

Elders, Hereditary Chiefs, honoured guests, delegation from the province of British Columbia, delegation from Canada. Prime Minister Brian Mulroney. Premier Michael Harcourt. Welcome to my village. Welcome to my house. Welcome to the traditional territory of the Squamish people. All of humanity is a great ocean. All that lives flows into the great sea like so many rivers that flow from the mountains. Our magnificent mountains that stand like great silent persons, sometimes shrouded in clouds of mystery and myth. The source of our beginnings is there in the mountains. The place of our future is there in the great ocean. That is our philosophy. That is our cosmic view of the universe. That is how we relate to our Creator. Our young, our old, our past, our present. All have the same journey to tomorrow. We know this to be the truth for all humanity. And so we find that our destination is the same as your destination. And that our future is the same as your future. And today we gather in this house to embark on a profound journey. We sit in this house with different cultures, with different histories. We sit here holding very different views on two very large questions. Aboriginal title: Our collective right to our traditional territories. Aboriginal self-government: Our collective right to be a self-determining people. And we know that there exists a great gap between our understandings on these two big, great questions. But that is the challenge. That is the task. Today we have made but one small, but very important step towards meeting that

“Negotiations in our view will not be based on that tired old notion of extinguishment. We will not tolerate the extinguishment of our collective Aboriginal rights. Let us set that clear today.”
— Joe Mathias, BC Treaty Commission Agreement signing speech, September 21, 1992

challenge. With the signing of the Treaty Commission Agreement, the road ahead of us is set. There is no turning back. The treaty making process is a negotiation process. It is a process that our past leaders and elders fought for for so long in this country. With such great dignity and heart and spirit based on their traditions and their cultures, they fought for it and fought for it for so long. Despite the pain and the hurt, their heads were full of dignity. They have not buried our past because our culture is still alive in this room today. The treaty making process is a process that is demanded by our present-day leaders and elders. We know that the negotiations will not be easy. We know that agreement on our land, our resources and seas, will be difficult to achieve. But we are committed and determined to make treaties with Canada and British Columbia. Not only for our own sakes here in this room, but for the sakes of our children and their children and their great-great-grandchildren. We as Aboriginal people have faced the long,

bitter winter, and it is now time for us to walk in the warmth of the summer light. We offer Canada co-existence, not confrontation. We offer British Columbia prosperity, not destruction. We view the treaty making process as the most civilized way to establish new relations between our people and non-Indian society, to address the truth of our histories, our cultures, our institutions, our lands, our seas and our resources. Negotiations in our view will not be based on that tired old notion of extinguishment. We will not tolerate the extinguishment of our collective Aboriginal rights. Let us set that clear today. Rather, we approach the negotiations with the view of sharing and co-existence. Those two notions are tied deep in our history, in our people's history. That is why when that man got lost at sea and bumped himself into this country so long ago, it was such a great, wealthy, beautiful land because we as human beings shared this earth with all God's creatures. We did not exploit, nor did we destroy. That's why it was surviving so well in those days. Today there is wealth enough for all people in this great land. Our aim is to share and to co-exist in the bounty that this earth offers all people. It has been said that one learns nothing from success. That one only learns from failure. That experience is a cruel teacher. With the signing of the Treaty Commission Agreement today, we now have the opportunity to turn that saying around. Indeed, we have the opportunity to turn history around. The process we have put into motion today affords us the chance to learn all about success for all peoples. Not only for the First Nations peoples, but for the people of British Columbia and Canada. If you think of this, hold up the mirror and look into that mirror today. And look closely. And beyond your own face on that mirror, look beyond your own face. You will see the faces of all those people that have gone before you looking back at you today. All you leaders and elders, young people, helpers. Today they would be proud and full of joy in their heart for what you have witnessed here today. And we remind you, that when you got paid, you must witness what took place here. You carried in your mind and in your heart on into the future. That is our record; that is our document. Continue being a good witness today. There is wisdom in the eyes of our old people. Let us learn from that wisdom and let us do what is right. The challenge is now before us. We must now reach new levels of understandings. We must now educate each other, Aboriginal and non-Aboriginal, as to our cultural, social and political beliefs. We must become the true educator and light up the dark corners and lead that path for coming generations. And together we must achieve a free, open, enlightened relationship based on treaty agreement so that we will not ever, ever again live in fear of each other as human beings on this earth. I thank you. — Joe Mathias,

NEGOTIATIONS > TREATIES > RECONCILIATION > NOI
> UN DECLARATION >

BC TREATY
COMMISSION



ON THE COVER:
JOE MATHIAS,
SEPTEMBER 21, 1992





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naw'si:yém məsteyəx^w Hello respected people

ʔəy k^wə nə sɬ^wq^weləwən k^wəns ʔi k^wəcnalə

I have a good feeling in my heart at seeing you

2019 YEAR IN REVIEW

Celeste Haldane

CHIEF COMMISSIONER

We are in an era of Indigenous rights recognition. The burdens of extinguishment and treaty loan debt are gone, and negotiations are entering a period of renewed government-to-government-to-government relationships and recognition of Indigenous titles and rights. As Chief Commissioner, I am proud to present our annual report which celebrates a number of significant accomplishments in treaty negotiations and rights recognition in BC.

BUILDING ON SUCCESS

This year continued to build on important changes and commitments initiated last year. At the beginning of 2018, the Principals to the BC treaty negotiations process enhanced the Treaty Commission's mandate by expanding its role in facilitating treaty negotiations to "support the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), the TRC's 94 Calls to Action, the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*

(Federal Principles), and the recognition of First Nations rights and title."

This was followed by the federal government announcing negotiations support funding will be 100 per cent non-repayable contribution funding and committing to eliminating outstanding treaty negotiation loan debts. Rights recognition negotiations never should have been funded by loans, and the Treaty Commission has long advocated for the elimination of loans in treaty negotiations. This was a concrete achievement that eliminated further accumulation of debt



JOSH BERSON PHOTO

and when the loans are eliminated, will enable First Nations to move forward with self-government, and other priorities without these financial burdens. It is a real reinvestment back into First Nations communities.

First Nations collaborated with the provincial and federal governments and their respective teams to advance policy initiatives that were announced throughout the year. Several negotiating tables (listed on page 6) engaged in creative and collaborative discussions to move policy initiatives and commitments forward. As a result, several agreements based on rights recognition and core treaty approaches were completed, advancing these negotiating tables into Stage 5 with assurances to complete treaties that will reflect the recognition and protection of First Nations title and rights.

2018 concluded with a significant commitment by the Principals: Canada, British Columbia, and the First Nations Summit signed the *Principals' Accord on Transforming Treaty Negotiations in British Columbia* (Principals' Accord). The Accord unequivocally states that extinguishment and surrender of Indigenous

The federal government announced negotiations support funding will be 100 per cent non-repayable contribution funding and committed to eliminating outstanding treaty negotiation loan debt.

rights have no place in modern-day Crown-Indigenous relations or agreements. Instead, the Principals have agreed that Aboriginal titles and rights must be continued through treaties, agreements and other constructive arrangements. Further, they affirmed that treaty negotiations and implementation must reflect the UN Declaration and the Truth and Reconciliation Commission's 94 Calls to Action.

The Principals' Accord sets a strong foundation for strengthening rights recognition and treaty negotiations.

2019 ACHIEVEMENTS AND MILESTONES

Longstanding issues that have burdened rights recognition are now being addressed through new policy initiatives and by all three parties engaging in collaborative processes, including co-developing key mandates at treaty negotiations tables. Putting policy in practice will determine the success of these initiatives and the Treaty Commission welcomes the opportunity to assist the Principals in achieving success.

Progressively through the year, seven negotiating tables advanced to Stage 5 after all three parties completed agreements based on explicit principles of recognizing and implementing Indigenous titles and rights, and the UN Declaration. In total, since the release of our last annual report, seven negotiating tables, representing 21 *Indian Act* bands, have advanced: Stó:lō Xwexwilmexw Treaty Association, Ktunaxa Nation, Metlakatla First Nation, Laich-Kwil-Tach Council of Chiefs (We Wai Kai), Ditidaht and Pacheedaht First Nations, Wei Wai Kum/Kwiah Treaty Society and Hul'qumi'num Treaty Group. In addition, K'ómoks First Nation signed an agreement with Canada and BC, committing to revitalizing negotiations and concluding a core treaty that encapsulates all the significant changes in treaty negotiations and the recognition of rights.

Welcomed news came in March when the federal government announced its *Budget 2019: Investing in the Middle Class to Grow Canada's Economy*. Canada committed to eliminating the outstanding comprehensive claim negotiation loan debts for all First Nations in Canada, totaling \$1.4 billion, and to repay Indigenous governments that have already repaid these loans. Treaty Nations can now reinvest in their priorities like governance, infrastructure and economic development that will improve the overall well-being of their citizens.

In August, a new fiscal policy was developed in partnership with First Nations to better support Indigenous self-government: *Canada's Collaborative Self-Government Fiscal Policy*. This fiscal policy provides self-governing Indigenous governments with sufficient, predictable and sustained funding required to fulfill responsibilities and govern effectively. It strengthens government-to-government partnerships and supports achieving equity in socio-economic outcomes and closing gaps in infrastructure, housing and overall well-being of Indigenous people. The goal of this new arrangement is to support land-based stewardship, community health initiatives, social programs, and build governance capacity to effectively serve communities. The increased fiscal resources that will come with self-government are significant, and in some cases First Nations in treaty negotiations could see a three to four fold increase in fiscal financing.

At the beginning of September of this year the Principals endorsed a new *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia* (Rights Recognition Policy). This came after the Principals undertook a comprehensive and collaborative review of the gaps in existing policies. This new treaty negotiations policy explicitly details how negotiations will be grounded in the recognition of Indigenous rights and ownership of their lands and resources. This new policy is ground-breaking: it is the first tripartite public policy for the recognition and protections of Indigenous rights in British Columbia. This policy is historic because it was co-developed by First Nations, Canada and British Columbia.

Prominent commitments in all of these agreements and new policies include rights recognition, non-extinguishment, implementing the UN Declaration, support for Indigenous self-determination, and ensuring treaties are flexible, living agreements. A timeline of all these milestones can be found at pages 22 and 23. These commitments are extensive and explicit, and the Treaty Commission



JOSH BERSON PHOTO

congratulates all the Principals and parties for these achievements. We have highlighted a few in the next section of this annual report.

MOMENTOUS LEGISLATION

British Columbia became the first province in Canada to introduce legislation that will create a pathway forward to uphold the rights of Indigenous people to a global standard, while creating transparency and certainty. On October 24, British Columbia introduced the *Declaration on the Rights of Indigenous Peoples Act* (Bill 41), which will establish a process to ensure BC laws are consistent with the rights encapsulated in the UN Declaration. This will include monitoring, reporting, and an action plan to achieve the objectives of the UN Declaration. Bill 41 includes provisions for the provincial government to enter into agreements with Indigenous governments for joint decision-making and consent. Negotiations for treaties, agreements, and other constructive arrangements will be an important part of this provincial action plan.

Modern treaties and the treaty negotiations process provide a robust framework to achieve reconciliation, and operationalizing the minimum standards for the survival, dignity and well-being of Indigenous peoples as set out in the UN Declaration. This is especially the case with the right to free, prior and informed consent set out at Article 32(2) of the UN Declaration; the potential for the treaty negotiations process to provide a mechanism for joint decision-making as envisioned in Bill 41 is significant. The final report this year from the United Nations Expert Mechanism on the Rights of Indigenous Peoples recognized that the BC treaty negotiations process is an important mechanism for “the recognition and protection of Indigenous titles and rights and the implementation of the Declaration.”¹ The Treaty Commission looks forward to supporting the provincial government in achieving the objectives of the UN Declaration, as well continuing to support national efforts with Canada.

¹ *Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: recognition, reparation and reconciliation*, Report of the Expert Mechanism on the Rights of Indigenous Peoples, May 2, 2019.

CRITICAL WORK FORWARD

This year there was a federal election, and we anticipate continued progress on the recognition of Indigenous rights in Canada and advancing self-determination and self-government through concluding treaty negotiations. This critical work requires the participation of all political parties working together to advance the recognition of Indigenous lands and rights. Continuing to put these commitments into action is critical work for all the negotiating parties, and the Treaty Commission has a crucial role in supporting the implementation.

Treaty tables are already integrating the UN Declaration into negotiations through innovative agreements that are accelerating negotiations through a rights recognition approach, and the Treaty Commission will continue to support this ground-breaking work.

The treaty negotiations process was not meant to be built on antiquated policies and notions of extinguishment or contingent rights. Rather the negotiations process was meant to be a new way to build meaningful relationships between all parties. Similarly, the same sentiment applies to First Nations in the negotiations process who were burdened by treaty loans. Those days are gone—moving forward, no First Nation community or treaty nation will begin self-governance with a treaty negotiations debt. First Nations will have jurisdiction, fiscal capacity, land and resources to determine their own path forward as self-governing Indigenous Nations.

