

BC TREATY
COMMISSION



Annual Report 2020

NEGOTIATIONS › TREATIES › RECONCILIATION ›
UN DECLARATION



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naw'si:yém məsteyəx^w Hello respected people

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

I have a good feeling in my heart at seeing you

Celeste Haldane

CHIEF COMMISSIONER

On behalf of the BC Treaty Commission (Treaty Commission or BCTC), it is my pleasure to present the 2020 Annual Report.

Since the release of our last annual report, two significant achievements in Indigenous rights recognition were finalized and negotiations were advancing under new policy initiatives, right before being faced with unprecedented challenges of a global pandemic outbreak. It is in this context and ongoing crisis, that we report on activities and progress in treaty negotiations in British Columbia.

On November 28, 2019 history was made when Bill 41, the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act), received Royal Assent in the BC Legislature. British Columbia became the first province or territory in Canada, and one of the first governments in the world, to enact legislation that implements the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration). The Government of Canada

continues to develop federal UN Declaration legislation and is currently consulting with First Nations and stakeholders. The Treaty Commission continues to encourage a timely tabling of the legislation in Parliament.

Another significant accomplishment was the final step to eliminate the longstanding burden of First Nations negotiation support loans. As of March 2020, the Government of Canada fulfilled its 2019 budget commitment to forgive all outstanding comprehensive claims negotiation loan debt across Canada. This was a significant achievement and demonstrates progress towards reconciliation and the Treaty Commission commends the federal government for this change, and also notes that since April 2018 First Nations negotiations support funding is 100 percent contribution-only.

The Treaty Commission congratulates BC's Premier, the Honourable John Horgan, and the BC NDP on the outcome of the province's recent election. We extend special congratulations to



JOSH BERSON PHOTO

Melanie Mark (Nisga'a, Gitksan, Cree, Ojibway), Ellis Ross (Haisla) and Adam Olsen (Tsartlip), and acknowledge all provincial Indigenous candidates for their involvement in this election. We also acknowledge the former Minister of Indigenous Relations and Reconciliation, the Honourable Scott Fraser for the positive and constructive relationship he fostered with the Treaty Commission, and his many contributions to treaty negotiations and reconciliation.

PIVOTING PROGRESS

While this year has brought with it overwhelming challenges due to an unprecedented health crisis, the work of negotiations and reconciliation continued. All the parties and the Principals are to be commended for responding, adjusting, and making the necessary changes to maintain focus and progress to finalize treaties, agreements, and other constructive arrangements. The Treaty Commission has also pivoted to ensure

While this year has brought with it overwhelming challenges due to an unprecedented health crisis, the work of negotiations and reconciliation continued.

continued facilitation and support for the treaty negotiations process, through investing in technology and supporting our incredible staff.

The Treaty Commission has also been holding ongoing internal strategy sessions on the challenges and opportunities in negotiations, and undertaking governance training to ensure the Commission can meet the challenges of these complex negotiations.

The COVID-19 pandemic has affected us all. The greatest burden, however, is borne by those with insufficient infrastructure and health and safety

resources. In Canada, this is all too often the case in Indigenous communities. The ability and means to protect one's community require not only resources, but governance jurisdiction.

One of the foundational elements of modern treaties includes the recognition and transfer of jurisdiction on matters essential to the well-being and survival of Indigenous peoples. The pandemic has highlighted the critical need to support Indigenous peoples to achieve self-government through modern treaties, ensuring they have constitutionally entrenched authority to protect their communities and people, and in doing so, protecting surrounding communities.

RIGHTS RECOGNITION

The Treaty Commission's 2019 Annual Report focused on policy initiatives which advanced and improved the negotiations process, which were developed in collaboration with the three Principals (Canada, BC and the First Nations Summit), and individual First Nations at their respective negotiation tables.

