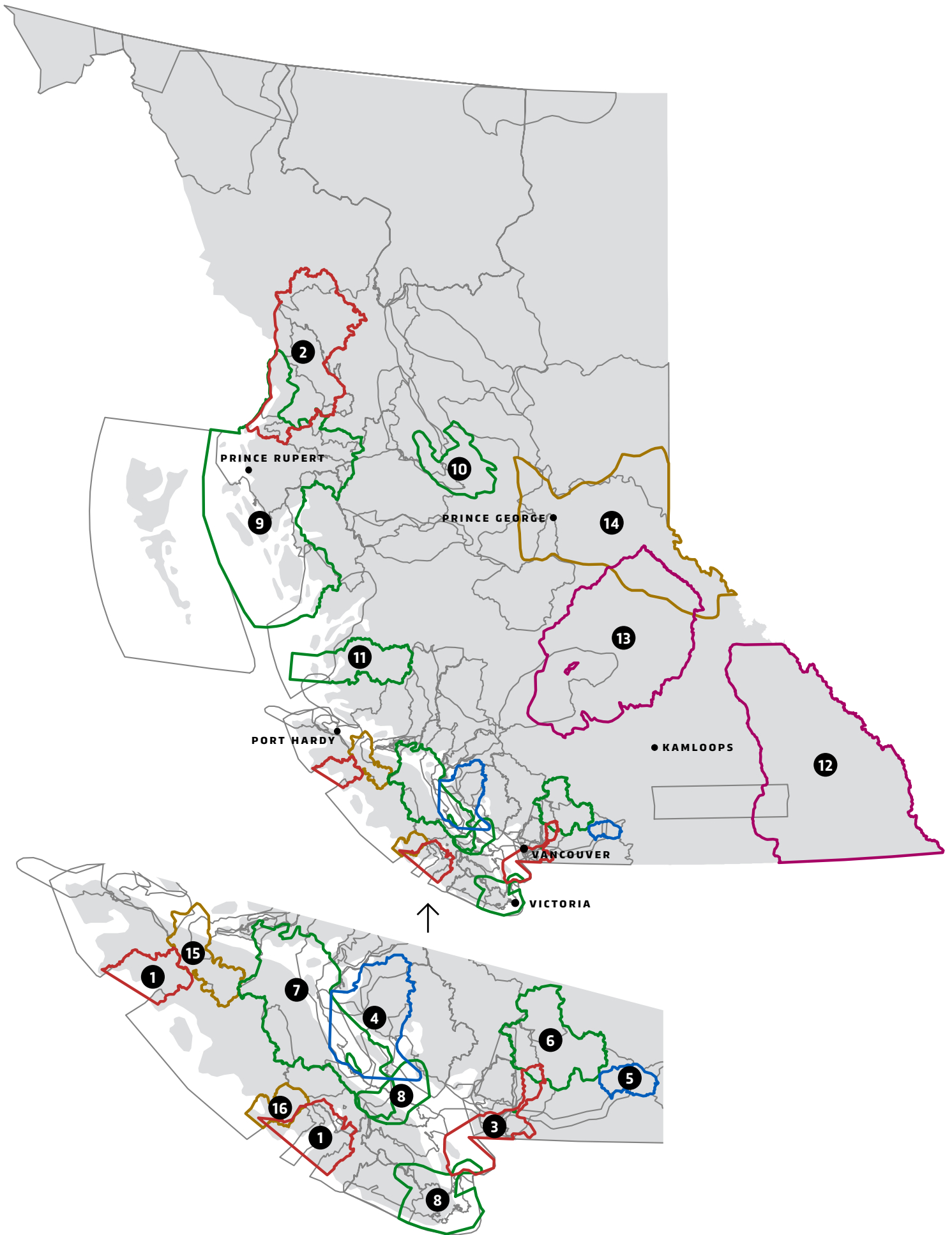
- Articulation of a strong, shared vision for the future
- Enhanced community identity, pride and nationhood
- Enhanced community engagement
- Enhanced governance capabilities
- Enhanced leadership capabilities

First Nations with modern treaties believe their social and socio-economic goals are attainable. Implementation has focused on establishing government and laws, building infrastructure, and expanding commercial and economic activity. Investments are also being made in social and cultural programs. Importantly, treaty allows First Nations to generate their own revenues and determine reinvestment strategies which best fit within their own self-determined vision.

These First Nations confirmed their treaties are having positive socio-economic benefits, although the observations were largely qualitative in nature. A few First Nations are in the process of identifying indicators that will help measure changes in community well-being over time.

Further work is needed to quantify the impacts and benefits of treaties on communities. The Treaty Commission is exploring ways to expand this initiative with partners to lead future work. Standardizing a method to measure socio-economic benefits of treaties will provide quantitative data that can be shared, compared and understood.

The results will be key to understanding the socio-economic benefits of treaties and the return on the investment in the BC treaty negotiations process.



Implemented Treaties*

- 1 Maa-nulth First Nations
- 2 Nisga'a Nation [modern treaty concluded as the BC treaty negotiations process was unfolding]
- 3 Tsawwassen First Nation
*Representing 10 former *Indian Act* Bands

Completed Final Agreements

[preparing for Effective Date]*

- 4 Tla'amin Nation
- 5 Yale First Nation
*Representing 2 *Indian Act* Bands

In Final Agreement Negotiations

[completed AIPs]*

- 6 In-SHUCK-ch Nation
- 7 K'ómoks First Nation
- 8 Te'mexw Treaty Association
- 9 Tsimshian First Nations [Kitselas and Kitsumkalum]
- 10 Yekooche First Nation
- 11 Wuikinuxv Nation
*Representing 12 *Indian Act* Bands

Initialled AIPs / Land and Cash Offers*

- 12 Ktunaxa Kinbasket Treaty Council [land and cash offer]
- 13 Northern Shuswap Tribal Council [initialled AIP]
*Representing 8 *Indian Act* Bands

Completed Agreements Not Ratified*

- 14 Lheidli T'enneh First Nation [initialled Final Agreement]
- 15 'Namgis Nation [initialled AIP]
- 16 Tla-o-qui-aht First Nations [initialled AIP]
*Representing 3 *Indian Act* Bands

Other First Nations in Treaty Negotiations*

*Representing 74 *Indian Act* Bands

The First Nations highlighted in this map represent 35 *Indian Act* Bands, or 17.5% of all *Indian Act* Bands in BC. The territories represented in the Statements of Intent of these First Nations cover approximately 28% of BC [including areas in overlaps].

Status Report |

An abstract sculpture made of wood, featuring various curved, layered, and carved sections in shades of blue, green, and brown. The wood grain is prominent throughout the piece.

STATUS REPORT

65 First Nations, representing over half of all *Indian Act* Bands in BC, are participating in, or have completed treaties through, the treaty negotiations process.