Treaty loan elimination, contribution-only funding, Indigenous rights recognition, and commitments to implement the UN Declaration make for an entirely new treaty negotiations process and strong path forward.

In our facilitation role at tables—and more broadly with the Principals—the Treaty Commission will ensure rights recognition is a reality. The Treaty Commission will put the old notion of extinguishment—in all its forms—to rest once and for all.

It is important to acknowledge where we have come from and recognize those who got us to where we are today—and to keep this with us as this important work moves forward.

It is for this reason that this year's annual report cover illuminates the sage words of the late Chief Joe Mathias at the signing of the BC Treaty Commission Agreement and the launch of the BC treaty negotiations process in 1992. Chief Mathias and many leaders, both Indigenous and non-Indigenous, have contributed to the advancement of recognition of Indigenous titles and rights, and reconciliation. We hold our hands up with great respect and recognition of these fundamental contributions.

We are entering an era of greater Indigenous rights recognition and this recognition will take many forms. It encompasses support for self-determination, nationhood, implementation and protection of Indigenous titles and rights, including upholding and implementing the UN Declaration.

This era represents an opportunity for true reconciliation, the recognition of rights, sharing of sovereignty, and sharing prosperity. Moving forward, the negotiations process is set for meaningful Indigenous rights recognition and government-to-government-to-government negotiations.

Hay čx^w qə

Celeste Haldane

CHIEF COMMISSIONER

HIGHLIGHTING CHANGE



MELODY CHARLIE PHOTO

NEGOTIATION
CONCILIATION
DECLARATION



HIGHLIGHTING CHANGE

Signing of the Rights Recognition Policy, September 4, 2019, in Victoria, BC. PROVINCE OF BC PHOTO

First Nations Summit Executive **ROBERT PHILLIPS**, with the Honourable **CAROLYN BENNETT**, Canada's Minister of Crown-Indigenous Relations, and the Honourable **SCOTT FRASER**, BC's Minister for Indigenous Relations and Reconciliation

Several initiatives, agreements, and policies completed over the past year have transformed the treaty negotiations process in British Columbia. This section features highlights and excerpts from:

- The *Principals' Accord on Transforming Treaty Negotiations in British Columbia* (**PRINCIPALS' ACCORD**), signed on December 1, 2018;
- The *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia* (**RIGHTS RECOGNITION POLICY**), signed on September 4, 2019;
- *Canada's Collaborative Self-Government Fiscal Policy* (**FISCAL POLICY**), announced in August 2019;
- Bill 41: *Declaration on the Rights of Indigenous Peoples Act* (**BILL 41**), introduced by the government of British Columbia on October 24, 2019; and
- **TREATY NEGOTIATIONS AGREEMENTS** from the eight negotiations tables that advanced to or are in the last stage of negotiations to accelerate negotiations: Stó:lō Xwexwilmexw Treaty Association, Ktunaxa Nation, Metlakatla First Nation, Laich-Kwil-Tach Council of Chiefs (We Wai Kai), Ditidaht and Pacheedaht First Nations, Hul'qumi'num Treaty Group, Wei Wai Kum/Kwiakah Treaty Society, and K'ómoks First Nation (see titles of agreements on page 22).

NEGOTIATIONS POLICY EXPLICITLY ENDS EXTINGUISHMENT

“Negotiations in our view will not be based on that tired old notion of extinguishment. We will not tolerate the extinguishment of our collective Aboriginal rights. Let us set that clear today.”

— Chief Joe Mathias at the signing of the British Columbia Treaty Commission Agreement and the launch of the made-in-BC treaty negotiations process

PRINCIPALS’ ACCORD

The federal and provincial governments’ relationships with Indigenous Nations have been steeped in colonialism. The failure of successive governments to respect Indigenous Nations’ Aboriginal title and rights, and their distinct governments, laws, traditions and cultures, has had a profound and lasting impact on Indigenous Nations and undermined the social and economic growth of the country.

The Principals agree:

5. ... that **extinguishment and surrender of rights, in form or result, do not have any place in modern-day Crown-Indigenous relations, treaty negotiation mandates, treaties or other agreements**. Rather, Aboriginal title and rights are continued through treaties, agreements and other constructive arrangements. The Principals agree that the made-in-BC treaty negotiations framework is grounded in the recognition, affirmation and implementation of Aboriginal title and rights. Further, the Principals agree to support the implementation of existing treaties and treaty rights.

RIGHTS RECOGNITION POLICY

9. This policy will support, improve, and enable, and not limit, approaches to the negotiation of treaties, agreements and other constructive arrangements between and among Canada, British Columbia and Participating Indigenous Nations in British Columbia that: ...
 - c. **do not extinguish the rights, including title of Participating Indigenous Nations, in form or result.**
18. Treaties, agreements and other constructive arrangements are the preferred methods of achieving the reconciliation of Crown title and the inherent titles of Participating Indigenous Nations, and the reconciliation of pre-existing Indigenous sovereignty with assumed Crown sovereignty. They will: ...
 - b. **not extinguish, surrender or require the modification of the rights** of Participating Indigenous Nations, in form or result.

***bold indicates emphasis added**

STÓ:LŌ XWEXWILMEXW AGREEMENT

The Process is transforming. The transformation includes incorporation of the federal Principles, non-extinguishment of rights, rights recognition, and the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*.

The Parties agree to...co-develop, on a non-binding basis, a core treaty that, among other things, will...incorporate a non-extinguishment of rights and rights recognition approach.

RECOGNITION IS THE STARTING POINT — NOT THE END POINT

“We know that agreement on our land, our resources and seas, will be difficult to achieve. But we are committed and determined to make treaties with Canada and British Columbia. Not only for our own sakes here in this room, but for the sakes of our children’s and their children and their great-great-grandchildren. We as Aboriginal people have faced the long, bitter winter, and it is now time for us to walk in the warmth of the summer light.” — Chief Joe Mathias

PRINCIPALS’ ACCORD

The Principals agree:

2. ... that section 35 of the *Constitution Act, 1982* contains a full box of rights and that **Aboriginal title and rights are not contingent on recognition by the Crown**, government action, court declarations or agreements for their existence. Treaties, agreements and other constructive arrangements are a preferred means to support the exercise and implementation of Aboriginal title and rights and to advance legal and political reconciliation.
5.that the made-in-BC treaty negotiations framework is **grounded in the recognition**, affirmation and implementation of Aboriginal

title and rights. The Principals also agree to support the implementation of existing treaties and treaty rights.

And the Principals’ Accord further affirms the Principals:

9. Agree that in reinvigorating treaty negotiations, the Crown’s treaty negotiation mandates and approach to implementing treaties must:
 - a. **be based on recognition of Aboriginal title and rights and Indigenous human rights**, consistent with domestic legal principles, including those set out in the *Tsilhqot’in* decision (2014), and with the UN Declaration.



JOSH BERSON PHOTO

14. Agree to work in collaboration to:
- a. **advance legal and political reconciliation;**
 - b. ensure that the made-in-BC treaty negotiations framework and **treaty mandates are reflective of the recognition, affirmation and implementation of Aboriginal title and rights, including the economic component** and decision-making authority arising from Aboriginal title.

RIGHTS RECOGNITION POLICY

The Rights Recognition Policy emphasizes in several places that the negotiations will be based in recognition:

9. This policy will support...the negotiation of treaties, agreements and other constructive arrangements ... that:
- a. are **grounded in the recognition of the rights** of Participating Indigenous Nations.
18. Treaties, agreements and other constructive ... will:
- a. **provide for the recognition and continuation of Indigenous rights.**

The Rights Recognition Policy states that recognition is to be based on “Indigenous laws and

legal systems” (para. 16(f)); the inherent right of self-determination (para. 36) and inherent titles to lands, territories and resources, traditionally owned, occupied or otherwise used or acquired (para. 46).

49. The parties will work collaboratively through negotiations to reconcile **inherent titles** with Crown title through treaties, agreements and other constructive arrangements. Components of inherent titles, which may be addressed in that context, may include:
- a. **legal interests** in lands and resources, including rights of use and ownership;
 - b. an inescapable **economic component**, including the right to benefit from the land;
 - c. a **jurisdictional component**; and
 - d. **decision-making** authority.

METLAKATLA AGREEMENT

Essential to a Metlakatla Treaty will be “The **recognition of Metlakatla Rights and Title**; Predictable, stable and reliable processes for renewal, amendment and evolution of rights, jurisdictions and intergovernmental relations...”

Negotiation priorities include “Recognition, predictability and periodic renewal.”

GOVERNMENT MANDATES CAN BE CO-DEVELOPED WITH FIRST NATIONS

“ ... we approach the negotiations with the view of sharing and co-existence. Those two notions are tied deep in our history, in our people’s history.” — Chief Joe Mathias

RIGHTS RECOGNITION POLICY

18. Treaties, agreements and other constructive arrangements are the preferred methods of achieving the reconciliation of Crown title and the inherent titles of Participating Indigenous Nations, and the reconciliation of pre-existing Indigenous sovereignty with assumed Crown sovereignty. They will: ...
 - c. not set out the specific nature, scope or extent of inherent Indigenous rights, except as otherwise agreed by the parties to the negotiations;
 - d. provide a framework for reconciling Crown title and the inherent titles of Participating Indigenous Nations, and pre-existing Indigenous sovereignty with assumed Crown sovereignty;
 - e. provide for the co-existence of Crown and Participating Indigenous Nation governments; ...
 - g. employ approaches that reflect the unique circumstances of each Participating Indigenous Nation rather than unilaterally developed, formulaic approaches and formulas.
23. Reconciliation requires **honourable processes of negotiations**. The honour of the Crown is reflected, not just in the identification of the interests, but in how those interests are expressed. This requires the federal and provincial governments and their departments, ministries, agencies and officials to act with honour, integrity, good faith, fairness and genuine intention to reach agreement in all dealings with Participating Indigenous Nations. The overarching aim is to ensure that Participating Indigenous Nations are treated with respect and as full partners in Confederation, with their rights, treaties and agreements recognized and implemented.
24. **Negotiations, including the co-development of mandates, should be conducted in an interest-based, non-adversarial manner**, conducive to reaching agreements.
25. In the negotiation of treaties, agreements and other constructive arrangements, **federal and provincial negotiators are authorized to co-develop mandates with Participating Indigenous Nations**. Federal and provincial negotiators may employ incremental, staged or stepping stone approaches to the co-development of mandates.
26. All relevant federal government departments, agencies and Crown representatives will participate in the co-development of mandates.

TREATIES ARE FLEXIBLE LIVING PARTNERSHIPS, NO LONGER ‘FULL AND FINAL’

“We offer Canada co-existence, not confrontation. We offer British Columbia prosperity, not destruction. We view the treaty making process as the most civilized way to establish new relations between our people and non-Indian society.” — Chief Joe Mathias

RIGHTS RECOGNITION POLICY

9. This policy will support, improve, and enable, and not limit, approaches to the negotiation of treaties, agreements and other constructive arrangements between and among Canada, British Columbia and Participating Indigenous Nations in British Columbia that:
 - d. **are able to evolve over time based on the co-existence** of Crown and Indigenous governments and the ongoing process of reconciliation of preexisting Indigenous sovereignty with assumed Crown sovereignty.
17. **The rights of Participating Indigenous Nations continue to evolve.** They are not frozen in time and are not contingent on state recognition, court declaration or treaty articulation for their existence or exercise.
18. Treaties, agreements and other constructive arrangements are the preferred methods of achieving the reconciliation of Crown title and the inherent titles of Participating Indigenous Nations, and the reconciliation of pre-existing Indigenous sovereignty with assumed Crown sovereignty. They will:
 - f. **be capable of evolving over time and not require full and final settlement...**

WEI WAI KUM AND KWIAKAH AGREEMENT

Good faith negotiations by the applicable Parties will address ... Predictable, stable and reliable processes for renewal, amendment and evolution of rights, jurisdictions and intergovernmental relations.

STÓ:LŌ XWEXWILMEXW AGREEMENT

The Parties agree to co-develop, on a non-binding basis, a core treaty that, among other things, will ... be adaptable, renewable and changeable over time.

KTUNAXA AGREEMENT

Specific topics that will be considered for a core treaty approach include predictable, stable and reliable processes for review, amendment and evolution of rights, jurisdiction and intergovernmental relationships.

METLAKATLA AGREEMENT

A Metlakatla Treaty will include: The recognition of Metlakatla Rights and Title [and] Predictable, stable and reliable processes for renewal, amendment and evolution of rights, jurisdictions and intergovernmental relations.

