



# RECONCILING PROSPERITY

*The role of*

*local and regional  
governments in  
treaty negotiations*



RECONCILING  
PROSPERITY / CHIEF  
COMMISSIONER

2

SHARING DECISION-  
MAKING REGIONALLY /  
ALBERNI-CLAYOQUOT

14

REVITALIZING  
BAMFIELD / HUU-AY-AHT

28

NEGOTIATIONS  
OVERVIEW

36

NEGOTIATIONS  
REPORT

40

BCTC  
COMMISSIONERS

58

INVESTMENT IN AND  
FROM RECONCILIATION /  
TSAWWASSEN

8

BUILDING A SHARED  
FUTURE / POWELL RIVER  
TLA'AMIN

22

SHARED PROSPERITY /  
PARTNERSHIPS FOR REGIONAL  
RECONCILIATION

32

MAP / TREATIES AND  
NEGOTIATIONS

37

BC TREATY COMMISSION /  
FACILITATING RECONCILIATION

54



“

THEIR OWN PEOPLE, THEIR OWN  
GOVERNMENT, DESTINY IN THEIR  
OWN HANDS, ALL THESE RESOURCES.  
HOW CAN IT NOT TURN INTO HUGE  
PROSPERITY FOR BOTH OF US?

— DAVID FORMOSA, MAYOR OF POWELL RIVER  
REFERENCING THE TLA'AMIN TREATY

# RECONCILING PROSPERITY

CHIEF COMMISSIONER CELESTE HALDANE



It is important for all Canadians to understand that without Treaties, Canada would have no legitimacy as a nation. Treaties between Indigenous nations and the Crown established the legal and constitutional foundation of this country.<sup>1</sup>



As the newly appointed Chief Commissioner my responsibility is to lead the British Columbia Treaty Commission [Treaty Commission or BCTC] in advancing reconciliation through treaty negotiations. In this report, we focus on the role of local and regional governments in advancing modern treaties. The power that comes from local support cannot be underestimated. The success in moving the Tla'amin treaty to completion after a long delay in the federal system was, in no small part, due to strong support from the City of Powell River.

The opportunities for reconciliation — for shared prosperity — are significant. Fourteen negotiations involving 32 *Indian Act* bands are in advanced stages.





Treaties are a model for how Canadians, as diverse peoples, can live respectfully and peacefully together on these lands we now share.<sup>1</sup>

---

The federal and provincial governments have both announced their renewed commitment to the recognition of Indigenous Peoples' rights, to nation-to-nation relationships, and to implementation of the *United Nations Declaration on the Rights of Indigenous Peoples [UN Declaration]*. As more treaties are completed, more First Nations become members of regional districts, supporting regional reconciliation. Treaty negotiations provide the ideal mechanism to advance these new commitments.

There is significant opportunity to move reconciliation forward in the next year by implementing the recommendation from the Multilateral Engagement Report calling for multi-year strategies to complete advanced negotiations. These strategies will adhere to set timelines for completion, and be endorsed by federal and provincial ministers and the First Nation's leadership. The Treaty Commission will implement a robust and strengthened facilitation role to assist the parties in reaching their commitments.

Reconciliation has many complex layers and depth of meaning. From the perspective of the Treaty Commission, reconciliation means a true sharing of prosperity: of land, resources, economic, social, cultural, and governmental space. Nowhere does this sharing of prosperity become more of a reality than at the community, local, and regional levels. Understanding this shared prosperity has the ability to advance reconciliation significantly in BC and in Canada. When a First Nation prospers, the entire region prospers.

The feature stories in this report highlight the potential that modern treaties hold for reconciliation in a local and regional context. There is the local infrastructure investment, as can be seen with the Tsawwassen treaty — a potential that comes with all modern treaties. There is the power of shared governance, as demonstrated

---

<sup>1</sup> "Honouring the Truth, Reconciling for the Future," Summary of the Final Report of the Truth and Reconciliation Commission of Canada, p.195–196

in the Alberni-Clayoquot Regional District with the inclusion of Maa-nulth First Nations. The power of working towards a shared future is exemplified in the ongoing relationship between Tla'amin and Powell River. And there is the power of local investment to revitalize and transform local economies, as seen with Bamfield and Huu-ay-aht First Nations. All these successes demonstrate that when a First Nation prospers, the entire region prospers.

**The prosperity that will come from modern treaties cannot just be a passive benefit to non-First Nation communities. It will not happen without active local and regional government support.**

Too often throughout Canada's history, Indigenous Peoples have been left out and left behind as the country has grown and benefited socially and economically from Indigenous lands and resources.

The Truth and Reconciliation Commission of Canada [TRC] made important recommendations to advance reconciliation, including supporting self-determination and self-government for First Nations.

**Reconciling prosperity must include not only the sharing of lands and resources, but also the sharing of jurisdiction.**

True self-determination and self-government for Indigenous Peoples — as mandated by s.35 of the Canadian Constitution, and the *UN Declaration* — cannot happen without this sharing of jurisdiction. For local and regional governments, understanding and supporting this is essential to reconciliation. It will shift power and bring significant and positive changes to any area of BC where modern treaties are implemented. Modern treaties are the highest form of reconciliation, and are a constitutionally protected sharing of sovereignty among the signatories to the treaty [see legal opinion from constitutional experts Peter W. Hogg, C.C., Q.C., and Roy W. Millen, *Treaties and the Sharing of Sovereignty in Canada*].



I am dedicated to ensuring that negotiations lead to a fair sharing of the prosperity of our land.

— CHIEF COMMISSIONER CELESTE HALDANE

---

Modern treaties have the potential to embody many of the rights of the *UN Declaration* [see Treaty Commission 2016 annual report]. Implementation of the *TRC Calls to Action*, the *UN Declaration* — and of reconciliation — is not easy, but is crucial to the future of our country. Important efforts on a local level in BC have been made, such as the Union of British Columbia Municipalities' Community to Community [C2C] Forums, Reconciliation Canada Partnership Agreement and the reconciliation dialogues it has initiated across BC, as well as the renewal of the UBCM/BC MOU on Local Government Participation in the New Relationship with First Nations.

Nowhere does the rubber hit the road more on the really hard issues of reconciliation than in treaty negotiations.

Reconciling local issues with First Nations, such as land ownership and recognition of Aboriginal title, changes in land use zoning, taxation, intergovernmental cooperation and consultation, and the recognition and establishment of a new neighbouring government, are the realities of establishing a new and lasting relationship.

Treaty implementation legislation is sometimes the only means to make regional and local changes necessary to advance reconciliation. Treaties, fairly negotiated, are reconciliation in action.

TRC *Call to Action 46* identified principles for working collaboratively with Indigenous Peoples to advance reconciliation in Canadian society, for all governments, at all levels. These include:

- + reaffirmation of the parties' commitment to reconciliation
- + repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts
- + full adoption and implementation of the *UN Declaration* as the framework for reconciliation

Most importantly, the TRC calls on all regional and local governments to:

- + **support the establishment of treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future**

**Community and local support for treaty negotiations will lead to shared prosperity for First Nations and local and regional governments, and this support is a direct answer to the TRC's *Calls to Action* to collaboratively advance reconciliation.**



The Treaty Commission offers the following Steps to Reconciliation for Local and Regional Governments. We hope these steps will assist in building relationships that lead to reconciliation and shared prosperity.



## STEPS TO RECONCILIATION FOR LOCAL AND REGIONAL GOVERNMENTS

- 01 START SOMEWHERE**  
 Go for a coffee, just visit. Reconciliation addresses complex matters, and can strengthen a strained or non-existent relationship. Start somewhere — and keep going.
- 02 FOSTER A RELATIONSHIP BUILT ON MUTUAL RESPECT AND TRUST**  
 You must be willing to build a meaningful relationship and have the courage and commitment to do things differently. Devote the time and patience required to build lasting relationships. Provide each other with letters of support for various initiatives; support may tip the balance in favour of approval for funding and projects.
- 03 SUPPORT TREATY NEGOTIATIONS FOR FIRST NATIONS COMMITTED TO THIS PATH TO RECONCILIATION**  
 The implementation of modern treaties leads to shared prosperity. Understanding the ‘shared’ aspect of this relationship means understanding and supporting self-determination for First Nations, and adopting the principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships.
- 04 ADOPT AND IMPLEMENT THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**  
 The *UN Declaration* provides a framework for reconciliation. The principle of self-determination is its foundation, and supporting this principle means supporting First Nations in their vision for the future, which will not be exactly the same as that of local government.
- 05 ESTABLISH AND MAINTAIN REGULAR MEETINGS**  
 Government-to-government discussions and cross-cultural workshops provide opportunities to develop plans together and learn about each other’s roles and responsibilities. Committees or boards may be useful
- mechanisms for engagement. Participation may be informal and advisory, or formal with equal voting powers. It is important that everyone is invited to participate early and in a meaningful way.
- 06 INVOLVE AND INFORM OTHERS**  
 Community members, organizations, other levels of government, industry, business, and the media play a role in reconciliation. As they all are potential supporters, funders, and key players in intergovernmental processes, they need to be involved.
- 07 ESTABLISH PROTOCOLS, AGREEMENTS, OR GUIDING PRINCIPLES**  
 Develop safe and respectful processes where First Nations and other governments can get together to resolve issues and gain mutual understanding.
- 08 BE CREATIVE IN SEEKING INNOVATIVE APPROACHES**  
 Creative approaches may include: joint decision-making or permitting processes, coordinated land use and infrastructure planning, agreements to consult with each other in key areas, governance arrangements, or joint projects such as community forest licenses.
- 09 NEGOTIATE FAIR SERVICE AGREEMENTS**  
 There are opportunities for efficiencies in service delivery. Both First Nations and local governments need access to existing service infrastructure, and must look for ways to cover the cost of providing services.
- 10 SHARE AND CELEBRATE SUCCESS**  
 Community events and celebrations of success are opportunities to get to know each other and share visions for the future. Events are also informal occasions to share information and opinions, and enjoy each other’s company.



# INVESTMENT IN AND FROM RECONCILIATION

*Tsawwassen treaty generates sustainable investment and infrastructure*



Since the Tsawwassen treaty came into effect in 2009, Tsawwassen First Nation [TFN] has become a major economic driver in the Metro Vancouver region. Investing in integral infrastructure and in long-term social, community, and environmental sustainability, TFN is generating prosperity locally, regionally, and nationally.

---

Leading up to the treaty, a major settlement agreement was reached with Tsawwassen First Nation over the Roberts Bank Superport, settling outstanding grievances

and allowing for a substantial expansion to the Deltaport Container Terminal. This settlement was a critical step to Tsawwassen reaching reconciliation



*Let's find a way to work together to make both of our communities sustainable, successful, and prosperous. Let's collaborate, work together, and make things happen. We can jointly address and advocate to the different levels of government about our common concerns and interests for the region.*

— CHIEF BRYCE WILLIAMS

with governments. It enabled the Tsawwassen Agreement in Principle to move forward, protecting over 400 hectares of land in the vicinity of the Tsawwassen reserve and the Roberts Bank Superport, which then became treaty settlement land under Tsawwassen jurisdiction. Some of these lands became much needed new industrial lands to support the adjacent Deltaport Container Terminal, and the remaining lands have been protected for agriculture with new long-term farm leases.

To unlock the economic potential of these lands, TFN made substantial investments

in infrastructure, including roads and a state-of-the-art sewage treatment facility. The following dialogue with Chief Bryce Williams, Executive Councillor Tanya Corbet, and TFN Manager of Strategic Policy and Intergovernmental Affairs Ben Bisset reflects that all of this rapid expansion has been done in accordance with Tsawwassen's vision:

*Tsawwassen First Nation will be a successful and sustainable economy, and an ideal location to raise a family. As a community, we will feel safe on Tsawwassen Lands, we will be healthy, and we will have every opportunity to*

*achieve our dreams. We will honour our culture and practice our language. Our Government will help us achieve our goals by communicating, being respectful, and taking full advantage of our Treaty powers.*

### **Treaty provides the foundation to prosper**

While the opening of the Tsawwassen Mills and Commons malls was one of the largest commercial retail developments in Canada, this is only one of the benefits of the Tsawwassen treaty for the region. Capital infrastructure and long-term sustainable investments will also benefit the surrounding region.

#### **CHIEF WILLIAMS:**

*Treaty offers us tools to build prosperity and shape our future as individuals and as a community. A strong economic foundation is critical to our vision. We now have the opportunity to play a lead role in the economic future of the region. Our community Land Use Plan lays out our vision for long-term, sustainable growth built on responsible development of our land base.*

#### **COUNCILLOR CORBET:**

*Treaty was key for unlocking the economic potential of Tsawwassen Lands. Combined, when we're looking at all the developments, there's 22,000 person-years of construction-related employment and 11,000 operational jobs. The commercial and industrial properties at full buildout will represent over one billion dollars of private sector investment. And it's about \$485 million in annual employment income. There are more jobs than Tsawwassen members by far, so this creates jobs for the region and provides a boost into the regional economy. It's major employment for the region.*

*Treaty provides us the self-governing powers, clarity, certainty, and transparency that our regional partners and our investment partners are familiar with. It helped establish the foundation for building good relationships and building projects; we wouldn't have had this if we were still under the Indian Act.*

### **Capital infrastructure for long-term growth**

Capital infrastructure is underbuilt in every First Nation community across Canada, and infrastructure investment remains a challenge for municipalities. Leading up to the opening of Tsawwassen Mills and Commons malls, critical infrastructure was needed to support the mall developments and the full buildout of the Tsawwassen First Nation Land Use Plan.