FIRST NATIONS IMPLEMENTING TREATY AGREEMENTS [6]

Maa-nulth First Nations [Huu-ay-aht, Ka:'yu:'k't'h'/
Chek'tles7et'h', Toquaht, Uchucklesaht and Ucluelet]
Tsawwassen First Nation

FIRST NATIONS WITH COMPLETED FINAL AGREEMENTS [2]

Tla'amin Nation [Effective Date April 2016]
Yale First Nation

FIRST NATIONS IN FINAL AGREEMENT NEGOTIATIONS [6]

In-SHUCK-ch Nation
K'ómoks First Nation
Te'mexw Treaty Association
Tsimshian First Nations* [Kitselas and Kitsumkalum]
Wuikinuxv Nation
Yekooche First Nation

FIRST NATIONS WITH COMPLETED AGREEMENTS NOT RATIFIED [3]

Lheidli T'enneh First Nation [Final Agreement]
'Nangis Nation [Agreement in Principle]
Tla-o-qui-aht First Nations [Agreement in Principle]

FIRST NATIONS IN ADVANCED AGREEMENT IN PRINCIPLE NEGOTIATIONS [6]

Ditidaht and Pacheedaht First Nations
Gwa'Sala-'Nakwaxda'xw Nation
Katzie Indian Band
Ktunaxa Kinbasket Treaty Council
Northern Shuswap Tribal Council
Tsimshian First Nations* [Metlakatla]

FIRST NATIONS IN ACTIVE NEGOTIATIONS [18]

Council of the Haida Nation
Da'naxda'xw/Awaetlala Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Homalco Indian Band

Hul'qumi'num Treaty Group
Kaska Dena Council
Klahoose First Nation
Laich-Kwil-Tach Council of Chiefs
Lake Babine Nation
Stó:lō Xwexwilmexw Treaty Association
Taku River Tlingit First Nation
Tlatlasikwala Nation
Tlowitsis First Nation
Tsay Keh Dene Band
Tsimshian First Nation* [Gitga'at]
Tsleil-Waututh Nation
Wei Wai Kum/Kwiahah First Nations
Wet'suwet'en Hereditary Chiefs

FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY [24]

Acho Dene Koe First Nation
Allied Tribes of Lax Kw'alaams
Carcross/Tagish First Nation
Carrier Sekani Tribal Council
Champagne and Aishihik First Nations
Cheslatta Carrier Nation
Esk'etemc First Nation
Haisla Nation
Heiltsuk Nation
Hupacasath First Nation
Hwilitsum First Nation
Kwakiutl Nation
Liard First Nation
McLeod Lake Indian Band
Musqueam Nation
Nazko First Nation
Nuu-chah-nulth Tribal Council
Quatsino First Nation
Ross River Dena Council
Sechelt Indian Band
Snuneymuxw First Nation
Squamish Nation
Teslin Tlingit Council
Tsimshian First Nation* [Kitasoo/XaiXais]
Westbank First Nation

**Tsimshian is counted as one First Nation,
but has communities in various stages*

TABLE STATUS REPORTS

AIP: Agreement in Principle

ITA: Incremental Treaty Agreement

TRM: Treaty Related Measure

The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents. Approximate population numbers are from the First Nations Community Profiles: www.aandc-aadnc.gc.ca.

65 First Nations, representing over half of all *Indian Act* Bands in BC, are participating in, or have completed treaties through, the treaty negotiations process.

Active or completed negotiations involve 41 First Nations, representing 78 *Indian Act* Bands, totalling 39% of all *Indian Act* Bands in BC.

A "First Nation" in the BC treaty negotiations process is a self-defined governing body, established and mandated by its people within their traditional territory in BC to enter into treaty negotiations with Canada and British Columbia. The BCTC Agreement and legislation set out this principle of self-definition.

For statistical purposes the Treaty Commission continues to refer to "*Indian Act* Bands" to provide a common reference point within the context of the province.

COMPLETED TREATIES

FIRST NATIONS IMPLEMENTING TREATY AGREEMENTS [6]

Maa-nulth First Nations

The Maa-nulth First Nations Final Agreement Effective Date was on April 1, 2011. Huu-ay-aht, Ka:'yu:'k't'h'/Chek'tles7et'h', Toquaht, Uchucklesaht and Ucluelet [Yuuṭuṭiṭaṭh] First Nations and Canada and BC are implementing their new relationship. These five former *Indian Act* Bands moved forward as five independent governments under the Maa-nulth treaty.

The Maa-nulth treaty provides the First Nations with 24,550 hectares of treaty settlement land, a one-time capital transfer payment of \$73.1 million over ten years, \$1.2 million annually in resource royalty payments for 25 years and \$9.5 million annually for program funding.

Huu-ay-aht has approximately 715 citizens; Ka:'yu:'k't'h'/Chek'tles7et'h' has approximately 560 citizens; Toquaht has approximately 150 citizens; Uchucklesaht has approximately 215 citizens; and Ucluelet has approximately 660 citizens. Their traditional territories and waters are located on the west coast of Vancouver Island surrounding Barkley and Kyuquot Sounds. Maa-nulth has overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Hupacasaht, Tla-o-qui-aht and Tseshah.

HUU-AY-AHT FIRST NATIONS

Since treaty implementation, Huu-ay-aht First Nations has implemented approximately 21 Acts and 30 Regulations. They joined the Alberni-Clayoquot Regional District Board in 2012. The HFN Development LP pursues economic development opportunities for the First Nation. These ventures include forestry, fisheries, gravel, a campground, a market and a gas station.

KA:'YU:'K'T'H'/CHEK'TLES7ET'H' FIRST NATIONS

Since treaty implementation, Ka:'yu:'k't'h'/Chek'tles7et'h' First Nations has implemented 37 Acts and 13 Regulations.

TOQUAHT FIRST NATION

Since treaty implementation, Toquaht First Nation has implemented approximately 28 laws and 15 Regulations. The First Nation built a water treatment plant after being on boil water restrictions for 20 years, and a community sewage treatment plant. Toquaht also manages a campground and is building basic community infrastructure to bring citizens home to a thriving community.

UCHUCKLESAHT FIRST NATION

Since treaty implementation, Uchucklesaht First Nation has implemented 46 Acts and 23 Regulations and joined the Alberni-Clayoquot Regional District Board in 2014. The First Nation

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has pursued economic development in tourism ventures and purchased a motel in Port Alberni, which is planned to be redeveloped in 2016. The First Nation has also upgraded its water system and built new roads.

UCLUELET [YUULU?IH?ATH] FIRST NATION

Since treaty implementation, Ucluelet First Nation has implemented approximately 33 laws and 30 Regulations, they also joined the Alberni-Clayoquot Regional District Board in 2012. Yuulu?ih?ath took advantage of the ability under their treaty to add TSL when they purchased a significant economic development property. This resulted in tourism developments at the highway juncture between Ucluelet and Tofino, such as Wya Point Resort, Wya Welcome Centre and gift shop, and Lost Shoe Creek Commercial Development.

Tsawwassen First Nation

The Tsawwassen First Nation Final Agreement Effective Date was on April 2, 2009. Tsawwassen First Nation and Canada and BC are implementing their new relationship. The treaty provides the First Nation with 724 hectares of treaty settlement land and a one-time capital transfer payment of \$13.9 million over ten years. In addition, it provides \$2 million for relinquishing mineral rights under English Bluff, \$13.5 million for startup and transition costs, \$7.3 million for a number of funds for the purposes of resource management and economic development and \$2.6 million annually for ongoing programs and services.

Since treaty implementation, Tsawwassen First Nation has implemented approximately 23 Acts and 67 Regulations and has had two elections as a self-governing Nation. In 2009, The First Nation joined the Board of Metro Vancouver. Tsawwassen signed the biggest real estate, non-resource development agreement in BC of 2014. Economic development on Tsawwassen treaty land is creating thousands of jobs. Tsawwassen did not sell its treaty settlement land when signing this deal, instead it leased 108 acres for ninety-nine years.

There are approximately 360 Tsawwassen citizens, with traditional territory and waters in the Lower Mainland, from the watersheds that feed into Pitt Lake to Burns Bog to the Salish Sea, including Saltspring, Pender and Saturna Islands. Tsawwassen has overlapping and/or shared territory with its First Nation neighbours: Cowichan Tribe, Hwlitsum, Musqueam, Tsleil-Waututh, and Semiahmoo.

COMPLETED FINAL AGREEMENTS

FIRST NATIONS WITH COMPLETED FINAL AGREEMENTS [2]

Tla'amin Nation

The Tla'amin treaty table concluded Stage 5 negotiations and the Tla'amin Final Agreement has been fully ratified by the three parties. Its Effective Date is set for April 4, 2016. The parties are undertaking numerous tasks to prepare for the Effective Date, and the First Nation is preparing for the implementation of its new laws. TRM funding supported several of these preparations towards self-government.