SELF-DETERMINATION IS RECOGNIZED AND SUPPORTED WITH RESOURCES THROUGH NEW SELF-GOVERNMENT FISCAL POLICY

“And today we gather in this house to embark on a profound journey. We sit in this house with different culture, with different histories. We sit here holding very different views on two very large questions. Aboriginal title: Our collective right to our traditional territories. Aboriginal self-government: Our collective right to be a self-determining people. And we know that there exists a great gap between our understandings on these two big, great questions. But that is the challenge. That is the task.” — Chief Joe Mathias

A successful fiscal relationship between Canada and Indigenous governments is crucial to self-determination. Announced in August 2019, Canada’s Collaborative Self-Government Fiscal Policy provides a comprehensive outline for ongoing and future fiscal relationships between federal and Indigenous governments.

FISCAL POLICY

6. Canada recognizes that the preservation, practice, development and revitalization of Indigenous culture, language and heritage in all its diversity and uniqueness, is vital for the well-being of Indigenous peoples and thus a critical component of effective self-government.
14. The fiscal relationship among Canada and Indigenous Governments is fundamental to the success of self-government. The fiscal relationship should seek to ensure that:
 - 14.1. Indigenous Governments have sufficient fiscal resources to fulfill their responsibilities under their agreements and the associated expenditure need, and to provide public services that are reasonably comparable to public services available to other Canadians.

14.2. Indigenous peoples have equal opportunities for well-being as other Canadians and that governments work to achieve and maintain socio-economic equity between Indigenous peoples and other Canadians.

14.3. Indigenous Governments have the means to preserve, protect, use, develop and transmit to present and future generations their languages and the past, present and future manifestations of their cultures.

RIGHTS RECOGNITION POLICY

45. A new government-to-government relationship requires new approaches and models for the co-existence and exercise of Canada’s, British Columbia’s and Participating Indigenous Nations’ jurisdictions. Canada, British Columbia and Participating Indigenous Nations will seek to develop new fiscal arrangements to support treaties, agreements and other constructive arrangements.

OVERLAPS CAN UNITE OR DIVIDE

“Putting those place names one on top of the other makes our nations stronger, as opposed to ripping each nation apart. Sharing our territory brings us together.” — Former Chief Commissioner Sophie Pierre

“Today there is wealth enough for all people in this great land. Our aim is to share and to co-exist in the bounty that this earth offers all people.” — Chief Joe Mathias

RIGHTS RECOGNITION POLICY

56. Canada, British Columbia, and Participating Indigenous Nations acknowledge **the significance and importance of resolving issues relating to shared territories and overlaps** among Indigenous Nations and Participating Indigenous Nations in British Columbia. The Crown further acknowledges that it has a constructive role to play in the resolution of these issues in the context of the negotiation of treaties, agreements and other constructive arrangements. Resolution of these issues will require ongoing efforts and may require the development of new policies, policy annexes, tools, approaches and techniques. ...
57. Consistent with Recommendation 8 of the *Report of the British Columbia Claims Task Force* (1991), Canada and British Columbia acknowledge that **Indigenous Nations are best placed to resolve shared territory and overlap issues amongst themselves.**
58. Where two or more Indigenous Nations or groups have a shared territory and wish to enter into joint negotiations with

Canada and British Columbia, federal and provincial negotiators may negotiate and enter into shared territory agreements and other constructive arrangements with these Indigenous Nations or groups in respect of the shared territory.

LAICH-KWIL-TACH AGREEMENT

The Parties recognize that success in negotiations, and in particular agreement on a treaty land package, will be facilitated by the support of neighbouring indigenous communities. We Wai Kai reinforces its commitment to proactively seek agreement with its neighbours on the proposed land package and on other issues that have or may arise in the final stage of negotiations.

HUL'QUMI'NUM'S AGREEMENT

HTG acknowledges its commitments with respect to Recommendation 8 of the *Report of the British Columbia Claims Task Force* (June 28, 1991) and will engage and consult with neighbouring First Nations and will make best efforts to address shared territory and overlap issues.

METLAKATLA'S AGREEMENT

The Parties acknowledge Canada and British Columbia will fulfill their consultation obligations with neighbouring Indigenous groups whose rights may be adversely impacted by a treaty with Metlakatla.

Metlakatla acknowledges its commitments with respect to Recommendation 8 of the *Report of the British Columbia Claims Task Force* (June 28, 1991).



MELODY CHARLIE PHOTO

LOAN BURDEN ELIMINATED

Along with these rights recognition policy changes, significant changes have been made to negotiation support funding. In 2018, the federal government announced that loan advances for negotiations would be eliminated and replaced with 100 per cent non-repayable contribution funding. This change was the result of several years of discussions amongst the Principals and the Treaty Commission, especially within the federal government.

Through this transition, Canada has maintained its commitment to the Report of the BC Claims Task Force that an independent body oversee First Nations negotiations funding. The Treaty Commission retains oversight responsibility for making funding allocations to First Nation.

Following this transition, the Treaty Commission made a submission to the federal government to move forward with loan forgiveness, as a debt that never should have accumulated in a process of rights recognition.

Finally, after many years of First Nations lobbying, the federal government announced it will be eliminating outstanding treaty negotiations loans in Budget 2019: Investing in the Middle Class to Grow Canada's Economy.

RIGHTS RECOGNITION POLICY

19. Canada and British Columbia will fund the participation of Participating Indigenous Nations in the British Columbia treaty negotiations framework through non-repayable contributions rather than through loans. Funding will be allocated by the British Columbia Treaty Commission in accordance with the *British Columbia Treaty Commission Agreement* (1992).

Loan forgiveness will end a debt that never should have accumulated in a process of rights recognition.

NEGOTIATIONS PLAY A KEY ROLE IN IMPLEMENTING THE UN DECLARATION

“The challenge is now before us. We must now reach new levels of understandings.” — Chief Joe Mathias

RIGHTS RECOGNITION POLICY

8. Canada and British Columbia endorse the *United Nations Declaration on the Rights of Indigenous Peoples (2007)* as a foundation of the British Columbia treaty negotiations framework.
16. The negotiation of treaties, agreements and other constructive arrangements in British Columbia will be guided by the following, in no particular order: ...
 - b. *United Nations Declaration on the Rights of Indigenous Peoples (2007)*.
18. Treaties, agreements and other constructive arrangements are the preferred methods of achieving the reconciliation of Crown title and

the inherent titles of Participating Indigenous Nations, and the reconciliation of pre-existing Indigenous sovereignty with assumed Crown sovereignty. They will: ...

- h. **provide for the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples (2007)*, including the rights to redress and “free, prior and informed consent.**
47. The inherent titles of Participating Indigenous Nations in British Columbia are recognized and affirmed in section 35 of the *Constitution Act, 1982* and are reflected in the ***United Nations Declaration on the Rights of Indigenous Peoples (2007)***.

BC INTRODUCES UN DECLARATION LEGISLATION. PHOTO PROVINCE OF BC



PRINCIPALS' ACCORD

9. [The Principals] Agree that in reinvigorating treaty negotiations, the Crown's treaty negotiation mandates and approach to implementing treaties must:
 - a. be based on recognition of Aboriginal title and rights and Indigenous human rights, consistent with domestic legal principles, including those set out in the *Tsilhqot'in* decision (2014), and with the UN Declaration.

METLAKATLA AGREEMENT

The Parties agree that the *United Nations Declaration on the Rights of Indigenous Peoples* form part of the foundation for a new and enduring relationship between Indigenous Peoples and the Crown.

BILL 41

The *Declaration on the Rights of Indigenous Peoples Act* was developed with the First Nations Leadership Council, as directed by Indigenous leaders. It sets out a process to ensure BC laws are consistent with the rights defined in the UN Declaration, and an action plan to achieve the objectives of the UN Declaration, with annual reporting on progress. British Columbia is the first province to introduce a bill implementing the UN Declaration.

The UN Declaration reflects internationally recognized standards for Indigenous human rights. Many of these rights relate to self-determination and self-government, and rights of Indigenous peoples to participate in decision-making that affect their governments, lands, territories, waters, culture and autonomy.

This important bill includes a provision, in section 7, for the provincial government to enter into agreements with Indigenous governments for joint decision-making and consent. Joint decision-making is an essential element of treaties.

In BC, modern treaties are the best mechanism to implement the UN Declaration, and in particular the right to free, prior and informed consent. A legal opinion published last year by the Treaty Commission determines that the BC treaty negotiations process facilitates nation-to-nation negotiations culminating in constitutionally protected agreements for shared sovereignty and reconciliation. Treaty tables are already integrating the UN Declaration into negotiations through innovative transition agreements that are accelerating negotiations through a rights recognition approach.

K'ÓMOKS AGREEMENT

The Parties agree that both the *United Nations Declaration on the Rights of Indigenous Peoples* and the Calls to Action of the Truth and Reconciliation Commission form part of the foundation for a new and enduring relationship between Indigenous Peoples and the Crown

The (K'ómoks First Nation) Stage 5 negotiations will be informed and guided by... The *United Nations Declaration on the Rights of Indigenous Peoples*.

STÓ:LŌ XWEXWILMEXW AGREEMENT

The Parties agree to ... co-develop, on a non-binding basis, a core treaty that, among other things, will ... be consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.

NEGOTIATIONS UPDATE



MELODY CHARLIE PHOTO

NEGOTIATIONS, TREATIES, RECONCILIATION,
UN DECLARATION

2019 MILESTONES

This year numerous commitments, agreements, and policy changes were achieved. Seven negotiating tables advanced to Stage 5 in the treaty negotiations process — the most progress since 2015.

Principals' Accord on Transforming Treaty Negotiations in British Columbia is signed

DECEMBER 1, 2018

OCTOBER 12, 2018



Stó:lō Xwexwilmexw

Stó:lō Xwexwilmexw Treaty Association Stage 5 Treaty Negotiations Memorandum of Understanding

NOVEMBER 30, 2018



Ktunaxa Kinbasket

Ktunaxa Nation Rights Recognition & Core Treaty Memorandum of Understanding

FEBRUARY 14, 2019



Metlakatla

Metlakatla Transition to Stage Five and Treaty Revitalization Agreement



STÓ:LŌ SIGNING



KTUNAXA SIGNING

THE AGREEMENTS BELOW CONFIRM TREATIES WILL:

- Not extinguish Indigenous rights;
- Uphold rights recognition;
- Be consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*;
- Establish nation-to-nation and government-to-government relationships;
- Be flexible and capable of evolution over time; and
- Be constitutionally protected living agreements.

Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia is endorsed

SEPTEMBER 4, 2019

JUNE 6, 2019



Laich-Kwil-Tach

Tripartite Commitment Agreement: We Wai Kai Transition to Stage 5 Negotiations under the BC Treaty Process

JULY 28, 2019



Wei Wai Kum and Kwiakah

Wei Wai Kum First Nation/Kwiakah First Nation Transition to Stage 5 and Treaty Revitalization Agreement

SEPTEMBER 11, 2019



Hul'qumi'num

Hul'qumi'num Treaty Group Transition to Stage 5 and Treaty Revitalization Agreement

JUNE 28, 2019

Ditidaht and Pacheedaht

Agreement in Principle



DITIDAHT AND PACHEEDAHT SIGNING

OVERVIEW

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STAGE 5: FIRST NATIONS IN THE FINAL STAGE OF TREATY NEGOTIATIONS (14)

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**Tsimshian is counted as one First Nation, with communities in various stages.*

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**Tsimshian is counted as one First Nation, with communities in various stages.*

BY THE NUMBERS



There are 29 modern treaties in Canada, with 8 in BC.



22 self-defined First Nations' traditional territories highlighted on this map, representing 48 Indian Act bands, are in advance negotiations or have a treaty.

A VIEW OF PROGRESS

The 22 traditional territories highlighted on the map represent 8 Indigenous governments implementing treaties and 14 First Nations actively negotiating in the final stage of negotiations. In total, this map represents 48 current and former *Indian Act* bands.