In March 2016, TFN celebrated the grand opening of its \$27 million state-of-the-art sewage treatment plant, and the completion of significant road and utility services. This marked a major milestone in TFN's vision of a sustainable community and economy. TFN is also moving forward with new capital projects, including a new youth centre and road improvements in the community area.

#### **CHIEF WILLIAMS:**

*The sewage treatment plant was key to opening the gates to our developments: industrial, commercial, and residential. Without it we wouldn't have been able to move forward to success; we wouldn't be where we are today without making that decision to build.*

The wastewater treatment facility services all current commercial, residential, and industrial developments, the existing



TFN community, and will service the full buildout of the Land Use Plan.

The community made the decision to build a new tertiary treatment plant with environmental concern at the forefront. The plant operates on a biological treatment system, using ultraviolet lights to sterilize the effluent rather than chemicals. The effluent is classified as wash water, which means it can be used for irrigation purposes. Furthermore, the air released from the buildings uses biological air filtering.

TFN could have piped the effluent into deep water like most municipalities. Instead, the community chose to discharge the sterilized effluent into a manufactured pond and wetland marsh to support plant and waterfowl habitat enhancement before entering the Salish Sea.

**CHIEF WILLIAMS:**

*Some people ask me what my legacy is going to be when I leave my position here at TFN. One major piece of my legacy as a leader is the creation of our sewage treatment plant. It has made us more self-sufficient.*

**Treaty First Nation development attracting long-term industrial investment**

Through the TFN Economic Development Corporation, the TFN Government is supporting economic growth in the region by offering long-term leasehold lands for development at the Deltaport Logistics Centre. It is strategically located by Canada's largest western port, providing direct access and connection to regional and national transport networks.

Available industrial real estate in the Metro Vancouver area is scarce. The Deltaport Logistics Centre industrial park adds approximately 300 acres for economic development next to the Roberts Bank Superport. Phase One of the development is complete, with four 60-year leases and one 25-year lease on the initial 90 acres. Phase Two has now begun, with the remaining 200 acres available to lease. The second phase will bring additional investments to the industrial area. These local developments will benefit stakeholders, local commerce, international trade, and the TFN community, and provide new sources of revenue, infrastructure, jobs, and training opportunities.

The largest project is a 60-year lease for the Delta iPort Container logistics facility, which will develop 57 acres with up to 1.2 million sq. ft. of warehouse facilities. Port Metro Vancouver and the Government of Canada also invested in a new Marine Container Examination Facility where the Canada Border Services Agency will conduct inspections on imported goods. This new facility adds to Tsawwassen's sustainable investment vision by moving inspections near the port. Prior to this, inspections were conducted in Burnaby, so the new facility will take truck traffic off regional roads, increase road safety, and reduce vehicle emissions.

**COUNCILLOR CORBET:**

*It was a natural fit to have that land zoned as industrial land just by virtue of its connection to the Pacific Gateway, the transportation networks, and the rail corridor. That's our focus: to develop that land for industrial and port-related development.*

**BISSET:**

*In the case of our industrial lands, in addition to providing regional benefits,*

*there are also provincial and national benefits from supporting Canada's trade and transportation infrastructure or supporting the port and YVR. Tying into those networks provides widespread benefits beyond just the immediate region. There's benefits to all of us when you can unlock that economic potential.*

### Aligning capacity development with local business

As part of its vision to build a successful and sustainable economy, improve the socio-economic conditions of TFN citizens, and revitalize its language and culture, TFN is investing in capacity development through local business partnerships with both established and new local farmers.

Half of TFN land is protected and preserved as agriculture land for food production, social and cultural education, and farmland stewardship activities. In Metro Vancouver leases are an integral part of farming, but 80% of farm lease lands are leased for ten years or less.

#### CHIEF WILLIAMS:

*TFN supports local food production, job creation, and stewardship of farmland resources. Two-thirds of our agricultural lands — about 155 hectares — are being committed to 25-year leases with local farmers. We are looking forward to working with them to build a strong partnership for ongoing sustainability.*

These secure land tenures enable farmers to invest in capital infrastructure and soil conservation practices to improve land productivity, and build an economically viable business. These also ensure TFN lands are maintained through sustainable

farming practices so the viability of agricultural production is preserved for future generations.

TFN is supporting local business start-ups, education, and environmental preservation at the Tsawwassen Farm School. This partnership with Kwantlen Polytechnic University allows a new generation of farmers and entrepreneurs to receive hands-on learning, and fuses sustainable agriculture with traditional Indigenous knowledge. After program completion, students are eligible to access half an acre of land for three years to start their own small-scale farm businesses.

### Governing collaboratively

#### BISSET:

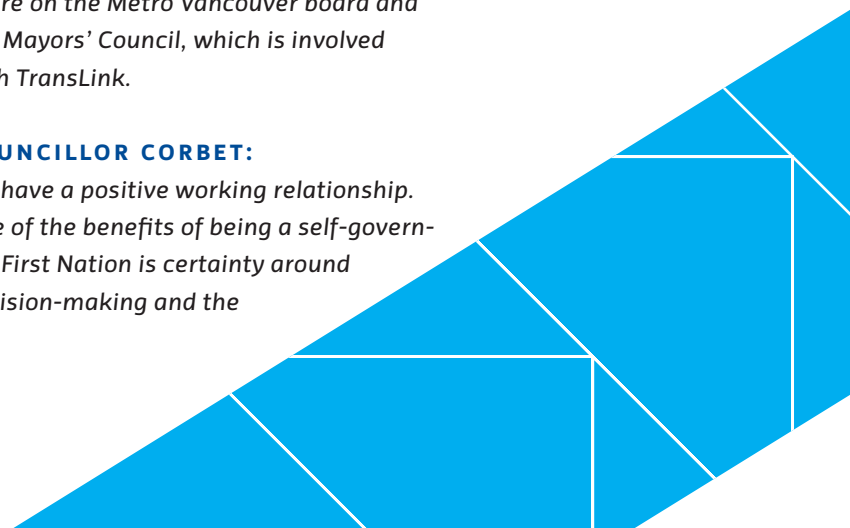
*One of the conditions for us joining the Metro Vancouver Regional District was to have a land use plan. It ensures that growth and development is consistent with the region's strategic outlook, and provides a lot of certainty for partners interested in working with TFN. This also provides certainty for other local governments because they have a good sense of what we're planning and hoping to do, and how that fits into broader regional priorities.*

#### CHIEF WILLIAMS:

*We're major players in development, and also in the regional governance system. We're on the Metro Vancouver board and the Mayors' Council, which is involved with TransLink.*

#### COUNCILLOR CORBET:

*We have a positive working relationship. One of the benefits of being a self-governing First Nation is certainty around decision-making and the*



government model. Treaty provides us a full seat on the Metro Vancouver board, better connecting us within our region to include TFN's voice in the decision-making process. Being part of the regional district is a good step for us, and this is possible because of our treaty. ▶



*The purpose of all this work is to support our youth, elders, and all Tsawwassen members to build a strong community and economy for present and future generations.*

— CHIEF BRYCE WILLIAMS

Bryce Williams was elected Chief of Tsawwassen First Nation in 2012, and is his community's representative on the Metro Vancouver Regional District.

Tanya Corbet was elected Executive Councillor of Tsawwassen First Nation in 2016.

Ben Bisset began working with TFN in 2016. He is the Manager of Strategic Policy and Intergovernmental Affairs.



- + Tsawwassen First Nation is located in Metro Vancouver in the southwestern corner of BC, adjacent to the Municipality of Delta, Roberts Bank Superport, Tsawwassen Ferry Terminal, and the south arm of the Fraser River.
- + Tsawwassen First Nation's traditional territory is in the Lower Mainland of BC, from the watersheds that feed into Pitt Lake, to Burns Bog, to the Salish Sea, including Saltspring, Pender, and Saturna Islands.
- + Tsawwassen First Nation became a member of the Metro Vancouver Regional District on its treaty effective date, April 3, 2009.



# SHARING DECISION- MAKING REGIONALLY

*Regional district boards a vehicle for  
reconciliation in Alberni-Clayoquot*



First Nations and local governments in BC are forming dynamic relationships through the regional district system.

Regional districts are a unique form of local governance in BC, regulated by the *Local Government Act*. Operating as federations of municipalities and electoral areas, regional districts are governed by a board of directors to coordinate services and resources across a region. These boards can adopt zoning bylaws, and create official community plans and regional growth strategies to manage important local

matters, such as environmental protection, transportation, resource preservation, and economic development.

While First Nations governed by the *Indian Act* may be consulted on regional planning to differing levels depending on the relationships with local governments, *Indian Act* bands cannot join regional district boards as voting members. This can result





We are demonstrating the power of First Nations and non-First Nations communities working together.

— MAYOR JOSIE OSBORNE

in a lack of formal information sharing and service delivery coverage for the region.

Modern treaties in BC change this by recognizing, through a constitutionally protected commitment, an official place at the table for First Nations on regional district boards. This results in stronger First Nations voices in local politics and decision-making, and empowered regional districts.

The legal changes to regional districts that result from First Nations joining the boards is an on-the-ground example of reconciliation. Modern treaties, through enacting legislation that operationalizes the constitutional arrangement, expand self-government and self-determination outwards to local and regional areas, creating new and better relationships between First Nations and local governments.



#### **DIALOGUE WITH ALBERNI-CLAYOQUOT REGIONAL DISTRICT CHAIR JOHN JACK AND VICE-CHAIR JOSIE OSBORNE**

*The Treaty Commission interviewed Huu-ay-aht Executive Councillor John Jack and Tofino Mayor Josie Osborne to gain insight into how the Alberni-Clayoquot Regional District [ACRD] benefits from the inclusion of treaty First Nations on the board, and what reconciliation looks like in their region now and in the future.*

*When Mayor Osborne's term as chair concluded in 2016, Councillor Jack was elected to the position, becoming the first Indigenous chair of a regional district in BC.*

*This interview was conducted July 24, 2017 on the traditional territory of the Hupacasath and Tseshaht First Nations in Port Alberni.*

*One key benefit of investment in and from modern treaties is that local investment in the future stays local. An example of this is the location for the interview: the new Port Alberni Government Office of Huu-ay-aht First Nations, where approximately two thirds of the government works.*

**COUNCILLOR JACK:**

One of the benefits for First Nations getting into treaty is that they start to make decisions that affect their people to the highest degree, for the best bang for the buck. Usually what you see at the very beginning of implementation is a setting down of roots in the places that matter to treaty citizens.

*Mayor Osborne starts with observations on the changes she has seen at the ACRD since First Nations joined the board.*

**MAYOR OSBORNE:**

It has leveled the playing field, in a sense. We are dealing with each other on a government-to-government basis, and together make decisions that lead to prosperity. This has never been at the

table before. We're able to understand linkages better, between the way people live and the way we co-exist in our communities — when you pull one thread on the spider web it affects everybody.

*Prior to Maa-nulth Nations joining the ACRD, the relationship with the four former Indian Act bands was strained, but the transition went smoothly due to the dedication of leadership.*

**MAYOR OSBORNE:**

Prior to Maa-nulth First Nations joining the board, there was a representative that would come and observe the meetings, but they were not legally entitled to vote or to truly participate in decisions.

**COUNCILLOR JACK:**

There wasn't much of an official relationship between Maa-nulth First Nations and the ACRD. That is what made the treaty, and the opportunity created by the treaty to join the board, both exciting and harrowing. It went well because of the people involved, and the willingness to create those relationships. We got off on the right foot, and I think



*Prosperity to me means a lot more than just money, or being able to purchase the things that you need to live. It also is knowing that the health and wellbeing of your neighbour is taken care of. Having treaty First Nations at the regional district table has normalized those kinds of interactions. If we're making a decision, we are going to all consider each other in a way that we never did before.*

— MAYOR JOSIE OSBORNE

that is something that we need carefully built into any future treaty negotiations processes, to make sure that can happen to the best of its ability every time.

Relationship building started during treaty negotiations. This is where the honest leadership of the former chair, the late Glenn Wong, was very helpful. He was straight up and said, “We don’t know what to do, we don’t know how to approach you, we don’t understand where you’re coming from or why this is happening. We’re not against it, we just need to understand each other.” They took the first step. They spent some money to bring facilitators in to initiate the relationship.