The Tla'amin treaty will provide the First Nation with 8,323 hectares of treaty settlement land and a one-time capital transfer payment of approximately \$31.1 million over ten years. In addition, it provides economic development funding of approximately \$7.3 million and a fishing vessel fund of \$0.3 million. The Tla'amin Nation will also receive \$0.7 million annually in resource revenue sharing payments for fifty years. All dollar amounts are in 2012 dollars and will be adjusted for inflation.

There are approximately 1,065 Tla'amin citizens, with traditional territory and water around the Powell River area, including Lesqueti and Texada Islands, and down through Cortes Island and Comox. Tla'amin has overlapping and/or shared territory with its First Nation neighbours: K'ómoks, Klahoose, Homalco, Sechelt and Qualicum.

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The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents. Approximate population numbers are from the First Nations Community Profiles: www.aandc-aadnc.gc.ca.

Yale First Nation

The Yale First Nation treaty table concluded Stage 5 negotiations. On June 19, 2013 the Yale First Nation Final Agreement received Royal Assent. Its Effective Date was originally set for April 2016, but it has been postponed.

The Yale treaty will provide the First Nation with 1,966 hectares of treaty settlement land and a one-time capital transfer payment of approximately \$10.7 million. In addition, it provides approximately \$2.2 million in economic development funding, \$0.7 million annually in program funding, a combination of \$1.4 million in one-time funding and \$0.6 million in annual funding to support implementation.

There are approximately 165 Yale citizens, with traditional lands and waters located around Yale and in the Fraser Canyon, north of Hope. Yale has overlapping and/or shared territory with its First Nation neighbours: Stó:lō communities from Stó:lō [SXTA], Stó:lō Nation and Stó:lō Tribal Council.

FINAL AGREEMENT

FIRST NATIONS IN FINAL AGREEMENT NEGOTIATIONS [6]

In-SHUCK-ch Nation

The In-SHUCK-ch treaty table is in Stage 5. The AIP was signed on August 25, 2007 and sets out the land and cash basis for final treaty negotiations. In-SHUCK-ch will receive approximately 14,518 hectares of treaty settlement land, including former reserves, and a capital transfer of approximately \$21 million. The Final Agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash and governance provisions of the treaty.

The table has substantially completed negotiations: hydro interests of the parties are the last remaining issues. In-SHUCK-ch is engaging its members and is preparing for a Final Agreement ratification vote. The First Nation is implementing its Nation Building TRM to prepare the First Nation for governance under a modern treaty. In-SHUCK-ch shared governance work with other Nations at the BCTC Modern Treaty Self-Governance Forum. In 2015, TRM funding supported communications planning and phase one development of a heritage trail management plan.

There are approximately 780 In-SHUCK-ch members from the two communities of Skatin and Samahquam. In-SHUCK-ch traditional lands and waters are located between the middle point of Harrison Lake, northward to the middle point of Lillooet Lake. In-SHUCK-ch Nation has overlapping and/or shared territory with its First Nation neighbours: Chehalis, Douglas, Katzie, Lil'wat, Squamish, Stó:lō and Tsleil-Waututh.

K'ómoks First Nation

The K'ómoks treaty table is in Stage 5 negotiations. The AIP was signed on March 24, 2012 and sets out the land and cash basis for final treaty negotiations. K'ómoks will receive approximately 2,043 hectares of land, including former reserves, and a capital transfer of approximately \$175 million. The Final Agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash and governance provisions of the treaty.

The parties continue to address Final Agreement outstanding issues, including shared decision making on watersheds and estuaries in the area. K'ómoks First Nation opened its new administration building in December 2014. The parties made some progress on K'ómoks' interests in the Goose Spit lands. In 2015, TRM funding supported fisheries, community engagement and planning, institutional capacity development, and municipal service agreements.

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The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents. Approximate population numbers are from the First Nations Community Profiles: www.aandc-aadnc.gc.ca.

There are approximately 330 K'ómoks members, with traditional territory and waters spanning the central eastern part of Vancouver Island, extending into Johnstone Strait. K'ómoks has overlapping and/or shared territory with its First Nation neighbours: Homalco, Hul'qumi'num Treaty Group, Nanoose, Nuu-chah-nulth Tribal Council, Sechelt, Snuneymuxw, Tla'amin, Te'mexw Treaty Association, Laich-Kwil-Tach Council of Chiefs, and Wei Wai Kum/Kwiakah.

Te'mexw Treaty Association

The Te'mexw treaty table is in Stage 5 negotiations. The AIP was signed on April 10, 2015 and sets out the land and cash basis for final treaty negotiations. Te'mexw will receive approximately 1,565 hectares of land, including former reserves, and a capital transfer of approximately \$142 million, including a land fund for the five First Nations. The Final Agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash and governance provisions of the treaty.

The Te'mexw First Nations are also Douglas Treaty beneficiaries. Te'mexw is developing constitutions for each of its five member First Nations and is addressing the transition of landholdings [such as Certificates of Possession] post-treaty.

There are approximately 1,640 Te'mexw members. Te'mexw Treaty Association represents five First Nations: Beecher Bay [Scia'new], Malahat, Snaw-naw-AS [Nanoose], Songhees, and T'sou-ke [Sooke]. Te'mexw traditional territories and waters are located in two main areas: on the southern part of Vancouver Island, and on the east coast of Vancouver Island around Nanoose Bay. Te'mexw member First Nations have overlapping and/or shared territory with their First Nation neighbours: Esquimalt, Saanich, Sechelt, Qualicum, Nanaimo, and some of the Nuu-chah-nulth and Hul'qumi'num First Nations.

Tsimshian First Nations [Kitselas and Kitsumkalum]

The Tsimshian First Nations are in varying stages of treaty negotiations. Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations; Metlakatla is in advance Stage 4 negotiations [see page 35]; Gitga'at is in Stage 4 negotiations [see page 39], and Kitasoo/XaiXais remains inactive [see page 42].

On August 4, 2015, the parties reached a significant milestone when signing both the Kitselas and Kitsumkalum AIPs in two separate events. Each agreement sets out each of the land and cash basis for final treaty negotiations. Kitselas will receive over 36,158 hectares of land, including former reserves, and a capital transfer of \$34.7 million. Kitsumkalum will receive over 45,406 hectares of land, including former reserves, and a capital transfer of \$44.2 million. The Final Agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash and governance provisions of the treaty. In 2015, TRM funding supported shared land use planning for both Kitselas and Kitsumkalum.

The five Tsimshian First Nations total approximately 3,545 members. Kitselas has approximately 635 members, and Kitsumkalum has approximately 745. Their traditional territories and waters span the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations territories have overlapping and/or shared territories with their First Nation neighbours: Gitksan Hereditary Chiefs, Haida, Heiltsuk, Allied Tribes of Lax Kw'alaams, Gitxaala, Nisga'a and Wet'suwet'en Hereditary Chiefs.

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The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents. Approximate population numbers are from the First Nations Community Profiles: www.aandc-aadnc.gc.ca.

Wuikinuxv Nation

The Wuikinuxv treaty table is in Stage 5 negotiations. The AIP was signed on July 23, 2015 and sets out the land and cash basis for final treaty negotiations. Wuikinuxv will receive over 14,646 hectares of land, including former reserves, and a capital transfer of \$7.3 million. The Wuikinuxv treaty table has an extensive agenda of negotiation items to address as they proceed in Stage 5, including fisheries [including working on a Fish TRM], roads, and governance. The Final Agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash and governance provisions of the treaty.