IMPLEMENTING TREATIES

Representing 11 former *Indian Act* bands

- 1-5 Maa-nulth First Nations (Huu-ay-aht, Ka:'yu:k't'h'/Chek'tles7et'h', Toquaht, Uchucklesaht and Yuułuŋiŋaθ)
- 6 Nisga'a Nation
- 7 Tla'amin Nation
- 8 Tsawwassen First Nation

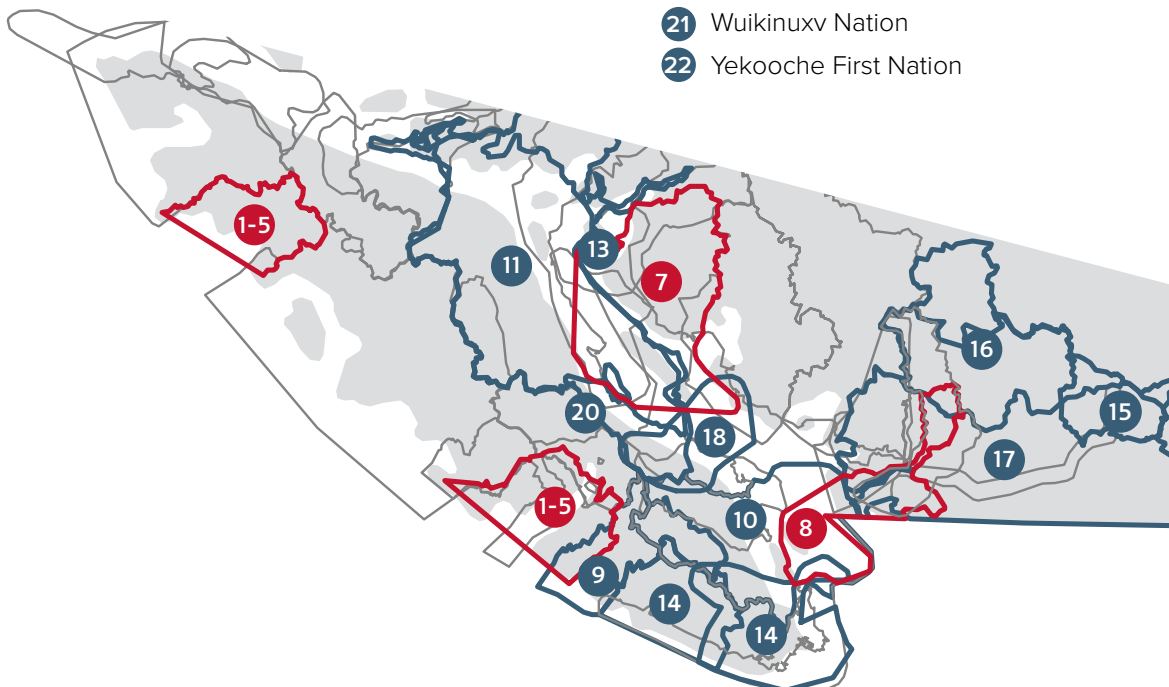
OTHER FIRST NATIONS IN TREATY NEGOTIATIONS

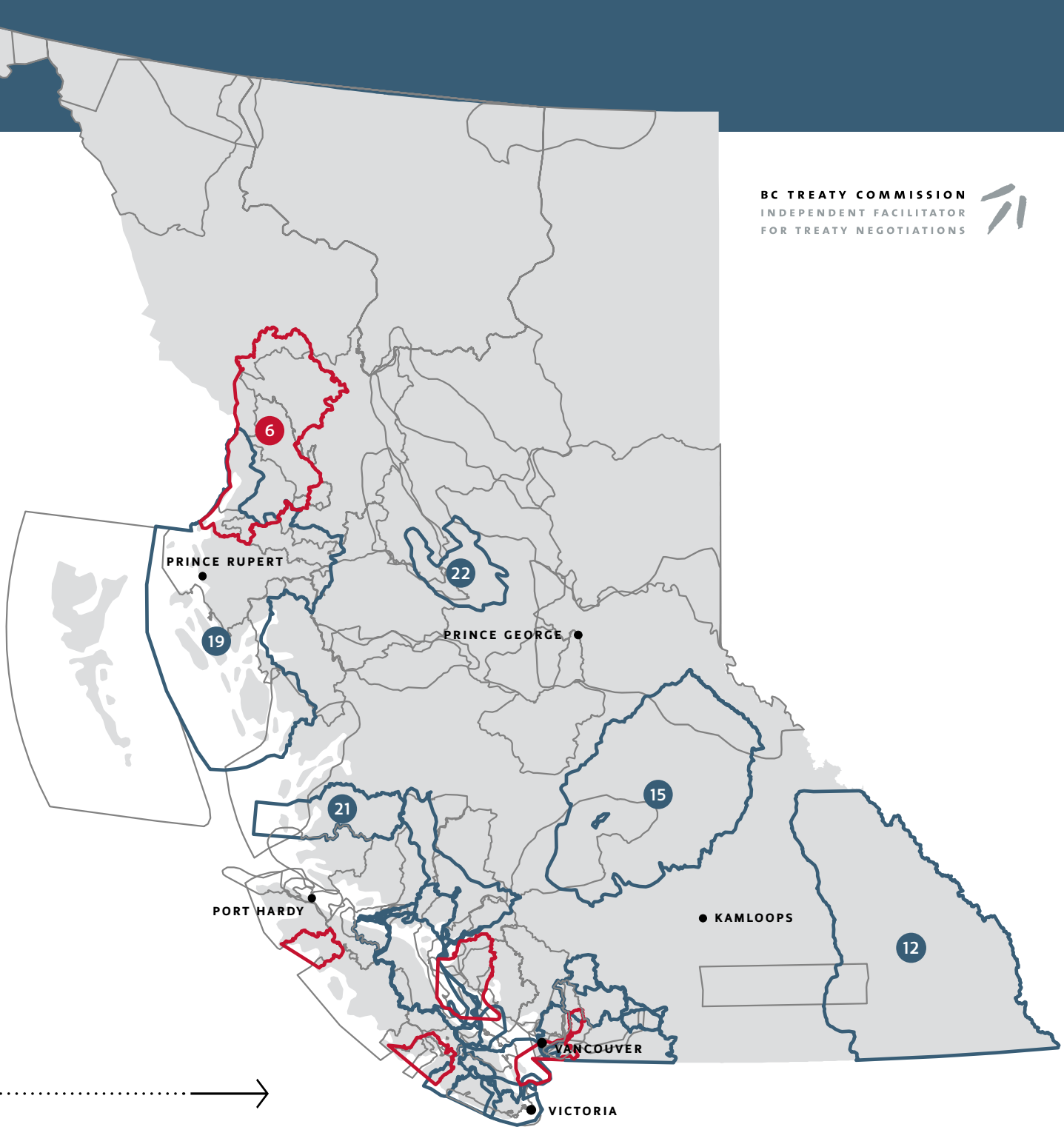
Representing 66 *Indian Act* bands

FINAL STAGE OF TREATY NEGOTIATIONS

Representing 37 *Indian Act* bands

- 9 Ditidaht First Nation
- 10 Hul'qumi'num Treaty Group
- 11 K'ómoks First Nation
- 12 Ktunaxa Kinbasket Treaty Council
- 13 Laich-Kwil-Tach Council of Chiefs
- 14 Pacheedaht First Nation
- 15 Northern Shuswap Tribal Council
- 16 Samahquam and Skatin First Nations
- 17 Stó:lō Xwexwilmexw Treaty Association
- 18 Te'mexw Treaty Association
- 19 Tsimshian First Nations (Kitselas and Kitsumkalum and Metlakatla)
- 20 Wei Wai Kum/Kwiakah First Nation
- 21 Wuikinuxv Nation
- 22 Yekooche First Nation







JOSH BERSON PHOTO

ABOUT THE STATUS REPORTS

- 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 and nationhood.
- For statistical purposes, the Treaty Commission counts the number of “*Indian Act* bands” within First Nations to provide a common reference point.
- 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: <http://fnp-ppn.aandc-aadnc.gc.ca/>

ACRONYMS

- **AIP:** Agreement in Principle
- **ITA:** Incremental Treaty Agreement
- **TRM:** Treaty Related Measure

STATUS REPORTS: STAGE 6

FIRST NATIONS IMPLEMENTING TREATIES (7)

MAA-NULTH FIRST NATIONS

The Maa-nulth First Nations Treaty came into effect on April 1, 2011. These five former *Indian Act* bands are implementing the Maa-nulth treaty as five independent governments. Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht, and Yuułuꞵiꞵaꞵ (Ucluelet) First Nations, Canada, and British Columbia have been implementing their new relationships for over seven years.

The treaty recognizes and transfers ownership and jurisdiction of 24,550 hectares of land to the First Nations and a one-time capital transfer payment of \$73.1 million over 10 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 730 citizens; Ka:'yu:'k't'h'/Che:k'tles7et'h' has approximately 580 citizens; Toquaht has approximately 155 citizens; Uchucklesaht has approximately 230 citizens; and Yuułuꞵiꞵaꞵ has approximately 675 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 their First Nation neighbours: Ditidaht, Hupacasath, Tla-o-qui-aht, and Tseshaht.

» Huu-ay-aht First Nations

In December 2018, Huu-ay-aht First Nations (HFN) purchased a 7 per cent ownership interest in a Port Alberni forest operation from Western Forest Products Inc. This purchase was finalized with a community celebration and signing ceremony on the Nations' traditional territory. The purchase is consistent with the Reconciliation Protocol Agreement signed by Huu-ay-aht and Western Forest Products in 2018. HFN and Western's shared vision includes a framework for reconciliation and revitalization of the Alberni Valley forest sector, including increased



Eight Indigenous governments are implementing modern treaties in BC — seven negotiated within the BC treaty negotiations process, plus the earlier Nisga'a agreement.

participation of First Nations and building a more sustainable forest industry. Consideration of a hydroelectric project at Sarita River is underway and HFN was awarded \$100,000 of grant funding to support ongoing research of the project. HUU-ay-aht owns a number of businesses through HFN Development LP and continues to cultivate cultural tourism in the Bamfield area. Since effective date, HFN has drawn down its law-making authority to enact HUU-ay-aht law. HUU-ay-aht joined the Alberni-Clayoquot Regional District board in 2012, and the HUU-ay-aht representative is the current board chair.

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

Ka:yu:k't'h'/Che:k'tles7et'h' First Nations owns and operates three tourism ventures in Kyuquot Sound, surrounded by five Provincial Parks and four Ecological Reserves. Fair Harbour Marina and Campground, a full-service destination, introduced four new rental cabins in 2019. Walters Cove Resort, listed as one of the provinces top fishing lodges, provides local guides and cultural experiences such as traditional cooking. Purple Palace Hostel is an adventure travelers' accommodation. In addition to tourism, the First Nation is pursuing forestry and fisheries ventures. Since effective date, Ka:yu:k't'h'/Che:k'tles7et'h' First Nations has drawn down its law-making authority to enact Ka:yu:k't'h'/Che:k'tles7et'h' laws. Ka:yu:k't'h'/Che:k'tles7et'h' joined the Strathcona Regional District board as an associate member in 2013, and will appoint a full voting member in 2021.

» **Toquaht Nation**

In June 2019, Toquaht opened a new \$1.35 million marina, campground, and kayak launch at Secret Beach. The marina is the first phase of a broader plan to establish Secret Beach as a regional tourism hub. In fall 2017, Toquaht hosted the first potlatch in its territory in

over 30 years and unveiled a Toquaht totem pole. The First Nation connected high-speed internet in 2016. 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 operates a number of corporations that manage the First Nation's interests, including in forestry, tourism and aquaculture. Since effective date, Toquaht has drawn down its law-making authority to enact Toquaht laws. Toquaht joined the Alberni-Clayoquot Regional District board in 2016.

» **Uchucklesaht Tribe**

In November 2018, the Uchucklesaht Tribe Government purchased the former Redford School property in Port Alberni. The Redford Property will be developed as a multi-use building that will meet the needs of the community and provide opportunities for others to partner in future programs, services, cultural and sports activities. The new property expands the space created by the Thunderbird Building, a mixed-used administration, cultural and residential building opened by the First Nation in 2017. In July 2018, Uchucklesaht launched Thunderbird Spirit Water, a luxury water brand derived from T'iitsk'in spring. Since effective date, Uchucklesaht has drawn down its law-making authority to enact Uchucklesaht laws. Uchucklesaht joined the Alberni-Clayoquot Regional District board in 2014.

» **YuułuꞀiꞀꞀath (Ucluelet) First Nation**

This year, YuułuꞀiꞀꞀath First Nation introduced a new summer program for young children, called Cims (black bear) with teachings in culture and language. The First Nation opened a new daycare centre in 2018 that will also provide cultural and language programs. YuułuꞀiꞀꞀath operates a satellite office in the Uchucklesaht Government Building in Port Alberni. In 2016, the First Nation completed a water treatment system, and in 2015 YuułuꞀiꞀꞀath opened its Government

House. The First Nation currently operates Wya Point Resort, Wya Welcome Centre and the Thornton Motel. Since effective date, Yuułuʔiłʔatḥ has drawn down its law-making authority to enact Yuułuʔiłʔatḥ laws. Yuułuʔiłʔatḥ joined the Alberni-Clayoquot Regional District board in 2012.

TLA'AMIN NATION

The Tla'amin Treaty came into effect on April 5, 2016. Tla'amin Nation, Canada, and British Columbia have been implementing their new relationship for over three years. The treaty recognizes and transfers ownership and jurisdiction of 8,323 hectares of land to the First Nations and a one-time capital transfer payment of approximately \$31.1 million over 10 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 \$700,000 annually in resource revenue sharing payments for 50 years. All dollar amounts are in 2012 dollars and will be adjusted for inflation.