In September 2019, the Principals endorsed a new *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia* (Rights Recognition Policy). This new treaty negotiations policy explicitly details how negotiations will be grounded in the recognition of Indigenous rights and ownership of Indigenous lands and resources. This ground-breaking policy is the first tripartite public policy recognizing and protecting Indigenous rights in British Columbia, and is a framework to implement the UN Declaration, including the right to "free, prior and informed consent" (FPIC). Putting these commitments into action is critical work for all the negotiating parties, and the Treaty Commission has a crucial role in supporting the implementation of rights recognition.

Implementation of the UN Declaration and the right to FPIC is one of the most challenging commitments for negotiations. *What is Indigenous consent? Who provides that consent? How to implement consent?* These are questions that are continuously asked—and often avoided—which create uncertainty and conflict. Modern treaties are an integral mechanism to answer these questions and a way for governments to live up to their commitments to implement the UN Declaration.

One way to look at FPIC is as an aspect of sovereignty. Indigenous sovereignty is a foundational principle of Indigenous rights, fundamental to reconciliation. Modern treaties are in fact a sharing of power—a sharing of sovereignty, between First Nations and the Crown (the governments of Canada and BC). In 2017, the Treaty Commission obtained an independent legal opinion from the late constitutional legal expert, Peter Hogg, C.C., Q.C., and Roy Millen, on the status of modern treaties negotiated in the BC treaty negotiations process, and the effect on the sharing of jurisdictions between the First Nations and governments. Their conclusion is that a treaty represents a constitutionally-protected sharing of sovereignty among the signatories to the treaty. The vacating of power by the Governments of Canada and British Columbia—through the permanent constitutional mechanism of modern treaties—is unique in the world. It is also supported by the Canadian Constitution, and benefits all the parties and all Canadians.

While modern treaties have provided a mechanism for sharing sovereignty with Indigenous peoples, the next stage of our collective work, the implementation of FPIC and the UN Declaration, will require governments to continue to vacate power, and trust Indigenous Nations to govern and make decisions.



MELODY CHARLIE PHOTO

All relevant government departments must lead the way in assessing whether their old authorities and ministerial discretion are still needed in a time of reconciliation and partnership, and vacate jurisdictions to make greater space for Indigenous self-government. Failure to do so will impede Indigenous self-determination, and impede the negotiations of treaties, agreements and other constructive arrangements, and will impede reconciliation. An expanded sharing of sovereignty is possible, and is consistent with government authorities needed for good public governance. By vacating powers and authorities through negotiations, the parties can achieve the goals and commitments of the new Rights Recognition Policy, the commitments to implement the UN Declaration, and each government's respective commitments to reconciliation.

The province's recent Declaration Act (section 7) also anticipates the possibility for the sharing of power with Indigenous nations, through

agreements for the joint exercise of a statutory power, and agreements requiring the consent of an Indigenous nation before the exercise of a statutory power of decision. This demonstrates that the sharing of sovereignty with Indigenous nations is expanding, and modern treaties are an established negotiation mechanism to enable these complex discussions.

INTERNATIONAL MECHANISMS AND TREATY NEGOTIATIONS

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

In light of this expanded mandate, the Treaty Commission has been establishing connections with key United Nations bodies related to Indigenous rights. At the beginning of March 2020, the Treaty Commission hosted a UN Expert Session, bringing together Stage 5 First Nations leadership, experts from the United Nations Permanent Forum on Indigenous Issues (PFII) and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the First Nations Summit, and senior officials from the governments of Canada and BC.

This one-day session focused on international mechanisms and instruments, how these processes support negotiations in BC, and how treaty negotiations and First Nations can inform international mechanisms. This forum provided

an opportunity for attendees to engage in a dialogue on treaty negotiations, the UN Declaration, and the Rights Recognition Policy.

Speakers and panelists included: the esteemed Dr. Wilton Littlechild; UN experts Kristen Carpenter, Megan Davis and Alexey Tsykarev; Lea Nicholas-MacKenzie, Special Advisor for Indigenous Issues at the Canadian Permanent Mission to the United Nations in New York; Cheryl Casimir, Robert Philips and Howard Grant from the First Nations Summit; Daniel Quan-Watson, Deputy Minister, Crown-Indigenous Relations and Northern Affairs Canada; Jessica Wood, Assistant Deputy Minister for the Reconciliation Transformation and Strategies Division of the Ministry of Indigenous Relations and Reconciliation; and Jesse McCormick, Director of



RIGHTS RECOGNITION IN BC HANDBOOK

At the UN Expert Session, the Treaty Commission shared an initial pilot run of its *Indigenous Rights Recognition in BC: Collection of Key Policies, Laws, and Standards*.