*That set us up on the right foot to ask the province to help with a larger process of getting to know one another, what our powers are, what our responsibilities are as a First Nation, and what the powers and responsibilities are for members of the regional district.*

We first joined the board as observers in January 2012, and then joined officially in April 2012. The observation process helped cement our understanding of what it meant to be at the table and what was expected of a representative.

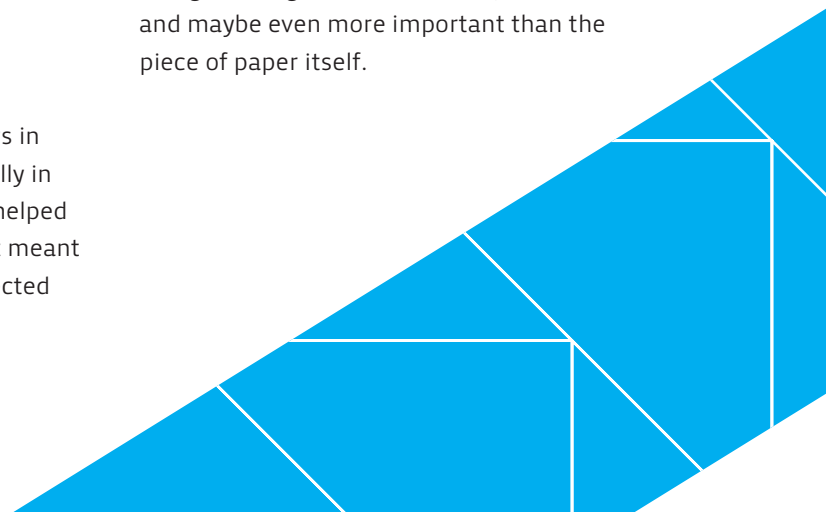
*How regional districts and local governments implement reconciliation, including the Truth and Reconciliation Commission’s [TRC] Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples [UN Declaration], can be confusing and challenging. Councillor Jack and Mayor Osborne explain the ACRD experience, and how one key right of the UN Declaration — free, prior and informed consent [FPIC] — is given life at the ACRD.*

#### **MAYOR OSBORNE:**

The regional district table has been very purposeful about discussing the TRC’s *Calls to Action*. During the process of the TRC’s work, we were already meeting on a community-to-community basis. As well, we held meetings on First Nations’ territory, in First Nations’ buildings, and began to familiarize ourselves that way.

We took it a step further and brought in a facilitator who worked with us to discuss the TRC recommendations, what we feel is and isn’t relevant to the work we do, and some of the opportunities we have moving forward. As part of that work we also talked about the *UN Declaration*.

It is new for many people, and sometimes it’s difficult to talk about something that’s on paper, when what we’re trying to do is live it, breathe it, and be it. The work we’re doing on the ground is incredibly important, and maybe even more important than the piece of paper itself.



With FPIC, in many cases you're waiting for a third party to deliver that for you. There might be a project that's proposed in and around Tofino, but it's not for the District to undertake consultation because, as a child of the province, we are supposed to let the province undertake all of the consultation, so there's a delay.

When a decision is made at the board, we are all there and everyone gets equal access at the same time. You remove an entire level of bureaucracy. You have the opportunity to find solutions to problems earlier in the process than you would had you waited, and waited, and waited for the information, the meetings, and the letters.

**COUNCILLOR JACK:**

I can't think of anything more powerful than a community or an initiative going forward with the prior blessing of the First Nation, whether it be one of the projects the ACRD is working on or not.

Understanding the effects community plans may have on First Nations is very important. Sharing information with all the First Nations who do not have a treaty can help build trust, or stave off a lack of trust.

Being at the table, when you are a member of the board, you have unfettered access to all the information that you might not have if you weren't part of the board. That turns a conversation from one that is mission critical and time sensitive, and not that comfortable, to one that is further off into the future, and therefore not as intimidating, and it becomes one of finding solutions.



*That is what FPIC is all about — how do we include as many voices as possible in a way that benefits everyone.*



*When it comes to First Nations rights and title, and treaty rights, it all comes down to good governance practices and good neighbour practices; if this was followed we wouldn't have most of the problems we have.*

— COUNCILLOR JOHN JACK







*You're talking to your neighbours, people that you live with. You're not talking to somebody in Victoria or Vancouver, or somebody who's making decisions from far away.*

— MAYOR JOSIE OSBORNE

*First Nations on regional district boards empowers municipalities and electoral areas, both outwardly, in relations with the province, and internally, from the diversity and richness of governance experiences.*

**MAYOR OSBORNE:**

As a result of First Nations being on the board, we are getting to know the different policy and legislation leaders. We can address some pretty basic rights, like everybody should have access to safe drinking water. Yet, we are not able to do that throughout the entire region in the same way.

That just isn't right.

We now have a lot of power at this table to be able to move those conversations forward with senior levels of government.

It has empowered the ACRD through the ability to work side-by-side, and together approach senior levels of government, making us far more powerful and much more likely to be listened to.

The ACRD makes better decisions because we have more perspectives and decision-making experience to draw from. It has led to us being more likely to reach consensus.

*Capital infrastructure investment is a challenge for local and regional governments. Modern treaties can bring direct provincial and federal infrastructure investment into a region, and strengthen regional districts through the addition of self-governing First Nations voices.*

**MAYOR OSBORNE:**

Where I am starting to see the potential most now is probably in health and social services, less the core infrastructure issues like roads, water, and sewage.

There is a lot of potential there, and I think we're making inroads, but we have a ways to go.

I think we have a lot to learn from First Nations on some of those issues.

We are demonstrating the power of First Nations and non-First Nations communities working together. We are leading in the action of reconciliation and showing what is possible in the future, as well as providing good governance with the solid infrastructure and services that people need to live good lives.

*Councillor Jack is the first Indigenous chair of the ACRD and reflects on his new position.*

#### **COUNCILLOR JACK:**

It's a privilege to be able to see things develop over time and understand where it could go, where it might need to go. Helping to facilitate a conversation in a way that allows people to feel good about moving into the future.

Contributing to the good governance of the region is something that the First Nation, my First Nation, can do, whether it be me or somebody in the future.

It's adding those voices, creating better decisions that we think add value, over and above any economic initiatives we may be undertaking.

*Mayor Osborne reflects on what she sees as one of the biggest challenges for the region in the future.*

#### **MAYOR OSBORNE:**

One of our biggest challenges in the next five years is reconciling how municipalities and electoral areas work with treaty First Nations and non-treaty First Nations. How do we help bring everyone along when we have got one group of First Nations that signed modern day treaties, and others

that have not? When we go to Victoria, or if we go to Ottawa and say these things are needed in our region and here's why, we want to be able to bring all people with us, all First Nations whether they are treaty or not.

*Lastly, Councillor Jack and Mayor Osborne offer advice for First Nations and local government seeking to strengthen their relationship.*

#### **MAYOR OSBORNE:**

My number one advice is to go for a cup of coffee, just visit.

#### **COUNCILLOR JACK:**

Start somewhere. ▶

---

*John Jack was elected Councillor of Huu-ay-aht First Nations in 2009, and became his community's first representative on the ACRD in 2012. In 2016, he was elected ACRD chair.*

*Josie Osborne was elected Mayor of Tofino in 2013. She became her town's representative on the ACRD and took on the role of chair from 2014 to 2016. She now serves as vice-chair.*





*The long-term contribution of First Nations on regional districts will be a voice that can help steer the whole region in a direction that will be more fitting with more people within that community.*

— COUNCILLOR JOHN JACK



- + The Alberni-Clayoquot Regional District [ACRD] is located on west central Vancouver Island, and includes the traditional territories of four of the five Maa-nulth First Nations.
- + The ACRD consists of three municipalities [Port Alberni, Tofino, and Ucluelet], four First Nations [Huu-ay-aht, Toquaht, Uchucklesaht, and Yuułuʔiłʔatḥ], and six electoral areas.



# **BUILDING A SHARED FUTURE**

*Relationship building at  
the local level*



For over a decade, the relationship between the City of Powell River and Tla'amin Nation has exemplified how local government and First Nation collaboration leads to regional prosperity.

Tla'amin and Powell River's relationship has not always been positive, but the relationship began to shift once local leadership recognized that Tla'amin's prosperity directly benefits the City.

With the implementation of the Tla'amin treaty on April 5, 2016, the relationship

transformed into a true government-to-government partnership. Although it is still too early for the larger impacts of the treaty on the region to be revealed, the existing intergovernmental relationship has already shown that building mutual relationships of trust and respect have long-term benefits.

“

*We need to provide  
for a bigger, better,  
brighter future for  
our people.*

— HEGUS CLINT WILLIAMS

#### **DIALOGUE WITH POWELL RIVER MAYOR DAVID FORMOSA AND TLA'AMIN NATION HEGUS CLINT WILLIAMS**

*To reflect on how far Tla'amin and Powell River's partnership has come and understand the shared vision for the future of the region, the Treaty Commission asked former Mayor of Powell River Stewart Alsgard to facilitate a dialogue between current Mayor of Powell River David Formosa,*

*and Hegus [Tla'amin word for leader] Clint Williams. The conversation was held at the new Tla'amin Government House on July 27, 2017 and centered around the themes of the past, present, and future of their relationship and the region's prosperity.*



#### **PAST**

In 2002, construction of a new sea walk disrupted sacred Tla'amin cultural sites. The response to this event was a turning point in Powell River and Tla'amin's relationship. This shift was solidified when the Community Accord was signed in 2003. The Accord sets out principles of cooperation rooted in mutual respect, recognition, and an understanding that the communities share a common interest in seeing the region prosper.

As the relationship strengthened, Powell River became a vocal supporter of the Tla'amin treaty.

In 2011, when the treaty became stalled, the Mayor and Chief travelled to Ottawa to pressure the federal government to complete the final agreement. This is an early and concrete example of a local government leader advocating for First Nations' self-determination. Although they may not have thought of it in these terms then, it is an example of implementing the *UN Declaration*.



**MAYOR FORMOSA:**

We're aggressive and we're passive, and we're hardworking and we're smart and we're not so smart. But working together, the Accord that was created, the spark that sparked that Accord, the economic

development issues back in the day when we all came together, it's the power of us being together and understanding each other and respecting each other and putting our feet in the shoes of the next person.



*The power when we come together as a city and First Nation brings power to the table; it guarantees you a meeting with anybody you want a meeting with, and in good order of time.*

— MAYOR DAVID FORMOSA



## PRESENT

Today, all levels of leadership in Tla'amin and Powell River take pride in the government-to-government partnership. As the Tla'amin treaty is implemented, the two governments are learning and growing together. Mayor Formosa sat on the Sliammon Development Corp. board [now Tla'amin Management Services LP] until 2012, and knows first-hand the obstacles and challenges of the *Indian Act* and the freedom Tla'amin now has as a self-governing First Nation.

**MAYOR FORMOSA:**

As Tla'amin has gone on and created their new lives and governance structures, the City of Powell River is working side-by-side in helping their government get up to

speed on running a local government. We talk about zoning and building inspection. We have continuity between the two governments and communities, and the neighbours that are living together.

Building a new relationship is not easy. Not all citizens of Powell River or Tla'amin accepted the treaty, and to this day some of these views persist. However, the new self-governing structures enabled by the treaty make addressing these concerns easier.



**HEGUS WILLIAMS:**

There's people that are going to be afraid of change, and that's understandable. I see it in a positive light. Not all change is positive all the time, but we're trying to do the best that we can to keep this change as positive as we can. That's building on the transparency and accountability pieces that our government is committed to.

**MAYOR FORMOSA:**

The word 'treaty' means we have come to a place of agreement.

The biggest issue that I'm finding, and it really came out with the Canada 150 celebration, is with citizens saying, 'How many times do you say sorry? Enough of this already.'

My words to those are: Why do we have Remembrance Day? To remember the wrongs or the sacrifices made by our soldiers and laypeople who died and were wounded and put up their lives for a better life for us all.

You know, we took these people out of their land; we took away their rights to their language, their culture; we tried to poison them with smallpox in blankets. This needs to be remembered. This needs to be part of our school system so that folks understand that reconciliation doesn't stop.



- + The City of Powell River is located on the northern Sunshine Coast, which is on the southern coast of BC, north of Vancouver.
- + The Powell River Regional District is made up of one municipality [Powell River] and 5 electoral areas.
- + Tla'amin Nation's traditional territory spans the Powell River area, including Lasqueti and Texada Islands, down through Cortes Island and the Comox Valley.



We need to continue our reconciliation forever because of what we did in the past. I know that I didn't do it, but I didn't go to war and I go to the cenotaph every year. We got to keep working together as we are, as good neighbours, and more and more we win over more people. I think Powell River is onside for the majority, but we still have work to do.

— MAYOR DAVID FORMOSA



## FUTURE

As the region continues to attract new residents, Powell River's real estate development market is booming. Since Tla'amin owns more undeveloped land than the City, the neighbours must work together to unlock potential developments and forge new opportunities for regional prosperity. The First Nation plans to develop treaty settlement land located near the airport, ideal for residential and light commercial use.