In June 2019, Tla'amin Nation purchased FLUPSY, a floating nursery for the growth of oysters. In July, Tla'amin Nation hosted the Pulling Together Canoe Journey, a 10-day event bringing together First Nations communities, police, and provincial and federal government agencies. The First Nation continues to express interest in participating in Powell River's new \$55.7 million wastewater treatment facility that will have the capacity to serve both the City of Powell River and Tla'amin Nation, and designs to connect to the city's system have been submitted. In 2018, Tla'amin Nation and the City of Powell River signed an updated Community Accord, and the city transferred Tees'kwat village site lands to the First Nation. Tla'amin Management Services LP oversees economic development opportunities for the First Nation. These ventures include land and residential development, forestry, aquaculture, and tourism. Tla'amin purchased the

historic Lund Hotel in 2016 and is currently in the process of completing nine different renovation projects to update amenities. Renovation include a restaurant, a shop selling local products, and a new marina. Since effective date, Tla'amin has drawn down its law-making authority to enact Tla'amin laws.

There are approximately 1,125 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, K'ómoks, Klahoose, Kwiakah, Homalco, Sechelt, Snaw-Naw-As, We Wai Kai, Wei Wai Kum, and Qualicum.

TSAWWASSEN FIRST NATION

The Tsawwassen First Nation (TFN) Treaty came into effect on April 3, 2009. TFN, Canada, and British Columbia have been implementing their new relationship for over nine years. The treaty recognizes and transfers ownership and jurisdiction of 724 hectares of land to the First Nations and a one-time capital transfer payment of \$13.9 million over 10 years. It provides \$2 million for relinquishing mineral rights under English Bluff, \$13.5 million for start-up and transition costs, and \$7.3 million for resource management and economic development. The treaty also commits Canada and British Columbia to providing annual funding for ongoing programs and services.

In April 2019, Tsawwassen celebrated the 10th anniversary of their treaty effective date with traditional ceremonies with First Nations leadership from across the province, regional and municipal governments, and business partners. In June 2019, TFN completed the Tsawwassen Container Examination Facility, relocating container inspection closer to the port, decreasing traffic and gas emissions in the Lower Mainland. Further expansions of the facility



MELODY CHARLIE PHOTO

are underway and are expected to be complete in 2020. An Amazon shipping warehouse on TFN lands is expected to open fall 2019. The warehouse, which will operate 24 hours a day, is estimated to provide 800 jobs. Once completed, TFN's industrial developments are expected to generate an estimated \$245 million in annual income for the community. TFN is investing in its community infrastructure; housing developments are under construction, and a youth centre and Elders' centre have been completed and in operation. The First Nation hosted its third annual Youth Olympics in July. In 2017, a \$27 million sewage treatment plant and a sports field were opened. Since effective date, TFN has drawn down its law-making authority to enact Tsawwassen laws. Tsawwassen joined the Metro Vancouver Regional District board in 2009.

There are approximately 500 Tsawwassen members, with traditional territory in the Lower Mainland, from the watersheds that feed into Pitt Lake, to Burns Bog and to the Salish Sea, and includes Salt Spring, Pender, and Saturna Islands. Tsawwassen has overlapping and/or shared territory with its First Nation neighbours: Cowichan Tribes, Hwlitsum, Katzie, Musqueam, Stó:lō, Tsleil-Waututh, and Semiahmoo.

ALLIANCE OF BC MODERN FIRST NATIONS

On July 24, 2018, Huu-ay-aht, Ka:'yu:'k't'h'/Chek'tles7et'h', Tla'amin, Toquaht, Tsawwassen, Uchucklesaht, and Yuułu?iłʔath First Nations established the Alliance of BC Modern Treaty Nations (the Alliance) through the signing of a Memorandum of Cooperation. Nisga'a Nation later also joined, signing on to the Alliance on November 5, 2019. Through the Alliance, these eight self-governing First Nations collaboratively work to resolve common issues, many of which were not anticipated during their treaty negotiations.

The Alliance meets regularly on issues requiring joint action, including future of government-to-government relations, policing and enforcement, fiscal relations, co-management of fisheries, and shared decision-making of lands and resources. In March, the Alliance submitted two discussion papers to Canada and BC, "The Need to Transform the Fiscal Relationship," and a "Position Paper in Response to BC's Proposed Approach to Treaty Transformation."

The Alliance is co-developing new policies with British Columbia that will improve fiscal relationships with modern treaty nations, government-to-government relationships, and treaty implementation overall.

STATUS REPORTS: STAGE 5

FINAL STAGE OF TREATY NEGOTIATIONS (14)

DITIDAHT FIRST NATION

Ditidaht and Pacheedaht are separate First Nations negotiating together. The treaty table is in Stage 5 negotiations. This year the Parties signed an Agreement in Principle, transitioning into final agreement negotiations. Ditidaht has made significant progress over the past year on side agreements with the provincial government. The principles of an Engagement Framework Agreement (EFA) to address Provincial consultation and constitutional obligations have been drafted. The EFA also provides a framework for collaborative management of federal parks. The First Nation has maintained ongoing community engagement.

The Ditidaht and Pacheedaht AIP was signed on June 28, 2019 and sets out the basis for the final stage of treaty negotiations. Ditidaht will have ownership of approximately 6,106 hectares of land transferred to the nation, including former reserves, and a capital transfer of approximately \$39.9 million. The treaty will recognize and protect Ditidaht's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 780 Ditidaht members. Ditidaht and Pacheedaht share a boundary and have traditional territory that spans the southwestern corner of Vancouver Island. Ditidaht has overlapping and/or shared territory with its First Nation neighbours: HUU-AY-AHT and Lake Cowichan.

HUL'QUMI'NUM TREATY GROUP

The Hul'qumi'num (HTG) treaty table is in Stage 5 negotiations. In the fall of 2019 the Parties signed the *HTG Transition to Stage 5 and Treaty Revitalization Agreement* to advance from Stage 4 to Stage 5. This past year, HTG tabled five ITA proposals, one for each member nation. One has been signed with BC and the target for signing the remaining four is spring 2020. The First Nation continues to engage its membership on treaty related topics and Stage 5 negotiations. TRM funding is supporting land evaluation.

The Hul'qumi'num transition agreement was finalized on September 11, 2019 and sets out the basis for the final stage of treaty negotiations. The treaty will recognize and protect Hul'qumi'num's inherent title and rights, establish how the First Nations' laws interact with federal and provincial laws, recognize harvesting

and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 6,490 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 five 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, Stz'uminus, Te'mexw, Tla'amin, Ts'elxweyeqw, Tsawwassen, Tsleil-Waututh, and Yale.

K'ÓMOKS FIRST NATION

The K'ómoks treaty table is in Stage 5 negotiations. This year the Parties signed the *Agreement to Revitalize K'ómoks First Nation Treaty Negotiations*, affirming that negotiations will be based on the recognition of K'ómoks' title and rights. The agreement commits the Parties to a core treaty approach and to concluding negotiations within two years. K'ómoks engaged its community while negotiating the agreement and continues to do community engagement about the treaty. A land and capital transfer proposal is being collaboratively developed, and fisheries remains an outstanding issue. British Columbia and K'ómoks continue to implement an ITA for the transfer of two land parcels to the First Nation in advance of treaty implementation. TRM funding is supporting planning for community development and fiscal engagement, fisheries studies, and groundwater research.

The K'ómoks AIP was signed on March 24, 2012 and sets out the basis for the final stage of treaty negotiations. K'ómoks will have ownership of approximately 2,043 hectares of land transferred to the nation, including former reserves, and a

capital transfer of approximately \$17.5 million. The treaty will recognize and protect K'ómoks' inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 340 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.

KTUNAXA KINBASKET TREATY COUNCIL

The Ktunaxa Kinbasket Treaty Council (KKTC) treaty table is in Stage 5 negotiations. In late 2018, the Parties signed the *Ktunaxa Nation Rights Recognition & Core Treaty Memorandum of Understanding* to advance from Stage 4 to Stage 5 negotiations committing the Parties to exploring a core treaty approach and options for the early recognition of the Ktunaxa Nation as a legal entity. The First Nation continues to work on constitution development. The Parties have made progress on intergovernmental arrangements with Canada and British Columbia. In May 2019, KKTC passed an Interim Citizenship code. TRM funding is supporting financial management policy development and governance planning.

The KKTC transition agreement was signed on November 30, 2018 and sets out the basis for the final stage of treaty negotiations. The treaty will recognize and protect KKTC's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 1,120 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 Yaqan nu?kiy (Lower Kootenay Band). KKTC 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.

LAICH-KWIL-TACH COUNCIL OF CHIEFS

The Laich-Kwil-Tach Council of Chiefs (LCC) treaty table is in Stage 5 negotiations. This year the Parties signed the *Tripartite Commitment Agreement: We Wai Kai Transition to Stage 5 Negotiations under the BC Treaty Process* followed by an ITA that will transfer lands in advance of a treaty. The First Nation continues to engage its community on treaty related topics and its neighbouring nations on issues of common interest through shared territory discussions. TRM funding is supporting phase three of a fisheries assessment and developing a water allocation framework.

The LCC transition agreement was finalized on June 6, 2019 and sets out the basis for the final stage of treaty negotiations. The treaty will recognize and protect We Wai Kai's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 1,150 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, 'Namgis, Snaw-Naw-As, Qualicum, Tla'amin, Tlowitsis, Snuneymuxw, and Wei Wai Kum.

PACHEEDAHT FIRST NATION

Pacheedaht and Ditidaht are separate First Nations negotiating together. The treaty table is in Stage 5 negotiations. In June 2019, the Parties signed an Agreement in Principle, transitioning into final agreement negotiations. Pacheedaht has made significant progress over the past year on side agreements with the provincial government. The principles of an Engagement Framework Agreement (EFA) to address Provincial consultation and constitutional obligations have been drafted. The EFA also provides a framework for collaborative management of federal parks. The First Nation has maintained ongoing community engagement.

The Ditidaht and Pacheedaht AIP was signed on June 28, 2019 and sets out the basis for the final treaty negotiations. Pacheedaht will have ownership of approximately 1,897 hectares of land transferred to the nation, including former reserves, and a capital transfer of approximately \$19.72 million. The treaty will recognize and protect Pacheedaht's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 290 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.

NORTHERN SHUSWAP TRIBAL COUNCIL

The Northern Shuswap Tribal Council (“Northern Secwepemc te Qelmucw” or “NStQ”) treaty table is in Stage 5 negotiations. Since signing an AIP in 2018, the table has increased their tripartite meetings to address substantive negotiations issues and conclude important chapter language. The First Nation’s leadership and membership have renewed revised community principles of negotiations and how the AIP can be updated to reflect current federal and provincial commitments such as NStQ title and rights recognition through treaty negotiations. NStQ and British Columbia continue to explore land transfers to the four communities through the implementation of an ITA. TRM funding is supporting the development of child and family wellness policy and structures to support governance transition planning and community outreach.

The NStQ AIP was signed on July 22, 2018 and sets out the basis for the final stage of treaty negotiations. NStQ will have ownership of approximately 82,129 hectares of land transferred to the nation, including former reserves, and a capital transfer of \$48.7 million. The treaty will recognize and protect NStQ’s inherent title and rights, establish how the First Nation’s laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 2,640 NStQ members, with traditional territory in the central Cariboo from Valemount and McBride in the northeast, to south of Clinton, and west of the Fraser River. Northern Shuswap Tribal Council is made up of four Northern Secwepemc te Qelmucw 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, High Bar, Tsilhqot’in, and other Secwepemc Nations.

SAMAHQUAM AND SKATIN FIRST NATIONS

The Samahquam and Skatin (formerly known as In-SHUCK-ch) treaty table is in Stage 5 negotiations signing an AIP in 2007. The First Nations continue to explore possible governance models, protocol agreements with neighbouring nations, and amending constitutions to better reflect new governance structures. The Parties are engaging on a tripartite strategy to conclude Stage 5. TRM funding is supporting a two-year data and records management project to protect information collected as part of the negotiations.

There are approximately 785 Samahquam and Skatin members, with shared traditional territories located between the middle point of Harrison Lake, northward to the middle point of Lillooet Lake. Samahquam and Skatin has overlapping and/or shared territories with Chehalis, Xa’xtsa (Douglas) Katzie, Lil’wat, Squamish, Stó:lō, and Tseil-Waututh.

STÓ:LŌ XWEXWILMEXW TREATY ASSOCIATION

The Stó:lō Xwexwilmexw Treaty Association (SXTA) treaty table is in Stage 5 negotiations. In late 2018, the Parties signed the *Stage 5 Treaty Negotiations Memorandum of Understanding* to advance from Stage 4 to Stage 5 negotiations. The agreement commits the Parties to explore a core treaty approach, one of the innovations highlighted in the Principals’ report, *Multilateral Engagement Process to Improve and Expedite Treaty Negotiations in British Columbia*. The table has made steady progress on core treaty discussions. Community engagement work is ongoing. SXTA has continued engagement with neighbouring First Nations and local government. TRM funding is supporting communications

planning, land use planning, community engagement, and water licensing.