This publication collates the key foundational documents of Indigenous rights recognition in BC: *Principals' Accord on Transforming Treaty Negotiations in British Columbia* (Principals' Accord); the Rights Recognition Policy; *The Report of the British Columbia Claims Task Force* (Task Force Report); *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* (10 Principles); BC's Declaration Act; the UN Declaration; and the Calls to Action.

The Treaty Commission looks forward to distributing its official version this coming year.

Rights Implementation at the Office of the Minister of Justice and Attorney General of Canada.

Over the years, the Treaty Commission has made submissions to the United Nations PFII and EMRIP bodies, advocating for full and effective implementation of the UN Declaration through treaties, agreements, and other constructive arrangements in British Columbia and Canada.

Treaties operationalize many of the provisions in the UN Declaration and treaty tables are already integrating the UN Declaration into negotiations. In the past two years, seven treaty tables have advanced to Stage 5 treaty negotiations through innovative agreements that support the implementation of the UN Declaration. The Treaty Commission looks forward to continuing to support engagements focused on the UN Declaration and treaty negotiations.

TRC CALLS TO ACTION ANNIVERSARY

Every June is National Indigenous History Month, which recognizes the first peoples across Canada, their rich and distinct cultures, languages and diversity. This is a time to embrace important work and conversations about the shared history of Canada and how we can all honour our relations with one another.

This year also marked the fifth anniversary of the Truth and Reconciliation Commission's final report and Calls to Action. The TRC final report and Calls to Action address the history, injustices, and lasting impacts of the Canadian Indian residential school system. The legacy of residential schools and colonialism remains with us today, it is a part of our shared history, and provides important context to land and Indigenous rights recognition, including treaty negotiations currently happening in BC.

In its final report, the TRC called on governments, educational and religious institutions, civil society groups, and all Canadians to work toward enacting the Calls to Action. They provide an important framework for reconciliation across all sectors, and work towards building a stronger and more vibrant Canada. The Treaty Commission undertook a public information campaign throughout the month of June to celebrate the fifth anniversary, to promote public awareness, and recognize the ongoing work required to fully implement the Calls to Action.

The Calls to Action are a pathway to critical change, and it is our collective responsibility in Canada to ensure that we begin this work for the betterment of current and future generations.

Reconciliation is the shared responsibility of all Canadians.

UNDERSTANDING OUR TREATIES WEBSITE

The Treaty Commission values youth and the next generation of leaders and encourages them to get involved and support the advancement of Indigenous self-determination and self-government through modern treaties. Their leadership and contributions are essential to the success of the negotiations, ratification, and implementation of modern treaties. It is critical that emerging leaders and the next generation be part of leading and shaping this future.

To enhance our youth engagement, public information and education initiatives, the Treaty Commission partnered with the Gordon Foundation, and other partners including Canada, Nisga'a Lisims Government, Land Claims Agreements Coalition (LCAC), Yukon First Nations and Yukon Government to create the Understanding Our Treaties website. The website

was launched in mid-September and aims to engage Indigenous emerging leaders and all Canadians to learn about treaties through an interactive hands on learning experience.

The *Understanding Our Treaties* website features online resources, activities and a *Treaty Simulation* model. Over the next year the Treaty Commission will be enhancing more BC specific information on ratification, negotiations, and implementation of treaties. This includes engaging BC First Nations. We encourage everyone, and especially young emerging leaders, to go to the website: understandingtreaties.ca.

In February, the Treaty Commission also supported the second Treaty Negotiation and Implementation Simulation, hosted by the Gordon Foundation at the national LCAC conference. This simulation was delivered to emerging Indigenous leaders from British Columbia, Quebec, Northwest Territories, Nunavut and Yukon. It provided an experiential learning opportunity, and a chance for youth to connect with and learn from experts in treaty implementation and negotiations.