### HEGUS WILLIAMS:

The piece that sticks out for me is building our independence, which is a result of coming out from underneath the *Indian Act*. We need to provide for a bigger, better, brighter future for our people. The first big step was coming away from the *Indian Act*, and now we have tools that we've never had access to before. We need to make sure that we're making use of these tools in an open, transparent, and responsible

manner in creating this bigger, better, brighter future.

### MAYOR FORMOSA:

What's good for one is good for the other here, because we're so closely related, living in the same house and the same lands. I think there's a huge amount of pride from the citizens of Powell River.

### HEGUS WILLIAMS:

People have always been proud to be from Tla'amin. Now I'd like this to be a new sense of pride in the fact that we're a self-governing First Nation. I do see that. I see some energy and confidence in where we're heading, and that's a proud piece.

Powell River is a small town and any developments that happen, such as the new Tla'amin Government House, we've tried to keep all the contracts as local as we can, using localized contractors to build and supply the construction.



*That's the goal: to build on the independence and lay the groundwork for future leaders to prosper in this area.*

— HEGUS CLINT WILLIAMS

**MAYOR FORMOSA:**

I see the benefits of treaty in a huge, diversified, and sustainable way. First and foremost, the majority of the youth in the region are from Tla'amin. The whole community needs to take advantage of that, as well as the Tla'amin people themselves, by training and working within their own corporations and spreading out and working within the neighbouring corporations.

Then on the monetary side, the fact that Tla'amin has thousands of hectares of land and timber resources, fish resources, seafood resources, capital, along with a yearning to create a good, solid government. We all benefit.

I just see the fact that they are their own people, their own government, destiny in their own hands, all these resources. How can it not turn into huge prosperity for both of us?

**HEGUS WILLIAMS:**

There is a recent committee that's been developed in the Powell River area. I've labelled them the 'Reconciliation Committee.' They're looking at building a canoe that is symbolic of reconciliation for this area, done in partnership with Powell River and the regional district. It will be built by volunteers from the Powell River area in cooperation with some of the Tla'amin carvers and a guest instructor. This canoe will be a gift to Tla'amin, Klahoose, and Homalco to represent reconciliation.

**MAYOR FORMOSA:**

The City bought into the project immediately, wholeheartedly, with full support, to the point where I've already spent a full day in a reconciliation celebration just discussing, talking, understanding, and witnessing with others: What does the canoe represent? We are doing all the steps, under the guidance of First Nations and the elders. We go through every process as a community to get to that canoe hitting water and then sailing it together. ▶

---

*Clint Williams was the elected Chief Councillor when the Tla'amin treaty was ratified in 2012. He was Tla'amin's last Indian Act band Chief, and became the first elected Hagus when the community had its first self-governing election under its treaty and constitution in 2016.*

*David Formosa was elected Mayor of Powell River in 2011. He served as a director on the Sliammon Development Corporation [now Tla'amin Management Services LP] until 2012.*



# REVITALIZING BAMFIELD

*Huu-ay-aht treaty provides lifeline  
to declining economy*



Huu-ay-aht First Nations is revitalizing and expanding the community of Bamfield in Barkley Sound through substantial long-term investment and commitment.

With the financial strength and autonomy enabled by its modern treaty, Huu-ay-aht is demonstrating how treaty First Nations bring prosperity to a region.

Huu-ay-aht is one of five First Nations implementing the Maa-nulth treaty that came into effect on April 1, 2011. The main

Huu-ay-aht village, Anacla, population 100, is five kilometers from Bamfield, population 180.

Bamfield is within Huu-ay-aht's traditional territory and became a small European fishing community in the late 1800s. The town has retained its remote charm, but in





*There is a sense of optimism as Huu-ay-aht's developments are creating opportunities centered in our remote community.*

— KEITH WYTON, BAMFIELD REPRESENTATIVE  
ALBERNI-CLAYOQUOT REGIONAL DISTRICT

the past several decades the population has declined and businesses have shuttered.

In the 1990s, eleven Bamfield properties were purchased by an out-of-town investor. The properties were neglected for decades and infrastructure deteriorated.

This lack of stability and care stagnated the region's economy, hindering additional developments and tourism opportunities.

#### **BUILDING A TOURISM DESTINATION**

In early 2016, Huu-ay-aht purchased these eleven properties in Bamfield, including a motel, café, market, pub, airport, and two lodges. Under Huu-ay-aht's ownership, many of these businesses have been restored or reopened, representing a turning point for Bamfield.

Huu-ay-aht Executive Councillor Trevor Cootes explains that these investments are “a first step in a long-term vision of being the largest tourism employer in Bamfield, and are also helping the community grow in a way that will support the surrounding businesses.”

The businesses employ both Bamfield and Anacla residents, and will attract summer employees interested in working in tourism and Huu-ay-aht citizens currently living away from home.

The combination of the environmental beauty of Barkley Sound and Huu-ay-aht's vibrant culture make Bamfield perfectly situated to attract visitors from around the world.

Huu-ay-aht's vision is to create a cultural tourism experience where visitors' accommodations, food, and activities will all be grounded in traditional culture. As Huu-ay-aht's cultural tourism vision is realized, Bamfield's reputation as a tourism destination will grow.

#### **FIRST NATIONS PROSPERITY IS REGIONAL PROSPERITY**

Huu-ay-aht's vision for its traditional territory and its autonomy as a self-governing First Nation has revitalized Bamfield and brought new opportunities to the region.

Although Huu-ay-aht already had strong fisheries and forestry businesses, investing in Bamfield allows Huu-ay-aht to diversify its economy.

“The opportunity that treaty presents is that we have more capital to leverage than a small business would. We had the ability to take a somewhat larger risk than an individual or smaller company would want to take in such an area, but for Huu-ay-aht it’s within our traditional territory, so we didn’t see it in the same way,” said Councillor Cootes.

Cootes also emphasized the freedom treaty enables for First Nations’ economic development: “If we have the funds available, and we have the support of council, hereditary leaders, and our people, we can move on acquisitions, like we did with the Bamfield properties, without having to be in the handcuffs of the Government of Canada.”

Huu-ay-aht also leveraged the treaty for even broader opportunities that could benefit the region and province.

A unique and innovative partnership has been created with Steelhead LNG for the development of the Sarita liquefied natural gas [LNG] project on Huu-ay-aht lands. Project and lease agreements were signed in June 2017, which set out an innovative co-management process for the development, construction, operations, and decommissioning of the facility. This includes jointly conducting the environmental assessment process and engagement with affected First Nations, stakeholders, and the public, and ensures employment.

Tiffany Murray, Steelhead LNG Director of Community and Regulatory, states, “The certainty provided by the treaty and the

clarity of relationship provided by Huu-ay-aht First Nations self-government enabled the partnership and helped the parties think outside the box and create an innovative co-management process that I am not aware of in any proposed LNG project to date.”

### BRIDGING COMMUNITIES

In addition to the eleven businesses and properties purchased by Huu-ay-aht, the First Nation is also developing a new residential subdivision between Anacla and Bamfield.

“A lot of the work we are doing right now is bridging the two communities together,” said Councillor Cootes.

As a part of the subdivision development, Huu-ay-aht has partnered with the Bamfield Marine Science Centre to build and operate a new sewage treatment plant for the region. These developments will be completed by the end of 2018, and will provide more opportunities for Huu-ay-aht citizens to return home. The First Nation has also built a walk and bike trail that connects Anacla, Bamfield, and the future subdivision.

Huu-ay-aht’s investments have already led to a rejuvenation of tourism and business in the region. Ongoing revitalization will occur as Huu-ay-aht continues to implement its treaty, demonstrating how capital and infrastructure investment from treaties remain in regional economies. ▶





The Huu-ay-aht treaty has woven us into the fabric of Canada. Being constitutionally self-governing and shedding the shackles of the *Indian Act* makes it possible to flourish by investing in our own territory. The treaty is slowly pulling us out of 150 years of poverty.

— BC TREATY COMMISSIONER  
TOM HAPPYNOOK

*Tom Happynook is the Head Hereditary Whaling Chief for Huu-ay-aht First Nations. He played a large role in the negotiations and implementation of his community's treaty, taking on the roles of elected Councillor, Chief Treaty Negotiator, and Treaty Implementation Team Leader.*

*Trevor Cootes was elected Councillor of Huu-ay-aht First Nations in 2015. He holds the economic development portfolio and has 18 years of experience in the tourism industry.*



- + Bamfield is a community on the west coast of Vancouver Island in Barkley Sound. It is an electoral area of the Alberni-Clayoquot Regional District.
- + Huu-ay-aht First Nations' traditional territory is located in the Barkley Sound region of the west coast of BC's Vancouver Island at the entrance to the Port Alberni inlet.
- + Huu-ay-aht First Nations' main community is Anacla in Pachena Bay, approximately five kilometers south of Bamfield.



# ***SHARED PROSPERITY***

*Partnerships for regional reconciliation*

---

Across BC, First Nations and local governments are working together towards reconciliation.

The following stories profile government-to-government partnerships that are bringing shared benefits to regional economies. The First Nations included are currently in advanced negotiations, emphasizing how the BC treaty negotiations process facilitates relationship building, regional prosperity, and ultimately reconciliation.



## Beecher Bay, Metchosin, and Langford partner to bring economic prosperity to the Capital Regional District

Treaty negotiations facilitated a mutually-beneficial land swap between Beecher Bay First Nation [part of Te'mexw Treaty Association], the District of Metchosin, and the City of Langford. The land swap was enacted through a Reconciliation Agreement, signed on February 10, 2017, between the three governments. This is the first tripartite agreement of its kind between a First Nation, an urban municipality, and a rural district involving land and municipal boundary adjustments. The agreement and land swaps provide for long-term preservation of parks and economic growth for the entire region.

**“This is proof that governments can work together to advance a common goal. The result has been the preservation of Metchosin’s rural direction, jobs for the region and economic independence for Beecher Bay.”**

— METCHOSIN MAYOR JOHN RANNS

Through this land swap the Metchosin municipal boundary will contract to secure 405 acres of land for protected greenspace. Beecher Bay transferred 250 of the 405 acres of lands — which had been otherwise designated for treaty settlement lands — to Metchosin, with the remaining 155 acres from private lands. The Langford municipal boundary will expand by 354 acres to accommodate the creation of the South Langford Business Park and additional residential lots. Beecher Bay has secured one-third ownership in the business park, while ensuring lands with high environmental and cultural value are protected. In addition, the three neighbours will share in the tax revenues from the business park.

This partnership was inspired by a shared vision for regional prosperity, economic growth, and environmental stewardship.

The Reconciliation Agreement will create 3,000 to 4,000 permanent new jobs, and provide previously unavailable sewer and water services.



---

## K'ómoks and Courtenay servicing agreement boosts local economy

A servicing agreement signed in March 2016 between K'ómoks First Nation and the City of Courtenay will bring water and sanitary sewer services to the K'ómoks Puntledge Indian Reserve [IR] #2, which will become treaty lands. The infrastructure will support K'ómoks' plans to develop more economic initiatives on the Puntledge IR, including expanding the existing campground and building a residential housing complex. This agreement was developed over several years with the support of the Comox Valley Regional District.

**"The benefit to Courtenay is the boost to our local economy from this development — particularly in our downtown core, but also to the broader Comox Valley community. This agreement will have a very positive ripple effect."**

— COURTENAY MAYOR LARRY JANGULA

Puntledge IR is adjacent to Courtenay, but outside of the municipal boundary. This agreement is indicative of the strong relationship that Courtenay and K'ómoks have forged, since local governments do not typically supply services to areas outside of its boundaries.

---

## Lheidli T'enneh and Prince George take next step in reconciliation

Lheidli T'enneh First Nation and the City of Prince George have begun to acknowledge and recognize their shared histories by taking concrete steps towards reconciliation. One notable step is the permanent raising of the Lheidli T'enneh flag at City Hall.

Another step is the renaming of the Fort George Park to the Lheidli T'enneh Memorial Park, in recognition that the park is situated on a former Lheidli T'enneh village site that was burned down to create the colonial settlement of Prince George.

In 2016, the City adopted a Reconciliation Framework, which sets out corporate strategies for reconciliation and specific actions to strengthen the relationship with Lheidli T'enneh.

Most recently, on Indigenous Peoples Day 2017, Lheidli T'enneh, Prince George, and the Regional District of Fraser-Fort George signed a Memorandum of Understanding [MOU] on Cooperation and Communication. This MOU, characterized as one of mutual respect, will assist the First Nation, the City, and the Regional District in moving forward together to advance projects with regional benefits.

## Kitselas and Terrace partner in Skeena Industrial Development Park

As joint-venture partners in the Skeena Industrial Development Park [Skeena Industrial Park], Kitselas First Nation and the City of Terrace exemplify how local governments and First Nations can share in benefits from economic development opportunities.