The SXTA transition agreement was signed on October 12, 2018 and sets out the basis for the final stage of treaty negotiations. The treaty will recognize and protect SXTA's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 1,460 Stó:lō members, with traditional territory in the Lower Mainland, centralized around the upper Fraser and Chilliwack River Valleys, lower Harrison Lake and the lower Fraser Canyon. SXTA represents six communities: Aitchelitz, Leq'á:mel, Skowkale, Skawahlook, Tzeachten and Yakweawioose. 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.

TE'MEXW TREATY ASSOCIATION

The Te'mexw treaty table is in Stage 5 negotiations. This year the table has worked to reflect the rights recognition approach to negotiations based on the new commitments and mandates of the federal and provincial governments. Recently Scia'new First Nation implemented a tax sharing agreement with the City of Langford to begin pre-treaty benefits to the First Nation. This was following a land swap in 2017 between Scia'new, Langford, and the District of Metchosin. In 2018, Songhees First Nation completed negotiations of a framework agreement with Royal Roads University about

the future of the Royal Roads lease lands. In October 2017, British Columbia and Canada advanced land and cash proposals to Malahat, Snaw-Naw-As, and T'Sou-ke First Nations; the Parties continue to work toward land and cash proposals for Scia'new and Songhees. Key topics of negotiations are fisheries, constitution development, and taxation. All five communities have land transfers from ITAs signed in 2013 with British Columbia. Internal community engagement work has increased as the First Nations prepare for ratification and implementation. 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 phase two of a constitution development plan, youth engagement, repatriation, traditional place names research, groundwater research, fisheries negotiations, and economic development planning.

The Te'mexw AIP was signed on April 9, 2015 and sets out the basis for the final stage of treaty negotiations. The five First Nations will have ownership of approximately 1,565 hectares of land transferred to their ownership, including former reserves, and a capital transfer of approximately \$142 million. The treaty will recognize and protect Te'mexw's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 1,590 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; METLAKATLA)

The Tsimshian First Nations are in varying stages of treaty negotiations. Kitselas and Kitsumkalum negotiate together and are in Stage 5; Metlakatla transitioned to Stage 5 negotiations this year; Gitga'at is in Stage 4, and Kitasoo/XaiXais does not have active tripartite negotiations.

The five Tsimshian First Nations total approximately 3,720 members. Kitselas has approximately 895 members, and Kitsumkalum has approximately 770. Metlakatla has approximately 982. 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: Gitksan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

» Kitselas and Kitsumkalum

The Kitselas and Kitsumkalum treaty table continues to advance negotiations and focus on land selection and economic components of treaty. The table is incorporating a rights recognition approach to negotiations that will result in a treaty that can evolve after implementation. The Parties have completed substantial technical work for individual land, capital transfer and fisheries proposals. Kitselas and Kitsumkalum continue to engage community to develop individual constitutions and update members on Stage 5 negotiations. Both communities are building relationships with neighbouring local governments. TRM funding is supporting implementation preparation, local

government engagement with the City of Terrace and the Regional District of the Kitimat Stikine, and research on socioeconomics, agricultural land reserve, forestry, and roads.

The Kitselas and Kitsumkalum AIPs were signed on August 4, 2015 in two separate community celebrations and set out the basis for the final of treaty negotiations. Kitselas will have ownership of over 36,158 hectares of land transferred to the nation, including former reserves, and a capital transfer of \$34.7 million. Kitsumkalum will have ownership of over 45,406 hectares of land transferred to the nation, including former reserves, and a capital transfer of \$44.2 million. The treaty will recognize and protect Kitselas and Kitsumkalum's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

» Metlakatla

This year, the Metlakatla treaty table reached a significant milestone by signing the *Metlakatla Transition to Stage 5 and Treaty Revitalization Agreement*, officially advancing to the final stage of negotiations. The Metlakatla transition agreement commits the Parties to negotiations based in recognition of Metlakatla title and rights, non-extinguishment, and affirms that the Parties will be guided by the UN Declaration. Identified priorities in negotiations include forestry (including an ITA), conservation, foreshore, land protection, fisheries, and a final land and capital transfer proposal. Negotiations will continue to build on other agreements Metlakatla has signed, such as the Coastal First Nations Reconciliation Protocol Agreement and the Protected Area Collaborative Management Agreement. Metlakatla actively engages its membership to update and seek input on treaty negotiations. TRM funding is supporting year

two of a community engagement plan to support understanding of treaty negotiations.

The Metlakatla transition agreement was signed on February 14, 2019. The agreement sets out the basis for the final stage of treaty negotiations (Stage 5). The treaty will recognize and protect Metlakatla's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

WEI WAI KUM/KWIAKAH FIRST NATIONS

The Wei Wai Kum/Kwiakah (WWKK) treaty table is in Stage 5 negotiations. This year the Parties signed the *Wei Wai Kum/Kwiakah Transition to Stage 5 and Treaty Revitalization Agreement*, reflecting the new policy commitments that negotiations be based in the recognition of Indigenous title and rights. The Parties committed to a flexible approach to a treaty that can adapt as policies continue to change. The First Nation continues to research land use planning, development of a constitution for the nation, and engage its community on treaty negotiations. Previously, WWKK negotiated with Laich-Kwil-Tach Council of Chiefs. In 2014, WWKK began negotiating at its own treaty negotiations table.

The WWKK transition agreement was finalized on July 28, 2019. The agreement sets out the basis for the final stage of treaty negotiations. The treaty will recognize and protect Wei Wai Kum and Kwiakah's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 860 Wei Wai Kum/Kwiakah members. WWKK traditional territory is located around the east-central area of

Vancouver Island and mainland coastal watersheds. WWKK represents two communities: Wei Wai Kum and Kwiakah. WWKK has overlapping and/or shared territory with its First Nation neighbours: Homalco, Klahoose, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, Mowachaht, Muchalaht, 'Na-mg-is, Snaw-Naw-As, Qualicum, Snuneymuxw, Da'naxda'xw Awaetlala, Tlowitsis, Tla'amin, and We Wai Kai.

WUIKINUXV NATION

The Wuikinuxv treaty table is in Stage 5 negotiations. The Parties continue work on a shared decision-making arrangement, governance, fisheries, lands, and forestry. The Nation also focused internal efforts on community engagement work, and transition capacity planning. TRM funding is supporting capacity development, fisheries management, and economic development planning.

The Wuikinuxv AIP was signed on July 23, 2015 and sets out the basis for the final stage of treaty negotiations. Wuikinuxv will have ownership of over 14,646 hectares of land transferred to the nation, including former reserves, and a capital transfer of \$7.3 million. The treaty will recognize and protect Wuikinuxv's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the land, cash, and governance provisions of the treaty.

There are approximately 285 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.



MELODY CHARLIE PHOTO

YEKOOCHE FIRST NATION

The Yekooche treaty table is in Stage 5 negotiations. The Parties continue to work through specific negotiations items, including fisheries and harvesting. The First Nation is working on internal governance transition planning, ratification vote preparations, and engaging its neighbouring nations to resolve overlap and shared territory issues.

The AIP was signed on August 22, 2005 and sets out the basis for the final stage of treaty negotiations. Yekooche will have ownership of approximately 6,400 hectares of land transferred to the nation, including former

reserves, and a capital transfer of \$6.5 million. The treaty will recognize and protect Yekooche's inherent title and rights, establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the 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.

STATUS REPORTS: STAGE 4

ACTIVE NEGOTIATIONS (12)

CARCROSS/TAGISH FIRST NATION

Carcross/Tagish and Teslin Tlingit are separate First Nations negotiating together. Both communities are self-governing First Nations in the Yukon with traditional territory in BC. The treaty table is in Stage 4 negotiations. Parties reengaged in negotiations in 2017 and are developing a transition agreement to move to Stage 5. The treaty table continues work on legal, lands, and financial matters. Community engagement and overlap/shared territory engagement efforts with neighbouring First Nations is ongoing. The First Nation signed its treaty in the Yukon in 2005, and a Self-Government Agreement in 2006.

There are approximately 675 Carcross/Tagish members, with traditional territory and waters spanning the Yukon/BC border. Carcross/Tagish has overlapping and/or shared territory with its First Nation neighbours: Champagne and Aishihik, and Taku River Tlingit.

GITANYOW HEREDITARY CHIEFS

The Gitanyow treaty table is in Stage 4 negotiations. The Parties continue to engage on recognizing Gitanyow title and traditional governance through a tripartite agreement and is exploring an incremental approach to negotiations. Gitanyow has done substantial fisheries work and continues to engage its community on constitution development and negotiations. TRM funding is supporting studies on watershed restoration, evaluating habitat impacts and limits, and fish stock composition of the Nass River.

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.

GITXSAN HEREDITARY CHIEFS

The Gitxsan treaty table is in Stage 4 negotiations. The Parties continue to engage on tripartite and bilateral negotiations and support of Gitxsan hereditary governance work. Gitxsan has focused on governance, particularly fisheries and jurisdiction over watersheds, and integration of Gitxsan fish and land tenures into the relevant division of powers in ss.91 and 92 of the Constitution. Gitxsan has also been engaging with neighbouring nations along the Skeena Watershed on collective priorities, such as co-management.

There are approximately 7,901 Gitxsan members. In treaty negotiations, the Gitxsan Hereditary Chiefs represent the majority of the house groups and membership. Gitxsan traditional territory is located in the Hazelton area and watersheds of the upper Skeena and Nass rivers. Gitxsan has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani, Gitanyow, Nisga'a, Tahltan, Tsay Keh Dene, Tsimshian, and Wet'suwet'en.

GWA'SALA-'NAKWAXDA'XW NATIONS

The Gwa'Sala-'Nakwaxda'xw (GNN) treaty table is in Stage 4 negotiations. In May 2019, the Parties established a lands technical working group to further advance land and capital transfer offers. The First Nation continues to engage its membership and is developing a transition agreement to move to Stage 5. Key negotiation interests include housing, fisheries, and forestry. In May 2017, GNN signed the *Cultural Revitalization and Capacity Building Agreement* with British Columbia. TRM funding is supporting governance development.

There are approximately 1,035 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, 'Na-mg-is, Tlatlasikwala, Tsawataineuk, and Wuikinuxv.

HOMALCO INDIAN BAND

The Homalco treaty table is in Stage 4 negotiations. The Parties identified review of lands selection work as a priority for this year. Homalco continues community engagement work on citizenship code, constitution, and governance.

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.

KATZIE FIRST NATION

The Katzie treaty table is in Stage 4 negotiations. Tripartite activity has increased this year. The Parties are focusing on treaty-related issues and are exploring options to recognize and protect Katzie's inherent title and rights. The First Nation is working to reinvigorate community engagement efforts and positive progress has been made on shared interests with neighbouring nations. In 2017, Katzie ratified its community land code.

There are approximately 580 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, Stó:lō, Tsawwassen, Hul'qumi'num, and Tsleil-Waututh.

KASKA DENA COUNCIL

The Kaska Dena treaty table is in Stage 4 negotiations. The Parties are nearing completion of AIP chapter work and discussing the possibility of a transition agreement to form the basis of Stage 5 negotiations. The First Nations are actively engaging community members. This year a Kaska Elders Gathering was held to discuss Kaska governance, land management, and community building. The Parties have concluded the transfer of ITA parcels and continue to implement the amended ITA. TRM funding is supporting land management planning, and an ecotourism analysis and feasibility study.

There are approximately 1,045 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, Teslin Tlingit, and Tahltan.

KLAHOOSE FIRST NATION

The Klahoose treaty table is in Stage 4 negotiations. In October 2018, Klahoose tabled potential lands interests for treaty. This past year Klahoose completed community engagement on lands selections and the table continued review of AIP chapters. The Nation also made progress on territory protocol work to address overlapping/shared territories issues with neighbouring First Nations.

There are approximately 410 Klahoose members, with traditional territory and waters around its main community on Cortes Island, opposite

Quadra Island, near Campbell River. Klahoose has overlapping and/or shared territory with its First Nation neighbours: Homalco, Kwiakah, Wei Wai Kum, We Wai Kai, and Tla'amin.

TAKU RIVER TLINGIT FIRST NATION

The Taku River Tlingit treaty table is in Stage 4 negotiations. Following community engagement efforts over the previous year, the leadership has received a mandate to reengage in treaty negotiations. The nation focused on a community engagement project. In 2018, Taku River Tlingit received funding from the Nation Rebuilding Fund.

There are approximately 415 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.

TESLIN TLINGIT COUNCIL

Teslin Tlingit and Carcross/Tagish (TTC) are separate First Nations negotiating together. Both communities are self-governing First Nations in the Yukon with traditional territory in BC. Parties reengaged in negotiations in 2017 and are developing a transition agreement to move to Stage 5. The treaty table is working on legal, lands, and financial matters. Community engagement is ongoing, as well as overlap/shared territory engagement efforts with neighbouring First Nations. TTC received funding from the Nation Rebuilding Fund. The First Nation signed its Yukon treaty and Self-Government Agreement in 1993.