EFFECTIVENESS REVIEW

This fall, the Principals began the process of conducting an Effectiveness Review of the Treaty Commission, a requirement under the legislation establishing the BC Treaty Commission. This Effectiveness Review will be undertaken by an independent third party, and will determine whether the BCTC is effective in fulfilling its roles and responsibilities, as outlined in the BCTC authorities. It will also determine whether changes to policy, processes, legislation or the BCTC's roles and responsibilities are needed to better position the BCTC to effectively respond to the changing landscape of the negotiation

of treaties, agreements and other constructive arrangements in BC.

The Effectiveness Review has an important forward looking focus, to examine the Treaty Commission's role in facilitating, among other things, the negotiation of new types of agreements and other constructive arrangements contemplated in the Rights Recognition Policy. These include shared decision-making agreements, and the implementation of treaties, agreements and other constructive arrangements.

The Treaty Commission has been involved in these types of facilitations in different capacities and looks forward to further clarity and a possible enhanced role in supporting these negotiations.

In May, federal Commissioner Mary-Ann Enevoldsen's term was complete, and the Government of Canada appointed interim federal Commissioner Liseanne Forand. The Treaty Commission thanks Mary-Ann for her immense dedication and leadership. In closing, I want to also thank the Principals for my renewed mandate and re-appointment as Chief Commissioner. It is an honour to continue to serve in my role and support First Nations, British Columbians, and Canadians to advance treaties and negotiations through our collective work.

I am deeply grateful to the hard-working and talented staff at the Treaty Commission. This team is without a doubt the reason the Treaty Commission has been as effective as possible in carrying out its challenging, complex, and important work.

Hay čx^w qə

Celeste Haldane

CHIEF COMMISSIONER



NISGA'A TREATY

NISGA'A VISION

“Sayt-K'il'im-Goot: one heart, one path, one nation.”

Nisga'a Lisims Government is committed to ensuring its programs, services, and day-to-day operations reflect this vision.

In the spirit of Sayt-K'il'im-Goot, the Nisga'a Nation is a place where:

- Our *Ayuuk*, language, and culture are the foundation of our identity
- Learning is a way of life
- We strive for sustainable prosperity and self-reliance
- We inspire trust and understanding through effective communication, and
- Our governance and services evolve to meet our people's needs.

ALL PHOTOS IN THIS SECTION ARE COURTESY OF THE NISGA'A LISIMS GOVERNMENT / GARY FIEGEHEN



NISGA'A TREATY 20TH ANNIVERSARY

This year marked the twentieth anniversary of the history-making *Nisga'a Final Agreement* (Nisga'a Treaty). The Treaty Commission celebrates and honours Nisga'a Nation, Canada and British Columbia for their tremendous leadership in achieving the first modern treaty in B.C.

On May 11, 2000, the Nisga'a Treaty came into effect, constitutionally protecting Nisga'a rights, title, interests and jurisdiction throughout its traditional lands in the Nass Valley located in northern B.C. This includes 2,000 km² of Nisga'a Lands, 16,000 km² Nisga'a

TIMELINE

Indian Act enacted by Canada.
1876

Nisga'a Land Committee submits its petition to the British Privy Council in London.
1913

Parliament repeals *Indian Act* provisions that outlawed the potlatch and prohibited land claims.
1951

Nisga'a begin negotiating with Ottawa (B.C. government observer status). Nisga'a claim is the only one in B.C. started under Comprehensive Land Claims policy.
1976

1887
Nisga'a Chiefs travel by water to Victoria to discuss the Nisga'a Land Question. Turned away on the steps of the legislature.

1927
Aboriginal people prohibited from organizing to discuss land claims or land rights.

1973
Calder Decision, the Supreme Court of Canada rules that Nisga'a held Aboriginal title before settlers came, but the judges split evenly on whether Aboriginal title continued to exist.

in the Wildlife Area, and 26,000 km² in the Nass Area. Beginning as opposing parties, the treaty partners now implement a government-to-government relationship and modern treaty based on respect, recognition, cooperation and partnership.