There are approximately 290 Wuikinuxv members, with traditional territory and waters located around its main community on the north side of Wannock River, between Owikeno Lake and the head of Rivers Inlet on BC's mid coast. Wuikinuxv has overlapping and/or shared territory with its First Nation neighbours: Gwa'Sala-'Nakwaxda'xw and Heiltsuk.

Yekooche First Nation

The Yekooche treaty table is in Stage 5 negotiations. The AIP was signed on August 22, 2005 and sets out the land and cash basis for final treaty negotiations. Yekooche will receive approximately 6,400 hectares of land, including former reserves, and a capital transfer of \$6.5 million. The Final Agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash and governance provisions of the treaty.

The parties had substantially completed the Yekooche Final Agreement, but then were stalled due to Canada's suspension of fish negotiations and governance challenges within the First Nation. Last year the parties re-engaged to close Final Agreement negotiations.

There are approximately 230 Yekooche members, with traditional lands and waters near Stuart Lake, Cunningham Lake and Lake Babine. Yekooche has overlapping and/or shared territory with its First Nation neighbours: Lake Babine, McLeod, Nadleh Whut'en, Nak'azdli, Saik'uz, Stellat'en, Takla, Tl'azt'en, Ts'il Kaz Koh and Treaty 8.

COMPLETED AGREEMENTS

FIRST NATIONS WITH COMPLETED AGREEMENTS NOT RATIFIED [3]

Lheidli T'enneh First Nation

The Lheidli T'enneh treaty table is in Stage 5. The Final Agreement was completed in 2006 and in 2007 the Lheidli T'enneh membership voted not to accept the agreement. Lheidli T'enneh, Canada and BC continue to explore the possibility of a second vote.

If ratified, the Lheidli T'enneh treaty will provide the First Nation with 4,330 hectares of treaty settlement land and a one-time capital transfer payment of approximately \$13.2 million over 10 years. In addition, the First Nation will receive \$0.4 million annually in resource revenue sharing payments for fifty years, a combination of \$12.1 million in one-time funding and \$1.8 million in annual funding to support programs and implementation of the treaty. All dollar amounts are in 2006 dollars and will be adjusted for inflation.

There are approximately 420 Lheidli T'enneh members, with traditional lands and waters around Prince George, including the Nechako and Fraser River basins to the Alberta border. Lheidli T'enneh has overlapping and/or shared territory with its First Nation neighbours: McLeod Lake, Lhtako Dene, Nak'azdli, Sai-Kuz, Simpcw and Treaty 8.

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The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents. Approximate population numbers are from the First Nations Community Profiles: www.aandc-aadnc.gc.ca.

'N̓amgis Nation

The 'N̓amgis treaty table is in Stage 4 negotiations. In March 2013, 'N̓amgis voted not to accept the AIP, which sets out the land and cash basis for final treaty negotiations. The 'N̓amgis treaty team has been engaging its members on next steps and the possibility of another vote. In 2015, TRM funding supported community engagement.

There are approximately 1,825 'N̓amgis members, with traditional territory and waters at the north end of Vancouver Island, extending from the Nimpkish watershed to the east and west. 'N̓amgis Nation has overlapping and/or shared territory with its First Nation neighbours: Kwakiutl, Tlowitsis, Tlatlasikwala, Mamalilikulla-Qwe'Qwa'Sot'Em, Kwikwasut'inuxw Haxwa'mis, Da'naxda'xw/Awaetlala, Mowachaht/Muchalaht, Gwawaenuk, Gwa'sala-'Nakwaxda'xw and Dzawada'enuxw.

Tla-o-qui-aht First Nations

The Tla-o-qui-aht treaty table is in Stage 4 negotiations. The parties completed an AIP and in November 2012 the Tla-o-qui-aht membership voted not to accept the agreement. The AIP sets out the land and cash basis for final treaty negotiations. Tla-o-qui-aht continues to engage its members to determine if a second vote should take place.

There are approximately 1,095 Tla-o-qui-aht members, with traditional territory [*hahoulethee*] and waters extending from Tofino, including the ocean, to Kennedy Lake in the south, Adder Mountain in the east, and Rhine Peak to the north. Tla-o-qui-aht has overlapping and/or shared territory with its First Nation neighbours: Ahousaht, Ucluelet, Hupacasath and Toquaht.

ADVANCED

FIRST NATIONS IN ADVANCED AGREEMENT IN PRINCIPLE NEGOTIATIONS [6]

Ditidaht and Pacheedaht First Nations

Ditidaht and Pacheedaht First Nations negotiate together; the treaty table is in Stage 4 negotiations. The parties are developing a treaty settlement land package that also incorporates early transfer of lands from the ITAs. Pacheedaht and Canada continue to engage on federal parks, and the two First Nations continue to negotiate a Strategic Engagement Agreement with BC. In 2015, TRM funding supported community engagement and work on lands and traditional use.

There are approximately 775 Ditidaht members and approximately 280 Pacheedaht members. Ditidaht and Pacheedaht traditional territories and waters span the southwestern corner of Vancouver Island. Ditidaht and Pacheedaht share a boundary. Ditidaht has overlapping and/or shared territory with its First Nation neighbours: Huu-ay-aht and Cowichan. Pacheedaht has overlapping and/or shared territory with its First Nation neighbours: T'Souke and Cowichan Lake.

Gwa'Sala-'Nakwaxda'xw Nation

The Gwa'Sala-'Nakwaxda'xw treaty table is in Stage 4 negotiations. The table reached a milestone when Canada and BC made a land and cash offer in November 2014. The parties continue to engage to find common understanding on the core land and cash component of treaty. In 2015, TRM funding supported lands management planning and a heritage study.

There are approximately 970 Gwa'Sala-'Nakwaxda'xw members. Many reside at the Tsulquate reserve where they were relocated half a century ago. Gwa'Sala-'Nakwaxda'xw traditional lands and waters are located on the BC mainland across from northern tip of Vancouver Island. Gwa'Sala-'Nakwaxda'xw has overlapping and/or shared territory with its First Nation neighbours: Kwicksutaineuk, Kwa-wa-aineuk, Kwakiutl, 'N̓amgis, Tlatlasikwala, Tsawataineuk and Wuikinuxv.

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TRM: Treaty Related Measure

The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents. Approximate population numbers are from the First Nations Community Profiles: www.aandc-aadnc.gc.ca.

Katzie Indian Band

The Katzie treaty table is in Stage 4 negotiations. A significant concern is the lack of available lands in the Katzie area, but the table reached a milestone when Canada and BC made a land and cash offer. Katzie is considering the package and is preparing a response. Katzie continue to engage its community and local governments. In 2015, TRM funding supported Katzie community engagement.

There are approximately 560 Katzie members, with traditional lands and waters around Pitt Meadows, Maple Ridge, Coquitlam, Surrey, Langley and New Westminster. Katzie has overlapping and/or shared territory with its First Nation neighbours: In-SHUCK-ch, Kwikwetlem, Kwantlen, Musqueam, New Westminster First Nation, Stó:lō, Tsawwassen and Tsleil-Waututh.

Ktunaxa Kinbasket Treaty Council

The Ktunaxa treaty table is in Stage 4 negotiations. The table reached a milestone when Canada and BC made a land and cash offer. The First Nation is considering the package and is preparing a response. Ktunaxa Kinbasket Treaty Council [KKTC] has been engaging community on the AIP as its major focus for this fiscal year.

There are approximately 1,090 Ktunaxa members. Ktunaxa traditional territory and waters in BC include the Kootenay, Flathead and Columbia River watersheds within the area that extends from the Arrow and Kinbasket Lakes east to the Alberta border. KKTC represents: ?akisq̓nuk [Columbia Lake], ?aqam [St. Mary's Indian Band], ?akinkumtasnuq̓it [Tobacco Plains Band] and Yaqan nu?kiy [Lower Kootenay Band]. Ktunaxa has overlapping and/or shared territory with its First Nation neighbours: Osoyoos, Okanagan, Penticton, Shuswap Nation Tribal Council, Spallumcheen, Upper and Lower Similkameen, Upper Nicola and Westbank.