The Skeena Industrial Park will be a manufacturing hub, and create hundreds of construction and operational jobs. Phase One of the \$11.8 million agreement signed in 2014 is complete, with Phase Two expected to be completed this year. The Skeena Industrial Park will bring benefits to the region by enabling infrastructure upgrades, long-term economic diversification, and additional joint-ventures, partnerships, and land leases.

The Skeena Industrial Park is strategically located near the railway and the ports of Kitimat and Prince Rupert, easily connecting North American and Asian markets. An MOU has been signed between Kitselas, Terrace, and the Qinhuangdao Economic and Technological Development Zone in China. This project has already partnered with local businesses, such as Global Dewatering Ltd. for equipment storage and Bear Creek Contracting for land clearing. ▶



- + Beecher Bay, Metchosin, and Langford are located on southern Vancouver Island.
- + K'ómoks and Courtenay are located on the east coast of Vancouver Island.
- + Lheidli T'enneh and Prince George are located in central BC.
- + Kitselas and Terrace are located in northwestern BC.

# NEGOTIATIONS OVERVIEW

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

## FIRST NATIONS IMPLEMENTING TREATIES [7]

Maa-nulth First Nations  
[Huu-ay-aht, Ka:'yu:'k't'h'/  
Che:k'tles7et'h', Toquaht,  
Uchucklesaht, and  
Yuuʔuʔiʔath]

Tla'amin Nation

Tsawwassen First Nation

## FIRST NATIONS IN FINAL AGREEMENT NEGOTIATIONS [8]

In-SHUCK-ch Nation

K'ómoks First Nation

Lheidli T'enneh First Nation  
[second ratification vote]

Te'mexw Treaty Association

Tsimshian First Nations\*  
[Kitselas and Kitsumkalum]

Wuikinuxv Nation

Yale First Nation  
[ratified final agreement;  
effective date postponed]

Yekooche First Nation

## FIRST NATIONS IN ADVANCED AGREEMENT IN PRINCIPLE NEGOTIATIONS [9]

Ditidaht First Nation

Gwa'Sala-'Nakwaxda'xw Nation

Katzie First Nation

Ktunaxa Kinbasket  
Treaty Council

'Namgis Nation [initialled AIP;  
membership voted not to  
accept]

Northern Shuswap Tribal  
Council [AIP approved by  
NStQ; Canada and BC  
approvals pending]

Pacheedaht First Nation

Stó:lō Xwexwilmexw Treaty  
Association

Tla-o-qui-aht First Nations  
[initialled AIP; membership  
voted not to accept]

Tsimshian First Nations\*  
[Metlakatla]

## FIRST NATIONS IN ACTIVE NEGOTIATIONS [14]

Da'naxda'xw/Awaetlala Nation

Gitanyow Hereditary Chiefs

Gitxsan Hereditary Chiefs

Homalco Indian Band

Hul'qumi'num Treaty Group

Kaska Dena Council

Laich-Kwil-Tach  
Council of Chiefs

Lake Babine Nation

Nazko First Nation

Taku River Tlingit First Nation

Tlowitsis First Nation

Tsay Keh Dene Band

Tsimshian First Nation\*  
[Gitga'at]

Wei Wai Kum/Kwakwaka  
First Nations

Wet'suwet'en Hereditary Chiefs

## FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY [27]

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

Council of the Haida Nation

Esk'etemc First Nation

Haisla Nation

Heiltsuk Nation

Hupacasath First Nation

Hwilitsum First Nation

Klahoose First Nation

Kwakiutl Nation

Liard First Nation

McLeod Lake Indian Band

Musqueam Nation

Nuu-chah-nulth Tribal Council

Quatsino First Nation

Ross River Dena Council

Sechelt Indian Band

Snuneymuxw First Nation

Squamish Nation

Teslin Tlingit Council

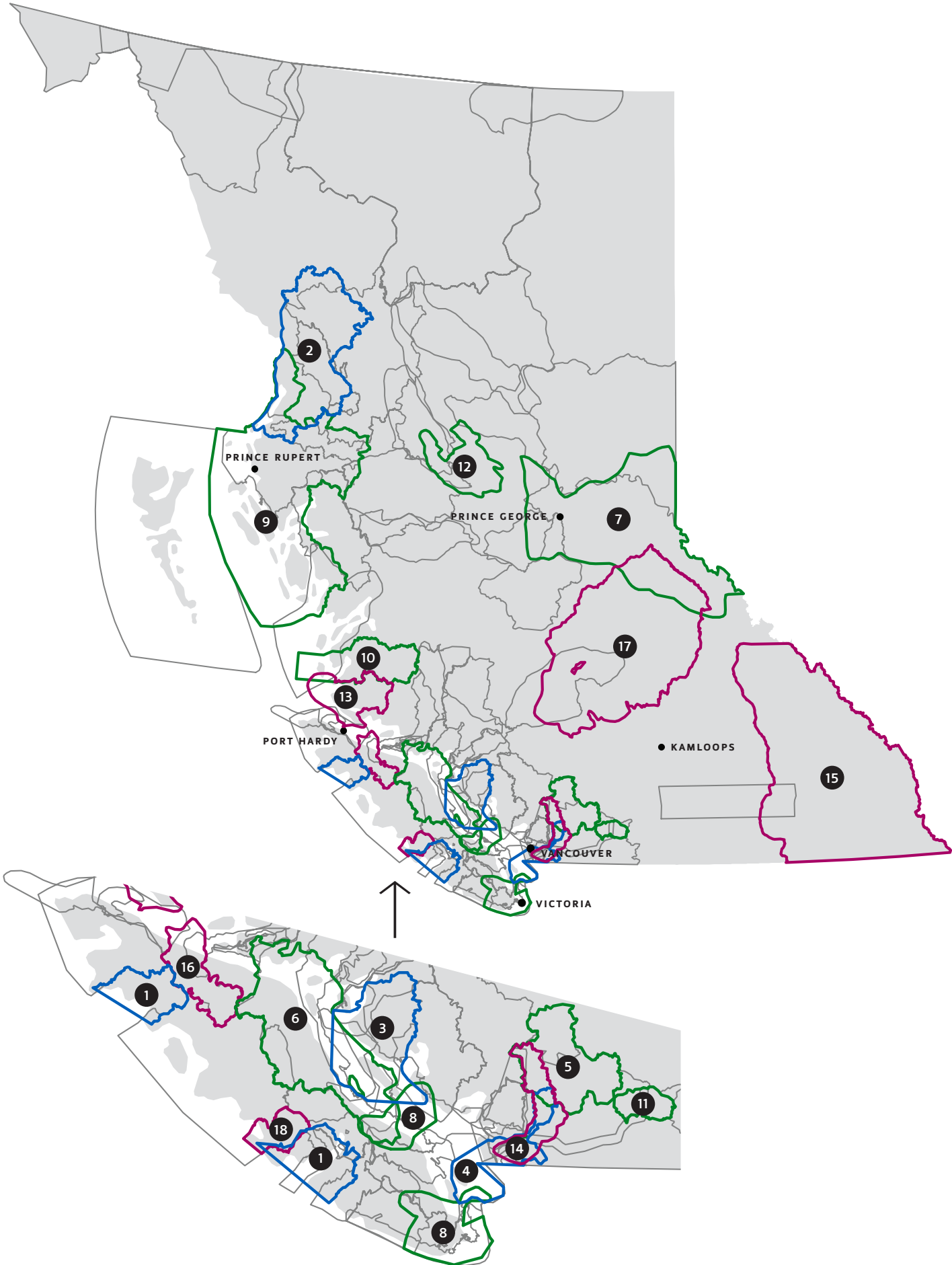
Tlatlasikwala Nation

Tsimshian First Nation\*  
[Kitasoo/XaiXais]

Tsleil-Waututh Nation

Westbank First Nation

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





## A VIEW OF PROGRESS

The First Nations highlighted in the map represent 37 *Indian Act* bands, or 18.5% of all *Indian Act* bands in BC. The territories represented in the Statements of Intent of these First Nations cover approximately one third of BC.

### IMPLEMENTED TREATIES\*

- 1 Maa-nulth First Nations
- 2 Nisga'a Nation
- 3 Tla'amin Nation
- 4 Tsawwassen First Nation

\*Representing 11 former *Indian Act* bands

### FINAL AGREEMENT NEGOTIATIONS\*

- 5 In-SHUCK-ch Nation
- 6 K'ómoks First Nation
- 7 Lheidli T'enneh First Nation [second ratification vote]
- 8 Te'mexw Treaty Association
- 9 Tsimshian First Nations [Kitselas and Kitsumkalum]
- 10 Wuikinuxv Nation
- 11 Yale First Nation [effective date postponed]
- 12 Yekooche First Nation

\*Representing 14 *Indian Act* bands

### INITIALLED AIPS / LAND AND CASH PACKAGES\*

- 13 Gwa'Sala-'Nakwaxda'xw Nation
- 14 Katzie First Nation
- 15 Ktunaxa Kinbasket Treaty Council
- 16 'N̓amgis Nation [initialled AIP; membership voted not to accept]
- 17 Northern Shuswap Tribal Council [AIP approved by NStQ; Canada and BC approvals pending]
- 18 Tla-o-qui-aht First Nations [initialled AIP; membership voted not to accept]

\*Representing 12 *Indian Act* bands

### OTHER FIRST NATIONS IN TREATY NEGOTIATIONS\*

\*Representing 72 *Indian Act* bands



**FIRST NATIONS**

highlighted in the map foldover represent 37 *Indian Act* bands, or 18.5% of all *Indian Act* bands in BC. The territories represented in the Statements of Intent of these First Nations cover approximately one third of BC.

65 First Nations, representing 105 current or former *Indian Act* bands out of all 200 *Indian Act* bands in BC, are participating in, or have completed treaties through, the treaty negotiations process. This is:

# 52.5%

OF ALL *INDIAN ACT* BANDS IN BC

## THERE ARE 29 MODERN TREATIES IN CANADA

**EIGHT TREATIES** are being implemented by First Nations in British Columbia, representing 27.5%.

**7** of these treaties were negotiated within the **BC TREATY** negotiations process.

# 27.5%



The eight First Nations, representing 11 former *Indian Act* bands, are: Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Nisga'a, Tla'amin, Toquaht, Tsawwassen, Uchucklesaht, and Yuułu'it̓aṭh̓.

Maps are representational and not to scale.

### MILESTONES



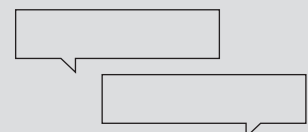
In 2016, the four *Indian Act* bands represented by Northern Shuswap Tribal Council [NStQ] voted to accept the AIP. Land and cash packages have been tabled at the Ktunaxa Kinbasket Tribal Council and Gwa'Sala-'Nakwaxda'xw Nation negotiation tables. Together these two First Nations represent five *Indian Act* bands.

# 7FN

There are seven First Nations, representing 13 *Indian Act* bands, in Stage 5 final agreement negotiations: In-SHUCK-ch, K'ómoks, Lheidli T'enneh, Te'mexw, Tsimshian [Kitselas and Kitsumkalum], Wuikinuxv, and Yekooche.

### ACTIVE OR COMPLETED NEGOTIATIONS

involve 40 First Nations, representing 76 current or former *Indian Act* bands in BC and one in Northwest Territories. This means 38% of all *Indian Act* bands in BC are actively negotiating or already implementing a modern treaty.



# NEGOTIATIONS 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.

Active or completed negotiations involve 40 First Nations, representing 76 *Indian Act* bands, totalling 38% 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 its 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.

## Completed Treaties

FIRST NATIONS IMPLEMENTING TREATIES [7]

### MAA-NULTH FIRST NATIONS

The Maa-nulth First Nations Final Agreement effective date was April 1, 2011. These five former *Indian Act* bands implemented the Maa-nulth treaty as five independent governments. Huu-ay-aht, Ka:’yu:’k’t’h’/Che:k’tles7et’h’, Toquaht, Uchucklesaht, and Yuułuʔitʔath [Ucluelet] First Nations, Canada, and British Columbia are over six years into the implementation of the new relationship.

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

Huu-ay-aht has approximately 720 citizens; Ka:’yu:’k’t’h’/Che:k’tles7et’h’ has approximately 570 citizens; Toquaht has approximately 150 citizens; Uchucklesaht has approximately 225 citizens; and Ucluelet has approximately 670 citizens. The traditional

territory is located on the west coast of Vancouver Island surrounding Barkley and Kyuquot Sounds. Maa-nulth First Nations have overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Hupacasath, Tla-o-qui-aht and Tseshaht.

### Huu-ay-aht First Nations

Since treaty implementation, Huu-ay-aht First Nations has enacted approximately 24 acts and 32 regulations. This year, Huu-ay-aht purchased three forestry properties and entered into an employment and training agreement to support Huu-ay-aht citizens interested in the forestry sector. Huu-ay-aht also expanded their living wage program to cover all employees working for the Huu-ay-aht Group of Businesses. The HFN Development LP pursues economic development opportunities for the First Nation, including forestry, fisheries, gravel, a campground, a restaurant, a motel, a market, and a gas station. Huu-ay-aht joined the Alberni-Clayoquot Regional District board in 2012, and this year the Huu-ay-aht representative became board chair. For more information, read the articles on pages 14 and 28.