There are approximately 605 Teslin Tlingit members, with traditional territory and waters spanning the Yukon/BC border. The Teslin Tlingit has overlapping and/or shared territory with its First Nation neighbours: Kaska, Liard, Ross River Dena, Tahltan, and Taku River Tlingit.

TLOWITSIS FIRST NATION

The Tlowitsis treaty table is in Stage 4 negotiations. This year the Parties met regularly to advance AIP chapter work, and have been discussing fisheries and marine resources, which also supports shared territory discussions with neighbouring nations. The Parties continue to collaboratively develop a land and capital transfer proposal. In December 2017, through a federal Order in Council, additional lands were designated for a new community for Tlowitsis in Campbell River, Nenagwas Indian Reserve. The addition of this much needed land for a new community was a result of extensive effort by Tlowitsis and supported by the federal government. The First Nation is continuing to engage its community through consultations on lands and governance. TRM funding is supporting land and resource management, and treaty lands selection.

There are approximately 430 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, 'Na-mg-is, 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. Substantive progress has been made at the TKD table over the last year. TKD has shifted from a comprehensive treaty model to a core treaty model. The table continues to focus on governance strategies, fiscal relations and taxation, and Indigenous protected areas in the Ingenika Watershed. Community engagement is ongoing.

There are approximately 490 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 of treaty negotiations. Kitselas and Kitsumkalum negotiate together and are in Stage 5; Metlakatla transitioned to Stage 5 negotiations this year; Gitga'at is in Stage 4, and Kitasoo/XaiXais does not have active tripartite negotiations.

The Gitga'at treaty table meets regularly to advance AIP negotiations and address outstanding issues. Treaty information and community development sessions have been a key engagement effort for the First Nation. There are ongoing research and discussions with neighbouring nations regarding traditional territory boundaries. TRM funding is supporting year one of a "living landscapes" project to implement governance and oversight structures, and to establish partnerships with stakeholders.

The five Tsimshian First Nations total approximately 3,580 members. Gitga'at has approximately 770 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: Gitxsan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

STATUS REPORTS: NOT NEGOTIATING

FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY (31)

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

ACHO DENE KOE FIRST NATION

The Acho Dene Koe (ADK) treaty table is in Stage 2. There are approximately 695 ADK members, with traditional territory and waters spanning three jurisdictions: BC, Yukon, and Northwest Territories. ADK's main community is Fort Liard, north of the BC-Northwest Territories border, and it maintains a small settlement at François Lake in northern BC. ADK has overlapping and/or shared territory in BC with its First Nation neighbours: Kaska Dena Council, Liard First Nation, Ross River Dena Council, and Fort Nelson.

ALLIED TRIBES OF LAX KW'ALAAMS

The Lax Kw'alaams treaty table is in Stage 3. There are approximately 3,815 Lax Kw'alaams members, with traditional lands and waters located on the northwest coast of BC around Port Simpson, Prince Rupert and the Skeena River. Lax Kw'alaams has overlapping and/or shared territory with its First Nation neighbours: Haisla, Gitxaala, Kitselas, Kitsumkalum, Metlakatla, and Nisga'a.

CARRIER SEKANI TRIBAL COUNCIL

The Carrier Sekani treaty table is in Stage 4. There are approximately 6,950 Carrier Sekani members,

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

CHAMPAGNE AND AISHIHIK FIRST NATIONS

The Champagne and Aishihik treaty table is in Stage 4. There are approximately 900 Champagne and Aishihik members, with traditional territory and waters spanning the Yukon/BC border. Champagne and Aishihik have overlapping and/or shared territory with its First Nation neighbours: Carcross/Tagish First Nation and Taku River Tlingit.

CHESLATTA CARRIER NATION

The Cheslatta Carrier treaty table is in Stage 3. There are approximately 355 Cheslatta members, with traditional territory and waters encompassing the area

around Ootsa and Eutsuk lakes in central BC. Cheslatta has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, and Wet'suwet'en.

COUNCIL OF THE HAIDA NATION

The Haida treaty table is in Stage 4. There are approximately 4,665 Haida members from the two communities of Masset and Skidegate, with traditional lands and waters encompassing Haida Gwaii. Haida has overlapping and/or shared territory with its First Nations neighbours: Heiltsuk and Tsimshian.

DA'NAXDA'XW/AWAETLALA NATION

The Da'naxda'xw/Awaetlala treaty table is in Stage 4. There are approximately 230 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.

ESK'ETEMC FIRST NATION

The Esk'etemc treaty table is in Stage 4. There are approximately 985 Esk'etemc members, with

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

HAISLA NATION

The Haisla treaty table is in Stage 4. There are approximately 1,890 Haisla members, with traditional lands and waters on the west coast of BC near Kitimat. Haisla has overlapping and/or shared territory with its First Nation neighbours: Allied Tribes of Lax Kw'alaams, Gitxsan Hereditary Chiefs, Gitxaala, Heiltsuk, Nisga'a, Nuxalk, Tsimshian First Nations, and Wet'suwet'en Hereditary Chiefs.

HEILTSUK NATION

The Heiltsuk treaty table is in Stage 4. There are approximately 2,415 Heiltsuk members, with traditional lands and waters around its main community on Campbell Island and extending across the central coast. Heiltsuk has overlapping and/or shared territory with its First Nation neighbours: Haida, Haisla, Nuxalk, Tsimshian, and Wuikinuxv.

HUPACASATH FIRST NATION

The Hupacasath treaty table is in Stage 4. There are approximately 330 Hupacasath members, with traditional territory and waters located in the Port Alberni area. Hupacasath has overlapping and/or shared territory with its First Nation neighbours: Nuuchahnulth Tribal Council, Uchucklesaht, Ucluelet, Tla-o-qui-aht, and Tseshaht.

KWAKIUTL NATION

The Kwakiutl treaty table is in Stage 4. There are approximately 790 Kwakiutl members, with traditional territory and waters around its main community in Fort Rupert and extending along the northeastern shores of Vancouver Island. Kwakiutl has overlapping and/or shared territory with its First Nation neighbours: Gwa'Sala-Nakwaxda'xw, 'Namgis, Quatsino, Da'naxda'xw Awaetlala, and Tlatlasikwala.

LAKE BABINE NATION

The Lake Babine (LBN) treaty table is in Stage 4 negotiations. There are approximately 2,540 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, Gitxsan, Wet'suwet'en, and Yekooche.

LHEIDLII T'ENNEH FIRST NATION

The Lheidli T'enneh treaty table is in Stage 5. In 2018, the Parties updated the 2007 treaty to include bridging provisions which enabled the treaty to be flexible and Lheidli T'enneh to benefit from future policy changes. In June 2018, the First Nation held its second ratification vote, and the membership voted not to accept the treaty. There are approximately 440 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.

LIARD FIRST NATION

The Liard treaty table is in Stage 2. There are approximately 1,195 Liard members, located primarily in the Yukon, with traditional territory and waters spanning southeast Yukon, and extending into north-central BC and the Northwest Territories. Liard First Nation has overlapping and/or shared territory with its First Nation neighbours: Acho Dene Koe, Carrier Sekani Tribal Council, Kaska Dena Council, Ross River, and Tahltan.

MCLEOD LAKE INDIAN BAND

The McLeod Lake treaty table is in Stage 2. There are approximately 550 McLeod Lake members, with traditional lands and waters north of Prince George. McLeod Lake Indian Band has overlapping and/or shared territory with its First Nation neighbours: Lheidli T'enneh, Necoslie, Tsay Keh Dene, West Moberly, Salteaux, and Halfway River.

MUSQUEAM NATION

The Musqueam treaty table is in Stage 4. There are approximately 1,390 Musqueam members, with traditional territory and waters spanning the Greater Vancouver area. Musqueam has overlapping and/or shared territory with its First Nation neighbours: Hul'qumi'num, Hwlitsum, Kwikwetlem, Katzie,

Squamish, Sto:lo, Tsawwassen, and Tsleil-Waututh.

'NAMGIS NATION

The 'Namgis treaty table is in Stage 4 negotiations. 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.

NAZKO FIRST NATION

The Nazko treaty table is in Stage 4 negotiations. 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.

NUU-CHAH-NULTH TRIBAL COUNCIL

The Nuu-chah-nulth treaty table is in Stage 4. There are approximately 3,175 Nuu-chah-nulth members, with traditional territories and waters spanning much of the west coast of Vancouver Island. Nuu-chah-nulth Tribal Council comprises of Ehattesah, Hesquiaht,

Mowachacht/Muchalaht, Nuchatlaht, and Tseshaht First Nations. Nuu-chah-nulth Tribal Council has overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Hupacasath, Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht, and Ucluelet.

QUATSINO FIRST NATION

The Quatsino treaty table is in Stage 4. There are approximately 545 Quatsino members, with traditional lands and waters around the north end of Vancouver Island. Quatsino has overlapping and/or shared territory with its First Nation neighbours: Kwakiutl, and Tlatlasikwala.

ROSS RIVER DENA COUNCIL

The Ross River Dena treaty table is in Stage 2. There are approximately 545 Ross River members located primarily in the Yukon, with traditional territory and waters ranging from the southeast Yukon into north central BC and the Northwest Territories. Ross River Dena Council has overlapping and/or shared territory with its First Nation neighbours: Acho Dene Koe, Carrier Sekani Tribal Council, Kaska Dena Council, Liard, and Tahltan.

SECHELT INDIAN BAND

The Sechelt treaty table is in Stage 4. There are approximately 1,390 Sechelt members, with traditional lands and waters located around the Sechelt Peninsula. Sechelt has overlapping and/or shared territory with its First Nation neighbours:

Snaw-naw-AS, Squamish, and Tla'amin.

SNUNEYMUXW FIRST NATION

The Snuneymuxw treaty table is in Stage 4 negotiations. There are approximately 1,790 Snuneymuxw members, with traditional territory and waters extending across eastern Vancouver Island, including Nanaimo, Gabriola, and Mudge Islands, and other islands in the Nanaimo watershed. Snuneymuxw has overlapping and/or shared territory with its First Nation neighbours: Snaw-naw-AS, Nuu-chah-nulth Tribal Council, and Stz'uminus.

SQUAMISH NATION

The Squamish treaty table is in Stage 3. There are approximately 4,200 Squamish members, with traditional territory and waters ranging from the Lower Mainland to Howe Sound and the Squamish valley watershed. Squamish has overlapping and/or shared territory with its First Nation neighbours: Sechelt, Katzie, In-SHUCK-ch, Musqueam, Sto:lo, Tsleil-Waututh, We Wai Kai, and Lil'wat.

TLA-O-QUI-AHT FIRST NATIONS

The Tla-o-qui-aht treaty table is in Stage 4 negotiations. 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.

TLATLASIKWALA NATION

The Tlatlasikwala treaty table is in Stage 4 negotiations. There are approximately 65 Tlatlasikwala members, with traditional territory located on the northern tip of Vancouver Island. Tlatlasikwala Nation has overlapping and/or shared territory with its First Nation neighbours: Gwa'Sala-'Nakwaxda'xw, Kwakiutl, 'Namgis, and Quatsino.

TSIMSHIAN FIRST NATIONS (KITASOO/XAIXAIS)

The Tsimshian First Nations are in varying stages in treaty negotiations. Kitasoo/XaiXais does not have active tripartite negotiations; Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations; Metlakatla is in Stage 5 negotiations and Gitga'at is in Stage 4 negotiations.

The five Tsimshian First Nations total approximately 3,580 members. Kitasoo/XaiXais has approximately 520 members. Its traditional territories and waters span the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations territories have overlapping and/or shared territories with its First Nation neighbours: Gitxsan Hereditary Chiefs, Haida, Heiltsuk, Allied Tribes of Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en Hereditary Chiefs.

TSLEIL-WAUTUTH NATION

The Tsleil-Waututh treaty table is in Stage 4 negotiations. There are approximately 580 Tsleil-Waututh members, with traditional territory around North Vancouver and the Lower Mainland. Tsleil-Waututh has overlapping and/or shared territory with its First Nation neighbours: Hul'qumi'num, In-SHUCK-ch, Katzie, Kwikwetlem, Musqueam, Squamish, Tsawwassen and Stó:lō.

WESTBANK FIRST NATION

The Westbank treaty table is in Stage 4. There are approximately 860 Westbank members, with traditional lands and waters located in the Kelowna area. Westbank has overlapping and/or shared territory with its First Nation neighbours: Lower Nicola, Penticton, Ktunaxa, and Okanagan Nation Alliance.

WET'SUWET'EN HEREDITARY CHIEFS

The Wet'suwet'en treaty table is in Stage 4 negotiations. 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, Gitxsan, Tsimshian, and Lake Babine.