Northern Shuswap Tribal Council

The Northern Shuswap Tribal Council [NStQ] treaty table is in Stage 4 negotiations. The table reached a milestone when the parties concluded AIP negotiations. NStQ has focused on community engagement and

process development in preparation for the AIP vote on February 11, 2016. BC and NStQ are also working towards an ITA. In 2015, TRM funding supported community engagement and governance work.

There are approximately 2,550 NStQ members, with traditional territory and waters in the central Cariboo from Valemont and McBride in the northeast, to the Fraser River in the west. NStQ represents four communities: Tsq'escen' [Canim Lake], Stswecem'c/Xgat'tem [Canoe Creek/Dog Creek], Xats'ull/Cmetem' [Soda Creek] and T'exelc [Williams Lake]. NStQ has overlapping and/or shared territory with its First Nation neighbours: Lheidli T'enneh, Lhtako Dene Nation, the Secwepemc Nations and the Tsilhqot'in National Government.

Tsimshian First Nations [Metlakatla]

The Tsimshian First Nations are in varying stages in treaty negotiations. Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations [see page 32]; Metlakatla is in advance Stage 4 negotiations; Gitga'at is in Stage 4 negotiations [see page 39], and Kitasoo/XaiXais remains inactive [see page 42].

The treaty table is addressing outstanding issues to complete the AIP, and are completing work for a land and cash offer. The First Nation continues to advance treaty negotiations while extensive economic development continues in the Prince Rupert area. In 2015, TRM funding supported foreshore and marine resource planning.

The five Tsimshian First Nations total approximately 3,545 members. Metlakatla has approximately 900 members. Their traditional territories and waters span the northwest coast, including Prince Rupert and Terrace areas. The Tsimshian First Nations territories have overlapping and/or shared territories with their First Nation neighbours: Gitxsan Hereditary Chiefs, Haida, Heiltsuk, Allied Tribes of Lax Kw'alaams, Gitxaala, Nisga'a and Wet'suwet'en Hereditary Chiefs.

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ACTIVE

FIRST NATIONS IN ACTIVE NEGOTIATIONS [18]

Council of the Haida Nation

The Haida treaty table is in Stage 4. The parties continue to explore ways to address Haida's reconciliation model. Canada and Haida are also exploring whether Canada's new ITA mandate can accommodate this model. Haida and BC continue to implement the Kunst'aa guu-Kunst'aayah Reconciliation Protocol.

There are approximately 4,615 Haida members from the two communities of Masset and Skidegate. Haida traditional lands and waters encompass Haida Gwaii. Haida has overlapping and/or shared territory with its neighbouring First Nations: Heiltsuk and Tsimshian.

Da'naxda'xw/Awaetlala Nation

The Da'naxda'xw/Awaetlala treaty table is in Stage 4 negotiations. The parties continue to engage and work on AIP chapter work, and land selection. The First Nation is completing governance work, which was supported with TRM funding.

There are approximately 220 Da'naxda'xw/Awaetlala members, with traditional lands and waters on the mainland across from northern Vancouver Island. Da'naxda'xw/Awaetlala has overlapping and/or shared territory with its First Nation neighbours: Mamalilikulla-Qwe'Qwa'Sot'Em and Mumtagila.

Gitanyow Hereditary Chiefs

The Gitanyow treaty table is in Stage 4 negotiations. After resuming last year the parties continue to engage on lands, resources and governance. Tripartite negotiations last year focused on negotiating the land and resource chapters.

There are approximately 845 Gitanyow members, with traditional territory and waters in areas of the Kitwanga and the Nass watersheds and the upper Kispiox River

in the Swan Lakes area. Gitanyow has overlapping and/or shared territory with its First Nation neighbours: Gitxsan Hereditary Chiefs and Nisga'a.

Gitxsan Hereditary Chiefs

The Gitxsan treaty table is in Stage 4 negotiations. The tripartite table resumed this year after a suspension of negotiations by Canada and BC due to litigation brought by members of the Gitxsan community against the Gitxsan Treaty Society. Negotiations resumed after the case was dismissed in June, 2014. The parties continue to explore options to address the governing Gitxsan hereditary structure in a modern treaty.

There are approximately 6,720 Gitxsan members. In treaty negotiations, the Gitxsan Hereditary Chiefs represent the majority of the house groups and membership. Gitxsan traditional lands and water are located in the Hazelton area and watersheds of the upper Skeena and Nass rivers. Gitxsan has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Gitanyow Hereditary Chiefs, Nisga'a, Tahltan, Tsimshian First Nations, and Wet'suwet'en Hereditary Chiefs.

Homalco Indian Band

The Homalco treaty table is in Stage 4 negotiations. In 2014, Homalco presented a land proposal to Canada and BC as a basis for a land offer. The parties have not yet responded to the proposal. In August 2014, BC and Homalco signed an ITA that provides economic development opportunities on Sonora and East Thurlow Islands. Homalco also implemented a community engagement plan.

There are approximately 470 Homalco members, with traditional lands and waters extending from Phillips Arm, west of the mouth of Bute Inlet, to Raza Passage and Quantum River and to Stuart Island and Bute Inlet and its watershed. Homalco has overlapping and/or shared territory with its First Nation neighbours: K'ómoks, Klahoose, Qualicum, Wei Wai Kum/Kwiakah, Tla'amin and Laich-Kwil-Tach Council of Chiefs.

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Hul'qumi'num Treaty Group

The Hul'qumi'num [HTG] treaty table is in Stage 4 negotiations. The critical issue of available private lands for treaty settlement remains a major obstacle to progress. The parties continue to engage and address this issue. Tripartite activity is intermittent as HTG takes time to engage with its member communities on a governance structure.

There are approximately 7,455 HTG members. HTG represents six communities: Cowichan Tribes, Halalt, Lake Cowichan, Lyackson, Penelakut and Stz'uminus [not currently negotiating]. HTG traditional lands and waters encompass part of southern Vancouver Island, a narrow corridor on the mainland to Yale in the east, and sections of the Salish Sea. HTG has overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Katzie, Musqueam, Snuneymuxw, Te'mexw Treaty Association, Tsawwassen, and Yale.

Kaska Dena Council

The Kaska Dena treaty table is in Stage 4 negotiations. The parties continue to negotiate outstanding chapters. Land quantum negotiations in the context of northern BC and Yukon agreements, are a challenge for the parties. BC and Kaska signed a Strategic Engagement Agreement and an ITA and are implementing both agreements. In 2015, TRM funding supported studies into tourism opportunities and the financial costs of self-government.

There are approximately 735 Kaska Dena members representing the communities of Kwadacha, Daylu Dena Council and Dease River First Nations. Kaska Dena Council traditional territory and waters stretch from north-central BC into Yukon and the Northwest Territories. Kaska Dena Council has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Liard, Ross River Dena and Tahltan.

Klahoose First Nation

The Klahoose treaty table is in Stage 4 negotiations. The parties continue to review and negotiate chapter work. The First Nation engaged community and under-

took assessments in land identification and regional economic development work. TRM funding supported land selection and future development planning.

There are approximately 400 Klahoose members, with traditional territory and waters around its main community on Cortez Island, opposite Quadra Island, near Campbell River. Klahoose has overlapping and/or shared territory with its First Nation neighbours: Homalco, Kwakiutl and Tla'amin.

Laich-Kwil-Tach Council of Chiefs

The Laich-Kwil-Tach Council of Chiefs [LCC] treaty table is in Stage 4 negotiations. Since Wei Wai Kum and Kwiakah formed a separate treaty negotiations table, the table has focused on adjusting chapter language to reflect Wei Wai Kai interests. The Communications Protocol signed by Wei Wai Kai, Wei Wai Kum and Kwiakah is being implemented.