**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](http://www.aandc-aadnc.gc.ca).

### **Ka:'yu:'k't'h'/Che:k'tles7et'h'** **First Nations**

Since treaty implementation, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations has enacted approximately 37 acts and 13 regulations. Ka:'yu:'k't'h'/Che:k'tles7et'h' joined the Strathcona Regional District board as an associate member in 2013.

### **Toquaht Nation**

Since treaty implementation, Toquaht Nation has enacted approximately 39 laws and 20 regulations. This year Toquaht completed a new waste water treatment facility, and began construction of eight social housing units, scheduled to be completed in early 2018. In 2016, Toquaht's main village of Macoah became connected to high-speed internet. Previously, the First Nation built a water treatment plant after being on boil water restrictions for 20 years, and added 68 hectares of treaty settlement lands. Toquaht joined the Alberni-Clayoquot Regional District board in 2016.

### **Uchucklesaht Tribe**

Since treaty implementation, Uchucklesaht Tribe has enacted 51 acts and 30 regulations. This year Uchucklesaht opened the Thunderbird Building in Port Alberni, a new administration and cultural building with 34 apartments and a restaurant

commercial space. The First Nation has upgraded its water system and built new roads. Uchucklesaht joined the Alberni-Clayoquot Regional District board in 2014.

### **Yuuʔuʔiʔath** **[Ucluelet] First Nation**

Since treaty implementation, Ucluelet First Nation has enacted approximately 39 laws and 33 regulations. This year Yuuʔuʔiʔath became the second First Nation in Canada to adopt a living wage for all government employees. In 2015 the First Nation opened its Government House and in 2016 it completed a water treatment pumping system. Yuuʔuʔiʔath has been engaging its community on the future of a recently purchased economic development property at the highway juncture between Ucluelet and Tofino. The First Nation currently operates Wya Point Resort, Wya Welcome Centre, and the Thornton Motel. Ucluelet joined the Alberni-Clayoquot Regional District board in 2012.

### **TLA'AMIN NATION**

The Tla'amin Final Agreement effective date was April 5, 2016. Tla'amin Nation, Canada, and British Columbia are over one year into the implementation of the new relationship. The treaty provides 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. Tla'amin Nation will also receive \$0.7 million annually in resource revenue sharing payments for 50 years. All dollar amounts are in 2012 dollars and were adjusted for inflation.

Since treaty implementation, Tla'amin Nation has enacted approximately 22 laws and 24 regulations, and opened its Government House. The Tla'amin Management Services LP oversees economic development opportunities for the First Nation. These ventures include land and residential development, forest products, and commercial fishing. In March 2016, Tla'amin purchased and began operating the historic Lund Hotel, which is situated on treaty settlement land. For more information, read the article on page 22.

There are approximately 1,085 Tla'amin citizens, with traditional territory around the Powell River area, including Lasqueti and Texada Islands, and down through Cortes Island and the Comox Valley. Tla'amin has overlapping and/or shared territory with its First Nation neighbours: Hul'qumi'num,

**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](http://www.aandc-aadnc.gc.ca).

K'ómoks, Klahoose, Kwiakah, Homalco, Sechelt, Snaw-naw-AS, We Wai Kai, Wei Wai Kum, and Qualicum.

### **TSAWWASSEN FIRST NATION**

The Tsawwassen First Nation Final Agreement effective date was April 3, 2009. Tsawwassen First Nation, Canada, and British Columbia are eight years into the implementation of the 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 start-up 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 enacted approximately 32 acts and 96 regulations. In October 2016, the Tsawwassen Mills mall opened, followed by Tsawwassen Commons mall in early 2017. Tsawwassen did not sell its treaty settlement land for these developments, instead leasing 108

acres for ninety-nine years. A sewage treatment plant was completed in March 2016, making way for more than \$1 billion in industrial, commercial, and residential development. Tsawwassen joined the Metro Vancouver Regional District board in 2009. For more information, read the article on page 8.

There are approximately 365 Tsawwassen citizens, with traditional territory 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, Katzie, Musqueam, Stó:lō, Tsleil-Waututh, and Semiahmoo.



### **Final Agreement**

**FIRST NATIONS IN FINAL AGREEMENT  
NEGOTIATIONS [8]**

### **IN-SHUCK-CH NATION**

The In-SHUCK-ch treaty table is in Stage 5 negotiations. The Parties have substantially completed negotiations. The two In-SHUCK-ch communities, Skatin and Samahquam, are currently engaging with Canada, British Columbia, and the First Nation membership on possible governance structures that will address and protect each community's identity and jurisdiction, enabling them to move forward with negotiations.

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.

**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](http://www.aandc-aadnc.gc.ca).

There are approximately 780 In-SHUCK-ch members from the two communities of Skatin and Samahquam. In-SHUCK-ch traditional territory is 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 Parties have been working on final agreement outstanding items and the land and cash package. In September 2016, K'ómoks successfully ratified its Land Code by way of a community vote. On February 23, 2017, BC and K'ómoks signed an ITA which provides the transfer of two land parcels to the First Nation in advance of treaty implementation. TRM funding is supporting fisheries, community engagement, and the creation of an Official Community Plan and shared decision-making models.

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 \$17.5 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.

There are approximately 330 K'ómoks members, with traditional territory spanning the central eastern part of Vancouver Island, extending into Johnstone Strait. K'ómoks has overlapping and/or shared territory with its First Nations neighbours: Homalco, Hul'qumi'num, Snaw-naw-AS, Nuu-chah-nulth, Sechelt, Snuneymuxw, Tla'amin, Te'mexw, Tlowitsis, We Wai Kai, Wei Wai Kum, and Kwiakah.

#### **LHEIDLI T'ENNEH FIRST NATION**

The Lheidli T'enneh treaty table is in Stage 5. The Parties have been updating and adjusting the 2007 final agreement, as Lheidli T'enneh plans for a second ratification vote. The membership voted not to accept the final agreement in 2007. The First Nation has been engaging their citizens on both the final agreement and constitution. The Parties have been doing substantial ratification

preparations. TRM funding is supporting community engagement related to the second ratification vote and constitution.

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 \$16 million over 10 years. In addition, the First Nation will receive \$493,000 annually in resource revenue sharing payments for 50 years, and a combination of \$16.4 million in one-time funding and \$2.3 million in annual funding to support programs and implementation of the treaty. All dollar amounts are in 2016 dollars.

There are approximately 420 Lheidli T'enneh members, with traditional territory 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: Canim Lake, Carrier Sekani, McLeod Lake, Lhtako Dene, Nak'azdli, Nazko, Sai-Kuz, Soda Creek, and Simpcw.



**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](http://www.aandc-aadnc.gc.ca).

## TE'MEXW TREATY ASSOCIATION

The Te'mexw treaty table is in Stage 5 negotiations.

The five Te'mexw First Nations are developing constitutions and addressing the transition of landholdings. In early 2017, a land-swap was formalized, including municipal boundary adjustments, between Beecher Bay First Nation, the District of Metchosin, and the City of Langford. This land swap, and the discussions about lands held by the Department of National Defence [DND], are important processes for this table given the scarcity of available lands in the area. ITAs with British Columbia signed in 2013 have resulted in the transfer of lands for all five communities. The Te'mexw First Nations are Douglas Treaty beneficiaries, and are negotiating an approach on fisheries that will reflect their Douglas Treaty rights. TRM funding is supporting constitution development, fisheries management planning, land and economic development planning, and an existing interests project.

The AIP was signed on April 10, 2015, and sets out the land and cash basis for final treaty negotiations. The five First Nations will receive approximately 1,565 hectares

of land, including former reserves, and a capital transfer of approximately \$142 million, including a land fund. 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 1,675 Te'mexw members from five First Nations: Scia'new [Beecher Bay], Malahat, Snaw-naw-AS [Nanoose], Songhees, and T'Sou-ke [Sooke]. Te'mexw traditional territory is located in two main areas: on southern Vancouver Island in the Greater Victoria area and on the east coast of Vancouver Island around Nanoose Bay. Te'mexw has overlapping and/or shared territory with its First Nation neighbours: Esquimalt, K'ómoks, Saanich, Sechelt, Qualicum, Snuneymuxw, Pacheedaht, We Wai Kai, Wei Wai Kum, Kwiakah, Tla'amin, 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 advanced Stage 4 negotiations [see page 49]; Gitga'at is in Stage 4 negotiations [see page 52], and Kitasoo/XaiXais remains inactive.

The Kitselas and Kitsumkalum treaty table continue to make progress in final agreement negotiations. The Parties have focused on fisheries and forestry, and have been exploring economic development components of treaties. Technical work continues for preparation of separate land and cash packages in the near future. Both Kitselas and Kitsumkalum have been engaging its respective communities on treaty and the development of the constitutions. Both First Nations have also been engaging neighbours on potential collaborative initiatives. TRM funding is supporting a fisheries study, phase three of an environmental site assessment, and community engagement.

**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](http://www.aandc-aadnc.gc.ca).

The AIPs were signed on August 4, 2015 in two separate community celebrations. Each agreement sets out 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 agreements will establish how the First Nations' 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 five Tsimshian First Nations total approximately 3,580 members. Kitselas has approximately 655 members, and Kitsumkalum has approximately 745. Its traditional territory spans the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations have overlapping and/or shared territories with its First Nation neighbours: Gitxsan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

#### **WUIKINUXV NATION**

The Wuikinuxv treaty table is in Stage 5 negotiations. The Parties have been working on several final agreement negotiation items, including fisheries, roads, and governance. TRM funding is supporting fisheries research projects and environmental site assessment.

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 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 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, We Wai Kai, and Heiltsuk.

#### **YALE FIRST NATION**

The Yale First Nation treaty table has concluded Stage 5 negotiations. On June 19, 2013 the Yale First Nation Final Agreement received Royal Assent. The effective date has been postponed by the current leadership of Yale.

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 will provide approximately \$2.2 million in economic development funding, \$0.7 million annually in program funding, and a combination of \$1.4 million in one-time funding and \$0.6 million in annual funding to support implementation.

There are approximately 170 Yale members, with traditional territory located around Yale and in the Fraser Canyon, north of Hope. Yale has overlapping and/or shared territory with its First Nation neighbours: Hul'qumi'num, Stó:lō communities from Stó:lō Xwexwilmexw [SXTA], Stó:lō Nation, and Stó:lō Tribal Council.

**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](http://www.aandc-aadnc.gc.ca).

### YEKOOCHÉ FIRST NATION

The Yekooche treaty table is in Stage 5 negotiations. The Parties have been actively negotiating fish and other final agreement items to move towards concluding the treaty. Yekooche continues to work to address overlaps with neighbouring First Nations and engage its membership as negotiations advance. The Parties are discussing a unique capacity and governance transition plan leading to the implementation of the treaty. TRM funding is supporting the continuing development of a fisheries monitoring and catch reporting program, and comprehensive community planning.

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.

There are approximately 235 Yekooche members, with traditional territory near Stuart Lake, Cunningham Lake, and Lake Babine. Yekooche has overlapping and/or shared territory with its First Nation neighbours: Lake Babine, Burns Lake, Nadleh Whut'en, Nak'azdli, Stellat'en, Takla, Tl'azt'en, and Treaty 8.

 **Advanced**  
 FIRST NATIONS IN ADVANCED  
 AGREEMENT IN PRINCIPLE  
 NEGOTIATIONS [9]

### DITIDAHT FIRST NATION

Ditidaht and Pacheedaht are separate First Nations negotiating together. The treaty table is in Stage 4 negotiations. In the spring of 2016, the Parties committed to intensified negotiations to complete the AIP, as well as completing some final agreement chapters. Substantial work has been completed on chapters and on preparations for the formal land and cash component of the treaty.

Ditidaht has focused on community engagement regarding land and future growth, which also supported the completion of a comprehensive community plan.

TRM funding is supporting an economic development strategic plan, the implementation of a communications and community engagement strategy, and governance capacity development.

There are approximately 770 Ditidaht members. Ditidaht and Pacheedaht traditional territory spans 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 Lake Cowichan.

### GWA'SALA- 'NAKWAXDA'XW NATION

The Gwa'Sala-'Nakwaxda'xw [GNN] treaty table is in Stage 4 negotiations. In May 2017, GNN signed a Cultural Revitalization and Capacity Building Agreement with British Columbia to expedite benefits and continue building toward treaty. The First Nation is conducting extensive community engagement, and the Parties are developing a land and cash package to bring to the GNN membership. TRM funding is supporting the finalization of a communications strategy to engage community members on treaty related topics.

**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](http://www.aandc-aadnc.gc.ca).

There are approximately 990 Gwa'Sala-'Nakwaxda'xw members. Many reside at the Tsulquate reserve where the community was relocated half a century ago. Gwa'Sala-'Nakwaxda'xw traditional territory is located on the BC mainland across from the 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, 'Namgis, Tlatlasikwala, Tsawataineuk, and Wuikinuxv.