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.

ABOUT THE BC TREATY COMMISSION



NEGOTIATIONS > TREATIES > RECONCILIATION >
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FACILITATING A NEW RELATIONSHIP OF RESPECT AND RECOGNITION

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

MANDATE

The Treaty Commission has three main roles:

- Facilitating treaty negotiations, including assisting the Parties in finding solutions and resolving disputes;
- Allocating negotiation support funding to enable First Nations to participate in negotiations; and
- Educating the public and providing information about treaty negotiations.

In 2018 this mandate was expanded to include supporting negotiating Parties in implementing the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), the *Truth and Reconciliation Commission of Canada: Calls to Action* (TRC Calls to Action), the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*, and the recognition of First Nations title and rights.

Independence is central to the mandate of the Treaty Commission. Independence provides the Treaty Commission with the authority to ensure fair and impartial negotiations, which are essential to reconciliation. This is consistent with the right

to fair, independent, impartial, and transparent mechanisms to assist with the recognition of Indigenous rights as set out in the UN Declaration.¹

The Treaty Commission is comprised of a Chief Commissioner, four Commissioners, and is currently supported by 11 staff members. The Commission's operating costs are funded by the federal and provincial governments. The Government of Canada contributes 60 per cent and the Government of British Columbia contributes 40 per cent. In the 2018/19 fiscal year, operating funding was \$3.05 million.

PRINCIPALS AND PARTIES

There are three Principals to the BC treaty negotiations process:

- the Government of Canada, represented by the Minister of Crown-Indigenous Relations;
- the Government of British Columbia, represented by the Minister of Indigenous Relations and Reconciliation; and
- the First Nations Summit, represented by a three-member Task Group.

¹ Article 27, (p. 20), *United Nations Declaration on the Rights of Indigenous Peoples*.

In 1991, the Principals accepted the 19 recommendations of the *BC Claims Task Force Report* (Task Force Report). Among these recommendations were the creation of the BC Treaty Commission and a six stage, made-in-BC treaty negotiations process. Both of these recommendations were officially established in 1992 when the Principals signed the *British Columbia Treaty Commission Agreement* (BCTC Agreement). These commitments were followed by federal and provincial legislation establishing the Treaty Commission and the treaty negotiations process in law.

As the independent facilitator for the tripartite treaty negotiations process, the Treaty Commission is not a party to these negotiations and does not negotiate treaties.

The three Parties that participate in negotiations through in the BC treaty process are the Government of Canada, the Government of British Columbia, and individual or collective First Nations. While the First Nations Summit is a Principal to and a forum for First Nations negotiating in treaty negotiations process, it is not a party to the negotiations.

Independence provides the Treaty Commission with the authority to ensure fair and impartial negotiations, which are essential to reconciliation.



COMMISSIONERS AT THE FIRST NATIONS SUMMIT MEETING IN OCTOBER 2019

FACILITATING TREATY NEGOTIATIONS

The BCTC Agreement and associated legislation state 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 resolving disputes;
- Encourages timely negotiations and progress towards milestones;
- Ensures fair, effective and impartial negotiations;
- Assists First Nations with resolving overlapping and shared territory issues;
- Observes and reports on negotiations progress;
- Facilitates negotiations and convenes important meetings;
- Reports publicly on opportunities and obstacles; and
- 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 treaty negotiations and the ratification requirements for First Nations;
- Stalled negotiations;
- Increased importance of resolving First Nations overlapping and shared territory issues, and complex consultations between the Crown and First Nations affected by overlaps; and
- Increased dialogue within and among First Nations, especially in multi-community First Nations, with respect to issues of shared territory, governance, and capacity.

As noted earlier, the Treaty Commission's mandate has been expanded to support, among other things, the implementation of the UN Declaration and the recognition of First Nations rights and title. With the establishment of the *Principals' Accord on Transforming Treaty Negotiations in British Columbia* and *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia*, and commitments to implement the UN Declaration at the federal and provincial level, the Treaty Commission will be expanding its facilitation authority to assist the Parties in implementing these commitments.

ALLOCATING NEGOTIATIONS SUPPORT FUNDING

The Treaty Commission is the independent funding authority for treaty negotiations in BC, implementing a key recommendation from the Task Force Report, which is set out in the BCTC Agreement and associated legislation. Negotiation support funding is allocated to ensure First Nations have sufficient resources to negotiate with Canada and BC.

Over the past 26 years, the Treaty Commission has allocated approximately \$758 million in negotiation support funding. This consists of \$567 million in loans and \$191 million in contribution funding. Since negotiations began in May 1993 until the 2017/18 fiscal year, the Treaty Commission allocated both loans and non-repayable contribution funding to 60 First Nations. Allocations were made up of a maximum of 80 per cent loans and a minimum of 20 per cent non-repayable contribution funding.

As of March 31, 2018, outstanding negotiation loans totalled approximately \$550 million (excluding accrued interest). Under the new funding arrangement, First Nations that have already begun repaying negotiation loans will be repaid.

In the 2018 budget, the federal government announced that going forward it would replace loans with non-repayable contribution funding for First Nations participating in modern treaty negotiations. This change to 100 per cent contribution funding for First Nations for treaty negotiations commenced April 2018.

Negotiation support funding is allocated to ensure First Nations have sufficient resources to negotiate with Canada and British Columbia.

EDUCATING THE PUBLIC

The Treaty Commission provides public information on treaty negotiations and on its role in supporting treaty-making in BC. 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 provide specific information on the progress of the treaty table.

To fulfill this part of their mandate, the Treaty Commission:

- Reports on the status of treaty negotiations throughout the year through various avenues, including online and in-person presentations, and consolidates this information in the annual report;
- Engages the public on treaty negotiations at conferences, tradeshow, special events, community forums, meetings, and schools;
- Educates and engages youth on reconciliation through negotiations;
- Meets with federal and provincial departments to advocate for the importance of treaty negotiations in fulfilling Canada and BC's constitutional obligations;
- Creates and distributes publications to share best practices with First Nations and the public, such as the Ratification Guide and the HR Capacity Tool Kit;
- Organizes and hosts 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;



- 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; and
- Engages with the public using social media channels such as Facebook, Instagram, YouTube, and Twitter.

Presentations and Trade Shows

Sharing information and having conversations in-person about treaty negotiations is the most effective way to educate the public. The Treaty Commission frequently presents at gatherings aimed at First Nations, industry, youth, government, and lawyers. This year, BCTC presented at numerous conferences, including the Council of Forest Industries, Prospectors and Developers Association of Canada, Vancouver Island Economic Alliance, and the Pacific Business and Law Institute.

The Treaty Commission frequently engages the public at exhibition and trade shows throughout the province. These include First Nations community meetings, BC Elders Gathering, Union of BC Municipalities, and Association of Mineral Exploration's Roundup.

In recent years, BCTC has increased its focus on educating youth about negotiations through its engagement at the annual Indigenous youth conference Gathering Our Voices. A successful negotiations simulation workshop has been offered three times and received extremely positive feedback about how it educates participants on strategies, career options, and the complexities of reconciliation.

Regional Reconciliation Dialogue Series

Since 2018, the Treaty Commission has hosted two Regional Reconciliation Dialogue Series (RRDS). The goal of this engagement initiative is to increase support and understanding of treaty negotiations to local government, business, media, and the public.

This year's RRDS was held in Terrace where Commissioners and staff met with the Regional District of Kitimat-Stikine board of directors, the city mayor, council and staff, and the Terrace Chamber of Commerce. An evening Reconciliation Open House, open to members of the public, was attended by Indigenous and non-Indigenous residents.

The Treaty Commission looks forward to continuing regional engagement on treaty negotiations with more RRDS events in the future.

COMMISSIONERS



NEGOTIATIONS > TREATIES > RECONCILIATION >
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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 was appointed Queen’s Counsel in 2019. She holds a Master of Laws (LL.M.) in Constitutional Law from Osgoode Hall Law School (York University), and a Bachelor of Laws (LL.B.) and Bachelor of Arts from UBC. In 2015, she began her doctorate in Anthropology and Law at UBC.

The Provincial Government appointed Celeste to serve on the UBC Board of Governors where she is Chair of the Indigenous Engagement Committee and the Legal Services Society. She is a Director of the Brain Canada Foundation, the Hamber Foundation, and the Musqueam Capital Corporation. She is an active member of both the Canadian Bar Association and the Indigenous Bar Association. In 2015, Celeste attended the Governor General’s Canadian Leadership Conference.

Celeste is a member of the Sparrow family from Musqueam and is Tsimshian through Metlakatla. She is the proud mother of three and grandmother of two.

Francis Frank
COMMISSIONER



FRANCIS FRANK was first elected by the First Nations Summit in 2015 and began serving his third two-year term in March 2019. 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 community in a variety of roles, including as Chief 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 nation.

Francis lives in Port Alberni and is married with five children, three foster children, and four grandchildren.

Mary-Ann Enevoldsen
COMMISSIONER



MARY-ANN ENEVOLDSEN was appointed by the Government of Canada to a two-year term beginning in May 2018. She is from Homalco First Nation, and was the first woman to be elected Chief, a role she held for three years after serving as councillor for eleven years.

Since 1993 Mary-Ann has been involved in treaty negotiations and has extensive experience in various roles, including negotiating complicated shared territory agreements with First Nation neighbours. She is an advocate for cultural revitalization and passionate about ensuring Homalco traditional knowledge and practices are passed down to the next generation and shared with the entire community of Campbell River.

Mary-Ann is married to Marcus Enevoldsen and has two sons and five grandchildren.

The First Nations Summit elects two Commissioners and the federal and provincial governments each appoint one. The Chief Commissioner is appointed by agreement of all three Principals.

Angela Wesley
COMMISSIONER



ANGELA WESLEY was appointed by the Government of British Columbia to a two-year term beginning December 2018. She is a citizen of the Huu-ay-aht First Nations (Nuu-chah-nulth), one of five First Nations implementing the Maa-nulth Treaty on the west coast of Vancouver Island.

Since 1992, through her consulting company Wes-Can Advisory Services, Angela has worked extensively with First Nations throughout BC, providing advisory and facilitation services in the areas of strategic planning, community development, communications, community engagement, and governance capacity building.

Angela has remained actively involved in the implementation of Huu-ay-aht's treaty and self-governance, and has served as Speaker (Legislative Chairperson) for the Huu-ay-aht First Nations Legislature

and Annual People's Assemblies and serving as the Board Chair/President for the Huu-ay-aht Group of Businesses since 2012.

She serves on the Board of Directors of the Toquaht First Nation Holdings Board, the New Relationship Trust, and the Land Title and Survey Authority of BC and previously served as Executive Member and Chair of the Nicola Valley Institute of Technology and on the Board of Directors of the Royal BC Museum.

Angela resides in her husband Gerald's traditional territory of Kitsumkalum in Terrace and enjoys the company and teachings of her grandson every weekend.

Clifford White
COMMISSIONER



CLIFFORD WHITE (Nees Ma'Outa) was elected by the First Nations Summit for a two-year term beginning in March 2019. He is a hereditary leader and former elected Chief of the Gitxaala Nation.

Clifford is a facilitator and trainer with Nawaabm Enterprise and is an elder in the First Nations Court in New Westminster, where he has been involved for more than 12 years. He is chair of the First Nations Advisory Committee of BC, Executive Chair for the Northern Nations Cooperative, President of the Prince Rupert Indigenous Housing Society, a Board member for the New Relationship Trust, and works with BC's Aboriginal Family Healing Court project. He continues to work with the Province's Industry Training Authority, Private Industries, Union and Non-Union trades on Indigenous workforce developments. His passion is for

commercially sustainable environmental management and developments on the North Coast.

Clifford studied Business and Commerce at the University of British Columbia. He is married to Lynn, has three children, four grandchildren and a rez dog.

ABOUT THE PHOTOGRAPHERS



MELODY CHARLIE, born and raised in Ahousat and proudly calling Nuu-chah-nulth home, I have been capturing light beams and beings since the early 1990s. Having worked most of my life in healing, I am naturally drawn to the strengths and medicines of Indigenous beings across Turtle Island. Culture, songs, ceremony and learning my language offered some much needed healing after the loss of my children’s father. Losing him became a journey of finding me. Finding me led to the strengths and stories of First Peoples, through the lens, straight to the heart and back to our roots. melodycharlie.com



JOSH BERSON: As a professional photographer since 1980, I have always believed in the camera’s potential not only to change how we see the world in front of us but also to change attitudes—and lives—for the better. That’s why, over the years, I have formed partnerships with a broad range of clients who share common values around issues of social justice, equality, and diversity. Vancouver is home, but my work regularly takes me across Canada—and sometimes around the world. bersonphoto.com

BACK COVER PHOTO MELODY CHARLIE

Graphic design: Nadene Rehnby and Pete Tuepah, Hands on Publications

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