There are approximately 1,110 LCC members from Wei Wai Kai, with traditional lands and waters around Campbell River, Quadra Island and surrounding inlets. LCC has overlapping and/or shared territory with its First Nation neighbours: D'anateuk, Homalco, Klahoose, K'ómoks, Kwiakah, Mamalilikulla-Qwe'Qwa'Sot'Em, 'N̓amgis, Nanoose, Qualicum, Tla'amin, Tlowitsis, Snuneymuxw and Wei Wai Kum/Kwiakah.

Lake Babine Nation

The Lake Babine [LBN] treaty table is in Stage 4 negotiations. The treaty table continues to engage on chapter and lands work. Private lessee has delayed the transfer of the ITA lands to LBN. The First Nation continues to engage its community and Hereditary Chiefs.

There are approximately 2,470 Lake Babine Nation members representing the communities of Woyenne, Old Fort, Tache, Donald's Landing and Fort Babine. LBN traditional territory and waters spans the area from Burns Lake in the south to the Babine and Nilkitaw rivers to the north, including most of Lake Babine. LBN has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Wet'suwet'en Hereditary Chiefs and Yekooche.

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Stó:lō Xwexwilmexw Treaty Association

The Stó:lō [SXTA] treaty table is in Stage 4 negotiations. The parties continue their momentum on chapter work and with developing a collaborative land and cash package. The next step in reaching a land and cash offer is for Canada and BC to respond to the tabled AIP package. In 2015, TRM funding assisted SXTA to draft a constitution and engage its membership in its development. The SXTA also continued TRM-funded research on economic development and lands.

There are approximately 1,380 Stó:lō members represented by SXTA from Aitchelitz, Leq'á:mel, Popkum, Skowkale, Skawahlook, Tzeachten and Yakweakwioose. The SXTA traditional territory and waters include the Lower Mainland of south-western BC, centralized around the upper Fraser and Chilliwack River Valleys, lower Harrison Lake and the lower Fraser Canyon.

SXTA has overlapping and/or shared territory with its First Nation neighbours: Chawathil, Cheam, Peters, Chehalis, Katzie, Kwantlen, Kwawkwawapilt, Kwikwetlem, In-SHUCK-ch, Matsqui, Musqueam, New Westminster, Nl'akapamux, Semiahmoo, Scowlitz, Seabird, Shxw'owhámél, Soowahlie, Sumas, Skwah, Skway, Squamish, Squiala, Tsawwassen, Tsleil-Waututh, Union Bar and Yale.

Taku River Tlingit First Nation

The Taku River Tlingit [Taku] treaty table is in Stage 4 negotiations. There remain significant differences on their positions on land, shared decision making and governance. Taku undertook a TRM project to identify and map areas of interest for treaty negotiations.

There are approximately 405 Taku River members, with traditional territory and waters in northwest BC and southwest Yukon. Taku has overlapping and/or shared territory with its First Nation neighbours: Carcross/Tagish and Teslin Tlingit Council.

Tlatlasikwala Nation

The Tlatlasikwala treaty table is in Stage 4 negotiations. The table met infrequently due to issues that Canada raised about the viability of a conventional self-

government treaty model for a small First Nation. The parties are exploring possible options to address these issues. Canada and Tlatlasikwala are working bilaterally on an incremental treaty agreement.

There are approximately 65 Tlatlasikwala members, with traditional lands and waters located on the northern tip of Vancouver Island. Tlatlasikwala Nation has overlapping and/or shared territory with its First Nation neighbours: Kwakiutl and Quatsino.

Tlowitsis First Nation

The Tlowitsis treaty table is in Stage 4 negotiations. The table re-engaged in tripartite negotiations last year. The parties are exploring land options to address Tlowitsis' land issues, since Tlowitsis reserves are isolated and without housing and infrastructure. In 2015, TRM funding supported a lands selection survey.

There are approximately 410 Tlowitsis members, with traditional territory and waters spanning part of north-eastern Vancouver Island and an area on the mainland just northwest of Sayward. Tlowitsis has overlapping and/or shared territory with its First Nation neighbours: Da'naxda'xw/Awaetlala, Tnak-teuk, 'Namgis, Homalco, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, and Laich-Kwil-Tach Council of Chiefs.

Tsay Keh Dene Band

The Tsay Keh Dene treaty table is in Stage 4 negotiations. The table continues to engage on the critical issues of shared decision making and resource revenue sharing with the other governments. Tsay Keh Dene is completing its two-year lands TRM to determine its land areas of interest for treaty.

There are approximately 480 Tsay Keh Dene members, with traditional territory and waters from Mount Trace in the north, South Pass Peak in the west, Nation River in the south and Mount Laurier in the east. Tsay Keh Dene has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council Nations, Kaska Dena Council, Gitxsan Hereditary Chiefs, Wet'suwet'en Hereditary Chiefs, Tahltan and Treaty 8 Tribal Council.

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Tsimshian First Nations [Gitga'at]

The Tsimshian First Nations are in varying stages in treaty negotiations. Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations [see page 32]; Metlakatla is in advance Stage 4 negotiations [see page 35]; Gitga'at is in Stage 4 negotiations, and Kitasoo/XaiXais remains inactive [see page 42].

Gitga'at reengaged in treaty negotiations with Canada and BC this year after being away from the table for several years.

The five Tsimshian First Nations total approximately 3,545 members. Metlakatla has approximately 900 members. Their traditional territories and waters span the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations territories have overlapping and/or shared territories with their First Nation neighbours: Gitxsan Hereditary Chiefs, Haida, Heiltsuk, Allied Tribes of Lax Kw'alaams, Gitxaala, Nisga'a and Wet'suwet'en Hereditary Chiefs.

Tsleil-Waututh Nation

The Tsleil-Waututh treaty table is in Stage 4 negotiations. The treaty table has completed most of its chapter work, but the lack of available lands remains a challenge in reaching agreement on a land package. Tsleil-Waututh continues to engage its community as well as local government. Tsleil-Waututh and Metro Vancouver co-hosted a Community-to-Community forum.

There are approximately 580 Tsleil-Waututh members, with traditional lands and waters around North Vancouver and the Lower Mainland. Tsleil-Waututh has overlapping and/or shared territory with its First Nation neighbours: Katzie, Kwikwetlem, Musqueam, Squamish and Stó:lō communities.

Wei Wai Kum/Kwiakah First Nations

Wei Wai Kum/Kwiakah First Nations [WKTS] treaty table is in Stage 4 negotiations. WKTS separated from Laich Kwil Tach Council of Chiefs [LLC] and formed its own treaty negotiations table. The parties have been adjusting the AIP chapter language to reflect WKTS interests. The Communications Protocol with LLC is being implemented.

There are approximately 820 Wei Wai Kum/Kwiakah members. WKTS traditional lands and waters are located around the east-central area of Vancouver Island and mainland coastal watersheds. WKTS has overlapping and/or shared territory with its First Nation neighbours: Homalco, Klahoose, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, Mowachaht, Muchalaht, 'Namgis, Nanoose, Qualicum, Snuneymuxw, Tanakteuk, Tla'amgis and Laich Kwil Tach.

Wet'suwet'en Hereditary Chiefs

The Wet'suwet'en treaty table is in Stage 4 negotiations. The parties met intermittently during the year. Governance discussions for integrating the Wet'suwet'en hereditary system and the *Indian Act* system are a significant challenge for the table. Wet'suwet'en engaged community members last year as part of a multi-year TRM on governance and constitutional development.