#### **KATZIE FIRST NATION**

The Katzie treaty table is in Stage 4 negotiations. The Parties have re-engaged since the Katzie membership voted not to accept the AIP in 2016. Katzie has been engaging the community on its treaty and land code, and this year the Katzie Land Code passed. Katzie will have a second vote in the future.

There are approximately 575 Katzie members, with traditional territory 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, Squamish, Sto:lō, Tsawwassen, Hul'qumi'num, and Tsleil-Waututh.

#### **KTUNAXA KINBASKET TREATY COUNCIL**

The Ktunaxa Kinbasket [KKTC] treaty table is in Stage 4 negotiations. The KKTC table has been exploring how to address Ktunaxa rights in a core treaty, and intergovernmental arrangements with Canada and British Columbia.

There are approximately 1,100 KKTC members, with traditional territory including 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 ?akisq' nuk [Columbia Lake], ?aqam [St. Mary's Indian Band], ?akinkumtasnuqti?it [Tobacco Plains Band] and Yaqaan 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.

#### **'NAMGIS NATION**

The 'Namgis treaty table is in Stage 4 negotiations. This year, 'Namgis focused on governance-related community engagement efforts and next steps. Last year the Parties re-engaged after the 'Namgis membership voted not to accept the AIP in 2013. TRM funding is supporting a fisheries study.

There are approximately 1,855 'Namgis members, with traditional territory at the north end of Vancouver Island, extending from the Nimpkish watershed to the east and west. 'Namgis 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, We Wai Kai, Wei Wai Kum, Kwiakah, and Dzawada'enuxw.

#### **NORTHERN SHUSWAP TRIBAL COUNCIL**

The Northern Shuswap [NSTQ] treaty table is in Stage 4 transitioning into Stage 5 negotiations. The Parties have been focusing on technical work as the table prepares to move to Stage 5 negotiations. All four NSTQ communities

**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](http://www.aandc-aadnc.gc.ca).

ratified the AIP in early 2016, and the Chief Negotiators for the Parties initialled the AIP at the end of the year. Formal ratification by BC and Canada is still pending. BC and NStQ are implementing an ITA which provides for the transfer of up to 3,760 hectares to the four communities in advance of treaty implementation. TRM funding is supporting range and resource scoping and research, and the creation of a strategic governance plan.

The AIP was initialled on December 15, 2016, and sets out the land and cash basis for final treaty negotiations. NStQ will receive approximately 82,129 hectares of land, including former reserves, and a capital transfer of \$48.7 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.

There are approximately 2,600 NStQ members, with traditional territory 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, Esk'etemc, the Secwepemc Nations, and the Tsilhqot'in National Government.

#### **PACHEEDAHT FIRST NATION**

Ditidaht and Pacheedaht are separate First Nations negotiating together. The treaty table is in Stage 4 negotiations. In the spring of 2016, the Parties committed to intensified negotiations to complete the AIP, as well as completing some final agreement chapters. Substantial work has been completed on chapters and on preparations for the formal land and cash component of the treaty.

Pacheedaht undertook extensive community engagement regarding land and future growth, which also supported a comprehensive community plan. TRM funding is supporting an economic development strategic plan, the implementation of a communications and community engagement strategy, and governance capacity development.

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

#### **STÓ:LŌ XWEXWILMEXW TREATY ASSOCIATION**

The Stó:lō [SXTA] treaty table is in Stage 4 negotiations. SXTA continues to focus on strengthening relationships with local governments and community engagement. The Parties continue to progress towards the completion of a land and cash package and expect to finalize it by year end. In January 2017 the Popkum Nation decided not to continue in treaty negotiations under SXTA. TRM funding is supporting a capital infrastructure study, administrative organization research, and human resource planning.

There are approximately 1,410 Stó:lō members, with traditional territory in the Lower Mainland of southwestern BC, centralized around the upper Fraser and Chilliwack River Valleys, lower Harrison Lake and the



**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](http://www.aandc-aadnc.gc.ca).

lower Fraser Canyon. SXTA represents six communities: Aitchelitz, Leq'á:mel, Skowkale, Skawahlook, Tzeachten and Yakweakwoose. 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.

#### **Tla-o-qui-aht First Nations**

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

There are approximately 1,120 Tla-o-qui-aht members, with traditional territory 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.

#### **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 44]; Metlakatla is in advanced Stage 4 negotiations; Gitga'at is in Stage 4 negotiations [see page 52], and Kitasoo/XaiXais remains inactive.

The Metlakatla treaty table has been working to complete AIP chapters, and continues to focus efforts on reaching a formal land and cash package by year end. Metlakatla is approaching treaty negotiations in conjunction with key resource and economic developments in its territory. The First Nation continues to engage its neighbours on potential collaborative initiatives. TRM funding is supporting land use and resource harvest planning, fish research, and a shared Indian reserve study.

The five Tsimshian First Nations total approximately 3,580 members. Metlakatla has approximately 905 members. Its traditional

territory spans the northwest coast, including Prince Rupert and Terrace areas. The Tsimshian First Nations have overlapping and/or shared territories with their First Nation neighbours: Gitxsan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.



**FIRST NATIONS IN ACTIVE  
NEGOTIATIONS [14]**

#### **Da'naxda'xw/ Awaetlala Nation**

The Da'naxda'xw/Awaetlala treaty table is in Stage 4 negotiations. This year the Parties reengaged in substantive negotiations after a brief hiatus. The table is moving to complete the AIP and working towards concluding a land and cash package.

There are approximately 225 Da'naxda'xw/Awaetlala members, with traditional territory on the BC mainland across from northern Vancouver Island. Da'naxda'xw/Awaetlala has overlapping and/or shared territory with its First Nation neighbours: Kwakiutl, 'Namgis, Mamalilikulla-Qwe'Qwa'Sot'Em, Tlowitsis, We Wai Kai, Wei Wai Kum, Kwiakah, and Mumtagila.

**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](http://www.aandc-aadnc.gc.ca).

## **GITANYOW**

### **HEREDITARY CHIEFS**

The Gitanyow treaty table is in Stage 4 negotiations. The Parties have met and engaged in treaty negotiations. Gitanyow's focus remains on its hereditary governance and how to move forward in reconciliation. Gitanyow and British Columbia are implementing a reconciliation agreement.

There are approximately 855 Gitanyow members, with traditional territory in areas of the Kitwanga and Nass watersheds, and the upper Kispiox River in the Swan Lakes area. Gitanyow has overlapping and/or shared territory with its First Nation neighbours: Gitksan and Nisga'a.

## **GITKSAN**

### **HEREDITARY CHIEFS**

The Gitksan treaty table is in Stage 4 negotiations. The tripartite table has been focusing on how treaty might protect the hereditary governance and fisheries interests. Gitksan has also been working with neighbouring First Nations to explore possible collaborative initiatives in the area.

There are approximately 6,805 Gitksan members. In treaty negotiations, the Gitksan

Hereditary Chiefs represent the majority of the house groups and membership. Gitksan traditional territory is located in the Hazelton area and watersheds of the upper Skeena and Nass rivers. Gitksan has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani, Gitanyow, Nisga'a, Tahltan, Tsay Keh Dene, Tsimshian, and Wet'suwet'en.

## **HOMALCO INDIAN BAND**

The Homalco treaty table is in Stage 4 negotiations. In April 2017, Homalco, Wei Wai Kum, Kwiakah, and We Wai Kai signed a Letter of Understanding addressing overlap issues. The agreement enables the four First Nations to negotiate and conclude ITAs and AIPs. Homalco has implemented a community engagement plan and a reconciliation agreement with British Columbia. The Parties continue to negotiate a range of issues. TRM funding is supporting treaty settlement land selection.

There are approximately 475 Homalco members, with traditional territory 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, Tlowitsis, and We Wai Kai.

## **HUL'QUMI'NUM TREATY GROUP**

The Hul'qumi'num [HTG] treaty table is in Stage 4 negotiations. The Parties continue to address the availability of private lands for treaty settlement, a critical issue at this table. The tripartite table is on schedule to complete AIP chapter work by the end of 2017.

There are approximately 7,570 HTG members, with traditional territory encompassing part of southern Vancouver Island, a narrow corridor on the mainland to Yale in the east, and sections of the Salish Sea. HTG represents six communities: Cowichan Tribes, Halalt, Lake Cowichan, Lyackson, and Penelakut. HTG has overlapping and/or shared territory with its First Nation neighbours: Chehalis, Ditidaht, Hwlitsum, Katzie, K'ómoks, Kwikwetlem, Musqueam, Qualicum, Sechelt, Semiahmoo, Sts'ailes, Snuneymuxw, Te'mexw, Tla'amin, Ts'elxweyeqw, Tsawwassen, Tsleil-Waututh, and Yale.

**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](http://www.aandc-aadnc.gc.ca).

### **KASKA DENA COUNCIL**

The Kaska Dena [KDC] treaty table is in Stage 4 negotiations. The Parties are nearing completion on outstanding chapters and are working towards a land and cash package. KDC has been focused on community engagement, particularly on the Kaska Land Model. In December 2016, the KDC/BC 2013 land transfer ITA was amended, and the Parties continue to work on ITA implementation. TRM funding is supporting an economic development strategy and aerodrome runway design research.

There are approximately 740 Kaska Dena members, with traditional territory stretching from north-central BC into Yukon and Northwest Territories. The Kaska Dena Council represents three communities: Kwadacha, Daylu Dena Council, and Dease River First Nations. Kaska Dena Council has overlapping and/or shared territory with its First Nation neighbours: Acho Dene Koe, Carrier Sekani, Liard, Ross River Dena, and Tahltan.

### **LAICH-KWIL-TACH COUNCIL OF CHIEFS**

The Laich-Kwil-Tach [LCC] treaty table is in Stage 4 negotiations. The Parties are nearing completion of the AIP and working towards a land and cash package. In April 2017, We Wai Kai, Wei Wai Kum, Kwiakah, and Homalco signed a Letter of Understanding addressing overlap issues. The agreement enables the four First Nations to negotiate and conclude ITAs and AIPs. TRM funding is supporting comprehensive land use planning and phase one of a fisheries needs assessment.

There are approximately 1,130 LCC members. LCC is comprised of We Wai Kai, with traditional territory around Campbell River, Quadra Island, and surrounding inlets. LCC has overlapping and/or shared territory with its First Nation neighbours: Da'naxda'xw Awaetlala, Homalco, Klahoose, K'ómoks, Kwiakah, Mamalilikulla-Qwe'Qwa'Sot'Em, N̓amgis, Snaw-naw-AS, Qualicum, Tla'amin, Tlowitsis, Snuneymuxw, and Wei Wai Kum.

### **LAKE BABINE NATION**

The Lake Babine [LBN] treaty table is in Stage 4 negotiations. The Parties continue to work to address outstanding issues in the AIP, and have begun the process of building a land and cash package. LBN has focused on community engagement efforts to increase members' input in treaty issues. In March 2017, British Columbia and LBN signed a Foundation Pathway Agreement, setting out their roadmap to reconciliation. British Columbia and LBN continue to implement an ITA, which transfers four land parcels for economic opportunities and provide funding to support capacity development.

There are approximately 2,490 LBN members representing the communities of Woyenne, Old Fort, Tache, Donald's Landing, and Fort Babine. LBN traditional territory 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, Wet'suwet'en, and Yekooche.

**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](http://www.aandc-aadnc.gc.ca).

### **NAZKO FIRST NATION**

The Nazko treaty table is in Stage 4 negotiations. The tripartite table has met to discuss lands, forestry, governance, and economic development. British Columbia and Nazko have had discussions on the implementation of the ITA, and Canada and Nazko are engaging on core governance matters.

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: Lheidli T'enneh, Lhtako Dene, Lhoozk'us Dene, and Alexandria.

### **TAKU RIVER TLINGIT FIRST NATION**

The Taku River Tlingit treaty table is in Stage 4 negotiations. This year, the Parties engaged on Taku River Tlingit's lands interests, completed some AIP chapters, and addressed outstanding issues. Taku River Tlingit are also focusing on community engagement.

There are approximately 410 Taku River members, with traditional territory in northwest BC and southwest Yukon. Taku has overlapping and/or shared

territory with its First Nation neighbours: Carcross/Tagish and Teslin Tlingit.

### **TLOWITSIS FIRST NATION**

The Tlowitsis treaty table is in Stage 4 negotiations. The Parties are nearing completion of the AIP chapters and are collaboratively working towards a land and cash package. Tlowitsis continues to host numerous community engagement sessions to update the community as treaty negotiations advance. TRM funding is supporting treaty settlement land selection.

There are approximately 420 Tlowitsis members, with traditional territory spanning part of northeastern 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, 'Namgis, Homalco, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, Wei Wai Kum, We Wai Kai, and Kwiakah.