There are approximately 2,970 Wet'suwet'en members from the four communities of Hagwilget, Moricetown, Skin Tyee and Nee Tahi Buhn. Their traditional lands and waters are in the Bulkley River drainage area in northwest BC. Wet'suwet'en Hereditary Chiefs have overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Gitxsan and Lake Babine.

NOT NEGOTIATING

FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY [24]

The following First Nations have not had any significant tripartite activity in the last fiscal year or longer:

Acho Dene Koe First Nation

The Acho Dene Koe [ADK] treaty table is in Stage 2 negotiations. ADK is a trans-boundary First Nation, which has not been able to engage BC in treaty negotiations to date. ADK signed an AIP with Canada and the Northwest Territories in February 2014.

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There are approximately 685 ADK members, with traditional territory and waters spanning three jurisdictions: BC, Yukon and Northwest Territories. ADK's main community is Fort Liard, north of the BC-Northwest Territories border, and maintains a small settlement at François Lake in northern BC. ADK has overlapping and/or shared territory in BC with its First Nation neighbours: Kaska Dena Council and Fort Nelson.

Allied Tribes of Lax Kw'alaams

The Lax Kw'alaams treaty table is in Stage 2 transitioning into AIP negotiations. Lax Kw'alaams was once part of the Tsimshian Tribal Council, but separated and re-engaged in treaty negotiations independently. The table completed a Stage 3 Framework Agreement in June 2014 and has started AIP land discussions.

There are approximately 3,735 Lax Kw'alaams members. Lax Kw'alaams traditional lands and waters are located on the northwest coast of BC around Port Simpson, Prince Rupert and the Skeena River. Lax Kw'alaams has overlapping and/or shared territory with its First Nation neighbours: Gitxaala, Kitselas, Kitsumkalum, Metlakatla and Nisga'a.

Carcross/Tagish First Nation

There are approximately 665 Carcross/Tagish members, with traditional territory and waters spanning the Yukon/BC border. Carcross/Tagish has overlapping and/or shared territory with its First Nation neighbours: Aishihik, Champagne and Taku River Tlingit.

Carrier Sekani Tribal Council

There are approximately 6,850 Carrier Sekani members. The Carrier Sekani traditional territory and waters in north-central BC. The eight Tribal Council communities include Ts'il Kaz Koh, Nadleh Whut'en, Nak'azdli, Saik'uz, Stellat'en, Takla, Tl'azten and Wet'suwet'en First Nation. The Carrier Sekani Tribal Council has overlapping and/or shared territory with its First Nation neighbours: Gitxsan, Kaska Dena Council, Lake Babine, Lheidli T'enneh, Wet'suwet'en Hereditary Chiefs and Yekooche.

Champagne and Aishihik First Nations

There are approximately 885 Champagne and Aishihik members. Champagne and Aishihik traditional territory and waters span the Yukon/BC border. Champagne and Aishihik have overlapping and/or shared territory with their First Nation neighbours: Carcross/Tagish First Nation and Taku River Tlingit.

Cheslatta Carrier Nation

There are approximately 355 Cheslatta members. Cheslatta traditional territory and waters encompass the area around Ootsa and Eutsuk lakes in central BC. Cheslatta has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Lake Babine and Yekooche.

Esk'etemc First Nation

The Esk'etemc treaty table is in Stage 4 negotiations. Esk'etemc is meeting with family groups and elders to prepare for negotiations on governance and land.

There are approximately 970 Esk'etemc members, with traditional territory and waters centred around Alkali Lake, southwest of Williams Lake. Esk'etemc has overlapping and/or shared territory with its First Nation neighbours the Secwepemc Nations.

Haisla Nation

The Haisla treaty table is in Stage 4 negotiations. Haisla Nation continues to focus internally to determine how to proceed in negotiations while addressing Haisla rights and title.

There are approximately 1,850 Haisla members, with traditional lands and waters on the west coast of BC near Kitimat. Haisla has overlapping and/or shared territory with its First Nation neighbours: Allied Tribes of Lax Kw'alaams, Gitxsan Hereditary Chiefs, Gitxaala, Heiltsuk, Nisga'a, Nuxalk, Tsimshian First Nations, and Wet'suwet'en Hereditary Chiefs.

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Heiltsuk Nation

There are approximately 2,390 Heiltsuk members. Heiltsuk is based on Campbell Island, with traditional territory and waters extending across the central coast. Heiltsuk has overlapping and/or shared territory with its First Nation neighbours: Haida, Haisla, Nuxalk, and Wuikinuxv.

Hupacasath First Nation

There are approximately 320 Hupacasath members. Hupacasath traditional territory and waters are located in the Port Alberni area. Hupacasath has overlapping and/or shared territory with its First Nation neighbours: Uchucklesaht, Ucluelet, Tla-o-qui-aht, and Tseshaht.

Hwlitsum First Nation

There are approximately 230 Hwlitsum members. Hwlitsum traditional territory and waters are located in the Lower Mainland, Gulf Islands and a portion of Vancouver Island. Hwlitsum has overlapping and/or shared territory with its First Nation neighbours: Cowichan, Halalt, Lyackson, Musqueam, Penelakut, Semiahmoo, Sencot'en, Stz'uminus and Tsawwassen.

Kwakiutl Nation

There are approximately 770 Kwakiutl members. The Kwakiutl Band's main community is in Fort Rupert and its traditional territory and waters lie along the northeastern shores of Vancouver Island. Kwakiutl has overlapping and/or shared territory with its First Nation neighbours: Gwa'Sala-Nakwaxda'xw, 'Namgis, Quatsino, Tanakteuk and Tlatlasikwala.

Liard First Nation

There are approximately 1,190 Liard members, located primarily in the Yukon. Liard traditional territory and waters span southeast Yukon, extending into north-central BC and the Northwest Territories. Liard First Nation has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Kaska Dena Council, Ross River and Tahltan.

McLeod Lake Indian Band

There are approximately 540 McLeod Lake members, with traditional lands and waters north of Prince George. McLeod Lake Indian Band has overlapping and/or shared territory with its First Nation neighbours: Lheidli T'enneh, Necoslie, West Moberly, Salteaux and Halfway River.

Musqueam Nation

There are approximately 1,370 Musqueam members, with traditional territory and waters spanning the Greater Vancouver area. Musqueam has overlapping and/or shared territory with its First Nation neighbours: Kwikwetlem, Squamish, Tsawwassen and Tsleil-Waututh.

Nazko First Nation

The Nazko treaty table is in Stage 4 negotiations. Since Canada and BC tabled their land and cash offer, the parties have expressed their responses to each other's interests. Nazko First Nation has suspended negotiations so that the First Nation can engage its community and determine its path forward.

Canada and BC made a land and cash offer in March 2013 and Nazko made a counter-offer in November 2013. The parties continue to negotiate and attempt to reach an agreement.

There are approximately 385 Nazko members, with traditional territory and waters extending from Quesnel to Prince George. Nazko has overlapping and/or shared territory with its First Nation neighbours: Lhtako Dene, Lhoozk'us Dene and Alexandria.

Nuu-chah-nulth Tribal Council

There are approximately 3,120 Nuu-chah-nulth members. Nuu-chah-nulth Tribal Council comprises of Ehattesaht, Hesquiaht, Mowachacht/Muchalaht, Nuchatlaht and Tseshaht First Nations. Their traditional territories and waters span much of the west coast of Vancouver Island. Nuu-chah-nulth Tribal Council has overlapping and/or shared territory with their First Nation neighbours: Ditidaht, Hupacasath, Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht and Ucluelet.

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Quatsino First Nation

There are approximately 540 Quatsino members, with traditional lands and waters around the north end of Vancouver Island. Quatsino has overlapping and/or shared territory with its First Nation neighbours: Kwakiutl, Laich-Kwil-Tach, Nuw-chah-nulth Tribal Council and Tlatlasikwala.