### **TSAY KEH DENE BAND**

The Tsay Keh Dene [TKD] treaty table is in Stage 4 negotiations. The Parties continue to negotiate outstanding AIP issues, lands, shared decision-making, and resource revenue sharing. TKD continues to regularly engage its members through

small group meetings, community meetings, and open houses. TRM funding is supporting the development of a co-management framework and fish guardian program.

There are approximately 485 TKD members, with traditional territory 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, Gitxsan, McLeod Lake, Tahltan, and Treaty 8.

### **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 44]; Metlakatla is in advanced Stage 4 negotiations [see page 49]; Gitga'at is in Stage 4 negotiations, and Kitasoo/XaiXais remains inactive.

The Gitga'at treaty table continues to make progress on the AIP. Gitga'at has completed significant community engagement on the areas of interest for lands and marine harvesting. TRM funding is supporting a land and marine resources strategic planning project.

**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](http://www.aandc-aadnc.gc.ca).

The five Tsimshian First Nations total approximately 3,580 members. Gitga'at has approximately 755 members. Its traditional territory spans the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations territories have overlapping and/or shared territories with its First Nation neighbours: Gitksan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

#### **WEI WAI KUM/KWIAKAH FIRST NATIONS**

Wei Wai Kum/Kwiahkah [WKTS] treaty table is in Stage 4 negotiations. In 2014, WKTS formed its own treaty negotiations table when it separated from Laich-Kwil-Tach Council of Chiefs. The Parties have been focusing on a land and cash package and are working towards concluding an AIP. In April 2017, Wei Wai Kum, Kwiahkah, We Wai Kai, and Homalco signed a Letter of Understanding addressing overlap issues. The agreement enables the four First Nations to negotiate and conclude ITAs and AIPs. TRM funding is supporting a development opportunities study, development planning, and GIS research.

There are approximately 835 Wei Wai Kum/Kwiahkah members. WKTS traditional territory is 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, 'Nāmgis, Snaw-naw-AS, Qualicum, Snuneymuxw, Da'naxda'xw Awaetlala, Tlowitsis, Tla'amin, and We Wai Kai.

#### **WET'SUWET'EN HEREDITARY CHIEFS**

The Wet'suwet'en treaty table is in Stage 4 negotiations. The First Nation is extensively engaging its community on governance while working to finalize its constitution, including discussions for integrating the Wet'suwet'en hereditary system. This year, Wet'suwet'en Hereditary Chiefs, elected Chiefs of the Moricetown Band Administration, Hagwilget Village Council, and British Columbia signed the Wet'suwet'en Service & Jurisdiction Planning Agreement. This agreement enables the parties to work together to create a distinctly Wet'suwet'en set of child welfare programs and services that will be exercised in accordance with Wet'suwet'en jurisdiction.

There are approximately 3,160 Wet'suwet'en members, with traditional territory in the Bulkley River drainage area in northwest BC. Wet'suwet'en represents four communities: Hagwilget, Moricetown, Skin Tyee, and Nee Tahi Buhn. Wet'suwet'en Hereditary Chiefs have overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani, Gitksan, Tsimshian, and Lake Babine.





# BC TREATY COMMISSION

*Facilitating reconciliation*

Independence is central to the mandate of the Treaty Commission, and is essential to the BC treaty negotiations process. The right to fair, independent, impartial, and transparent mechanisms to assist with the recognition of Indigenous rights is also expressed in the *UN Declaration* [Article 27].

---

The Treaty Commission's work covers three main roles across a range of activities:

- + facilitating treaty negotiations, including assisting the Parties in finding solutions and resolving disputes
- + allocating negotiation support funding to enable First Nation participation in the negotiations
- + educating the public about treaty negotiations by communicating the constitutional imperative of treaty-making

The Principals to the BC treaty negotiations process are the Government of Canada, represented by the Minister of Crown-Indigenous Relations and Northern Affairs, the Government of British Columbia, represented by the Minister of Indigenous Relations and Reconciliation, and the First Nations Summit, represented by the three-member Task Group.

In 1991, the three Principals accepted the 19 recommendations of the *BC Claims Task Force Report*. The recommendations called for the creation of the Treaty Commission

and the six-stage made-in-BC treaty negotiations process. Both were officially established in 1992 when the Principals signed the *BC Treaty Commission Agreement*.

The Treaty Commission is not a party to the negotiations and does not negotiate treaties. The Parties to negotiations are the Government of Canada, the Government of British Columbia, and individual or collective First Nations. The First Nations Summit is also not a Party to treaty negotiations; it is a forum for First Nations in the BC treaty negotiations process.

Operating costs of the Treaty Commission are funded by the federal and provincial governments. The Government of Canada contributes 60% and the Government of British Columbia contributes 40%. In the 2016–17 fiscal year, operating funding was \$2.55 million.

The Treaty Commission is comprised of a Chief Commissioner, four Commissioners, and ten staff members.

## INDEPENDENT FACILITATOR

BCTC assists in advancing reconciliation through the made-in-BC treaty negotiations process by ensuring the work of the Parties is effective and is making progress.

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

The *BCTC Agreement* and associated legislation states that the primary role of the Treaty Commission is to assist the Parties and the Principals as an independent facilitator of the negotiations.

To do this, the Treaty Commission:

- + assists the Parties in developing solutions and in resolving disputes
- + observes and reports on negotiations progress and encourages timely negotiations
- + chairs meetings at negotiating tables
- + reports publicly on opportunities and obstacles
- + works with the Principals on improving the treaty negotiations process

Commissioners and staff are involved in an increasing number of facilitation initiatives. This is a result of several 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

- + expanded inter-First Nation dialogue on overlapping and shared territories, and complex consultations between the Crown and First Nations affected by overlaps
- + increased internal First Nations dialogue, especially in multi-community First Nations, with respect to issues of shared territory, governance, and capacity

In recent years, the Treaty Commission has begun to take on special initiatives to support treaty negotiations and provide First Nations with more tools. These have included:

- + hosting forums that create a venue for sharing knowledge, experiences, and best practices, especially between First Nations currently negotiating and First Nations that are implementing modern treaties
- + publishing resources, such as the Ratification Guide, created to assist First Nations with community approval and ratification votes, and the Human Resource Capacity Tool Kit, created to support First Nations in preparing for self-government
- + providing assistance to address overlaps and shared territory disputes so First Nations can resolve these issues earlier in negotiations

## FUNDING

The Treaty Commission is the independent funding authority for treaty negotiations in BC, as recommended in the *BC Claims Task Force Report* and set out in the *BCTC Agreement* and associated legislation. BCTC allocates negotiation support funding to ensure First Nations have sufficient resources to negotiate.

Allocations are made up of a maximum of 80% loans and a minimum of 20% non-repayable contribution funding. First Nations have the choice of accepting contribution funding or taking any portion of the loans allocated.

Typically for every \$100 of negotiation support funding allocated, \$80 is a loan from Canada, \$12 is a contribution from Canada, and \$8 is a contribution from BC.

Loan advances to a First Nation must end at least 30 days prior to the three Parties signing the final agreement. Contribution funding is available until the effective date of the treaty.

Since negotiations began in May 1993, the Treaty Commission has allocated approximately \$707 million in negotiation support funding to 60 First Nations. Approximately \$551 million of that funding is loans and \$156 million is contributions.

At March 31, 2017, outstanding negotiation loans totalled approximately \$537 million [excluding accrued interest]. Huu-ay-aht

First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Tla'amin Nation, Toquaht Nation, Tsawwassen First Nation, Uchucklesaht Tribe, and Yuułuꞵiꞵaꞵ First Nation have begun to repay their negotiation loans under the terms of the final agreements.

## PUBLIC EDUCATION AND INFORMATION

The Treaty Commission provides public information on treaty negotiations in BC, and educates the public on its role in supporting and understanding treaty-making. The governments of Canada and BC also share the responsibility of providing public information on negotiations, and the three Parties to each set of negotiations are required to provide specific information on the progress of the treaty table.

To fulfill the public education mandate, the Treaty Commission:

- + reports on the status of treaty negotiations throughout the year on its website and in its newsletter, and consolidates this information in the annual report
- + engages the public on treaty negotiations at conferences, tradeshow, special events, community forums, meetings, and schools
- + meets with federal and provincial departments to advocate for the importance of treaty negotiations in fulfilling Canada and BC's constitutional obligations
- + writes publications to share best practices with First Nations and the public, such as the Ratification Guide and the HR Capacity Tool Kit
- + organizes forums bringing First Nations together to learn from each other
- + maintains a website with current and historical information on treaty negotiations and all publications, including annual reports, news releases, newsletters, forum materials, videos, and teaching materials
- + engages with the public using social media channels such as Facebook, Instagram, YouTube, and Twitter

## **BCTC COMMISSIONERS**



**Celeste Haldane**  
**CHIEF COMMISSIONER**

Celeste Haldane was appointed Chief Commissioner in April 2017. Prior to this, she served as an elected Commissioner for three two-year terms commencing in 2011.

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 from the University of British Columbia. In 2015, she began her Doctorate at UBC in Anthropology & Law.

The Government of British Columbia appointed her to serve on the UBC Board of Governors and the Legal Services Society. Celeste is the first Indigenous chair of the Legal Services Society. She is a director of Brain Canada and the

Hamber Foundation. 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 previously served as the chair of the Musqueam Land Code Committee, a member of the Intergovernmental Affairs Committee, the Housing & Capital Committee, and the Matrimonial Real Property Committee. Celeste is the proud mother of three and grandmother of two.



**Jerry Lampert**  
**COMMISSIONER**

Jerry Lampert was first appointed Commissioner in December 2007 by the Government of Canada. His current term runs until 2018, marking more than ten years as a Commissioner.

Jerry 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, Jerry 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 has held many key political organization and advisory positions, including serving as Chief of Staff to two Premiers of British Columbia and managing two successful provincial election campaigns in British Columbia.





**Tom Happynook**  
**COMMISSIONER**

Tom Happynook was appointed Commissioner in February 2015 by the Government of British Columbia, and is currently serving a second two-year term. He is from Huu-ay-aht First Nations and is the Head Hereditary Whaling Chief.

Huu-ay-aht is one of five communities included within Maa-nulth First Nations, which has been implementing its modern-day comprehensive treaty since April 1, 2011. Tom played a large role in the negotiation and implementation of the treaty.

He was elevated to Chief Treaty Negotiator with the mandate to bring the final agreement to conclusion in 2007. He then took on the role of Treaty Implementation Team Leader from 2009 to 2011 to ensure the First 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 Commissioner by the First Nations Summit for a second two-year term beginning in March 2017. He is from Tla-o-qui-aht First Nations on the west coast of Vancouver Island, and is a trained social worker with a BSW from the University of Victoria.

Prior to joining the Treaty Commission, Francis served his First 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 the negotiation of the first interim measures agreement, as well as the first incremental treaty agreement in British Columbia, successfully securing land and finances for his First Nation.

**Darren Patrick**  
**COMMISSIONER**

Darren Patrick was elected Commissioner by the First Nations Summit for a two-year term beginning in March 2017. He is a member of Lake Babine Nation, and has served as Woyenne Councillor since 2015, where he oversees the governance and education portfolios and negotiates with government and industry on behalf of his First Nation.

Darren has a BA in First Nation Studies from the University of British Columbia. Prior to joining the Treaty Commission he was the general manager at Wet'suwet'en First Nation and worked with the United Steelworkers.



### NEW BCTC INTERACTIVE MAP

Learn more about First Nations negotiating modern treaties in your area on BCTC's new interactive map.

[bctreaty.ca/map](http://bctreaty.ca/map)

---

### ABOUT OUR WEBSITE

On BCTC's website you'll find annual reports dating back to 1994, current and historical information on treaty negotiations in BC, and other resources, including publications, news releases, newsletters, forum materials, videos, and teaching materials.

### ABOUT THE COVER PHOTOGRAPH

Taken in the heart of constitutionally protected Tsawwassen First Nation [TFN] territory, the photo conveys the reconciliation that comes from modern treaties. In the foreground TFN constructed wetlands [marsh and pond] are irrigated with high grade sterilized water from the state-of-the-art, environmentally sustainable sewage treatment plant. This \$27 million plant, funded entirely by TFN, services all current commercial, residential, and industrial developments. These developments include new industrial land and roads to support the expanding Roberts Bank Superport, seen in the distance beyond the wetlands. The benefits of the Tsawwassen treaty are not only local and regional, but national.

### REPORT PHOTOGRAPHY

Joshua Dool / Front cover, pages 8, 13

Gary Fiegehen / Inside front cover, pages 1, 14, 21, 22, 25, 32, 35

Courtesy of Huu-ay-aht First Nations / Pages 28, 31



BC TREATY  
COMMISSION  
INDEPENDENT  
FACILITATOR FOR  
TREATY NEGOTIATIONS



BCTREATY.CA  
700-1111 MELVILLE ST  
VANCOUVER BC V6E 3V6

T 604 482 9200  
F 604 482 9222  
TF 1 855 482 9200