Ross River Dena Council

There are approximately 540 Ross River Dena Council members, with traditional territory and waters ranging from the southeast Yukon into north central BC and the Northwest Territories. Ross River Dena Council has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Kaska Dena Council, Liard and Tahltan.

Sechelt Indian Band

There are approximately 1,370 Sechelt members with traditional lands and waters located around the Sechelt Peninsula. Sechelt has overlapping and/or shared territory with its First Nation neighbours: Nanoose, Squamish and Tla'amin.

Snuneymuxw First Nation

The Snuneymuxw treaty table is in Stage 4 negotiations. The tripartite treaty table has not met for some time, as the parties disagree on how to reconcile the Snuneymuxw Douglas Treaty rights with a modern treaty.

There are approximately 1,760 Snuneymuxw members, with traditional territory and waters extending across eastern Vancouver Island, including Nanaimo, Gabriola and Mudge Islands and other islands in the Nanaimo watershed. Snuneymuxw has overlapping and/or shared territory with its First Nation neighbours: Nanoose, Nuw-chah-nulth Tribal Council and Stz'uminus.

Squamish Nation

There are approximately 4,145 Squamish members, with traditional territory and waters ranging from the Lower Mainland to Howe Sound and the Squamish valley watershed. Squamish has overlapping and/or shared territory with its First Nation neighbours: Katzie, Musqueam, Tsleil-Waututh and Lil'wat.

Teslin Tlingit Council

There are approximately 600 Teslin Tlingit members, with traditional territory and waters spanning the Yukon/BC border. The Teslin Tlingit has overlapping and/or shared territory with its First Nation neighbours: Liard, Ross River, Tahltan and Taku River Tlingit.

Tsimshian First Nations [Kitasoo/XaiXais]

The Tsimshian First Nations are in varying stages in treaty negotiations. Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations [see page 32]; Metlakatla is in advance Stage 4 negotiations [see page 35]; Gitga'at is in Stage 4 negotiations [see page 39], and Kitasoo/XaiXais remains inactive.

The five Tsimshian First Nations total approximately 3,545 members. Metlakatla has approximately 900 members. Their traditional territories and waters span the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations territories have overlapping and/or shared territories with their First Nation neighbours: Gitksan Hereditary Chiefs, Haida, Heiltsuk, Allied Tribes of Lax Kw'alaams, Gitxaala, Nisga'a and Wet'suwet'en Hereditary Chiefs.

Westbank First Nation

There are approximately 840 Westbank members. Westbank traditional lands and waters are located in the Kelowna area. Westbank has overlapping and/or shared territory with its First Nation neighbours: Lower Nicola, Penticton and Okanagan Nation Alliance.



Commissioners |

TREATY COMMISSIONERS

The Chief Commissioner is appointed by agreement of the three Principals. One Commissioner is appointed by Canada and one is appointed by British Columbia. The First Nations Summit elects two Commissioners. Commissioners do not represent the Principals who appoint them, but act independently.



Celeste Haldane
Acting Chief Commissioner

Celeste Haldane was elected Commissioner for a third two-year term by the First Nations Summit in February 2015. She is currently the Acting Chief Commissioner.

Celeste is a practising lawyer and holds an LL.M. in Constitutional Law from Osgoode Hall Law School [York University], and an LL.B. and B.A. both granted by the University of British Columbia. In September 2015 she began her Doctorate at UBC in Anthropology & Law.

She is appointed by the Provincial Government to serve on the UBC Board of Governors. Celeste is an active member of the Canadian Bar Association and the Indigenous Bar Association. She is a 2015 alumni of the Governor General's Canadian Leadership Conference.

Celeste is a member of the Sparrow family from Musqueam and is Tsimshian through Metlakatla. She currently serves on the Musqueam Intergovernmental Affairs Committee and the Housing & Capital Committee. She spent four years as the Chair of the Musqueam Land Code Committee and assisted in developing the Musqueam Interim Spousal Property Law. Celeste is the proud mother of three and grandmother of one.



Jerry Lampert
Commissioner

Jerry Lampert was first appointed in 2007 by the Government of Canada for a two-year term, and has subsequently been reappointed to an additional term to February 2016. 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 in British Columbia.

Prior to joining the Business Council, Lampert was a principal in a government relations/public affairs consulting firm offering strategic and tactical advice to private sector corporations in their dealings with governments. He served as Chief of Staff to two Premiers of British Columbia and managed two successful provincial election campaigns in British Columbia. He has held many key political organization and advisory positions.



Tom Happynook
Commissioner

Tom Happynook was appointed in February 2015 by the province to serve a two-year term. He is from Huu-ay-aht First Nations and is the Head Hereditary Whaling Chief.

Huu-ay-aht is one of the five communities that make up the Maa-nulth First Nations, which has been implementing their modern-day comprehensive treaty since April 1, 2011. Tom played a large role in the negotiations and implementation of Huu-ay-aht's treaty. He was elevated to chief treaty negotiator with the mandate to bring the Huu-ay-aht Final Agreement to conclusion in July 2007. He then took on the role of treaty implementation team leader from June 2009 to March 2011 to ensure the Nation had a smooth transition to self-governance.

Tom was a firefighter for sixteen years, retiring in 1998 as a Deputy Platoon Chief [Captain]. He is married to Kathy Happynook, and together they have three children and four grandchildren.



Francis Frank
Commissioner

Francis Frank was elected by the First Nations Summit for a two-year term beginning in March 2015. He is from Tla-o-qui-aht First Nations on the west coast of Vancouver Island and is a trained social worker with a B.S.W. from the University of Victoria.

Prior to joining the Treaty Commission, Francis served his Nation in a variety of roles, including as Chief Councillor for fourteen years, negotiator for ten years, and band manager for six years.

He has extensive experience in negotiations, and was directly involved in negotiating the first incremental treaty agreement in British Columbia. He has been at the forefront of advancing land issues and finances on behalf of his Nation.

RECOMMENDATIONS OF THE BRITISH COLUMBIA CLAIMS TASK FORCE

The Task Force recommends that:

1. The First Nations, Canada, and British Columbia establish a new relationship based on mutual trust, respect, and understanding — through political negotiations.
2. Each of the parties be at liberty to introduce any issue at the negotiation table which it views as significant to the new relationship.
3. A British Columbia Treaty Commission be established by agreement among the First Nations, Canada, and British Columbia to facilitate the process of negotiations.
4. The Commission consist of a full-time chairperson and four commissioners — of whom two are appointed by the First Nations, and one each by the federal and provincial governments.
5. A six-stage process be followed in negotiating treaties.
6. The treaty negotiation process be open to all First Nations in British Columbia.
7. The organization of First Nations for the negotiations is a decision to be made by each First Nation.
8. First Nations resolve issues related to overlapping traditional territories among themselves.
9. Federal and provincial governments start negotiations as soon as First Nations are ready.
10. Non-aboriginal interests be represented at the negotiating table by the federal and provincial governments.
11. The First Nation, Canadian, and British Columbian negotiating teams be sufficiently funded to meet the requirements of the negotiations.
12. The commission be responsible for allocating funds to the First Nations.
13. The parties develop ratification procedures which are confirmed in the Framework Agreement and in the Agreement in Principle.
14. The commission provide advice and assistance in dispute resolution as agreed by the parties.
15. The parties select skilled negotiators and provide them with a clear mandate, and training as required.
16. The parties negotiate interim measures agreements before or during the treaty negotiations when an interest is being affected which could undermine the process.
17. Canada, British Columbia, and the First Nations jointly undertake public education and information programs.
18. The parties in each negotiation jointly undertake a public information program.
19. British Columbia, Canada, and the First Nations request the First Nations Education Secretariat, and various educational organizations in British Columbia, to prepare resource materials for use in the schools and by the public.

BC TREATY
COMMISSION
INDEPENDENT
FACILITATOR FOR
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