The Nisga'a Treaty was a significant turning point in British Columbian and Canadian history. It is the first treaty in Canada to constitutionally entrench and protect Indigenous self-government. It represents a true sharing of sovereignty with the governments of Canada and British Columbia, accomplished in an era before the UN Declaration and the concept of "free, prior and informed consent," and has led the way in providing a living example of how to recognize and implement Indigenous rights, nationhood, and sharing of power by governments. The Nisga'a Treaty was negotiated through the comprehensive land claims process, before the Treaty Commission and treaty negotiations process were established. Throughout its negotiation and now implementation, the treaty continues to shape pathways of treaty self-government and Indigenous rights recognition.



For the Nisga'a people this marked the end of a 113-year journey, and a move towards restoring Nisga'a self-determination and self-government. Their first Land Committee was established in 1887, and the leaders journeyed to Victoria by canoe to assert Nisga'a title but were turned away. From 1927 to 1951, Canada outlawed Aboriginal peoples from raising money to pursue their rights, title land claims. The *Calder* case was a landmark decision which recognized Aboriginal rights existed prior to confederation and continue to exist. The Supreme

British Columbia
formally enters Nisga'a
negotiations.
1990

Nisga'a Agreement
in Principle signed.
1996

April 26, Nisga'a
Final Agreement (Bill 51)
receives Royal Assent in
the BC Legislature.
1999

1982
Constitution of Canada
recognizes and affirms
existing Aboriginal rights.

1991
Tripartite framework
agreement signed
between Nisga'a
Nation, Canada, and
British Columbia.

1998
August 4, Nisga'a
Treaty (Nisga'a Final
Agreement) is initiated.
November 7, Nisga'a Nation
votes to ratify the Nisga'a
Final Agreement and
adopt the Constitution
of the Nisga'a Nation.

2000
April 13, Nisga'a Treaty
formally ratified and (Bill C-9)
receives Royal Assent in the
Parliament of Canada.

May 11, Nisga'a Lisims
Government formally comes
into effect, constitutes itself,
and passes first laws.



Court of Canada decision was a turning point in the process of addressing outstanding land claims and recognizing rights. Aboriginal and treaty rights were eventually affirmed in section 35 in the *Constitution Act* of Canada, in 1982.

The treaty established the Nisga'a Lisims Government (NLG); the four Nisga'a Village Governments of Gitlaxt'aamiks, Gitwinksihlkw, Laxgalts'ap, and Gingolx' and three Nisga'a Urban Locals. Nisga'a *Ayuuk* continues and is upheld in the *Constitution of the Nisga'a Nation* ratified in 1998: "[Nisga'a] observe Ayuukhl Nisga'a, we have heard our Adaawak relating to all our Ango'oskw, from the Simgigat and Sigidimhaanak' of each of our wilp. We honour and respect the principle of the common bowl."

The treaty reflects Nisga'a self-determination and self-government. It is grounded in the nation's vision of restoring and building a sustainable and prosperous economy, improving the wellbeing of their people, and constitutionally protecting jurisdiction over land and resources, including a Nisga'a-specific environmental assessment process. Under the treaty, NLG has the authority to pass laws on a broad range of matters, including matters of exclusive jurisdiction, and areas of shared jurisdiction with federal and provincial authorities. NLG determines their own citizenry through the *Nisga'a Citizenship Act*, and no longer through the *Indian Act*.

IMPLEMENTATION AND LEGACY

Treaties empower First Nations to prosper and benefit in their traditional territories into the future and for generations to come. Treaties unlock economic potential, ranging from access to financing, investments in local and regional infrastructure, housing, and commercial activity and development, all of which benefits both First Nations and non-First Nations.

Since implementation, the world has witnessed the Nisga'a Nation prosper, taking control of their own interests, lands, resources, and closing the socio-economic gap that colonization and the *Indian Act* created. The NLG have jurisdiction over education, health, and citizenship. There are approximately 7,600 Nisga'a citizens residing in the Nisga'a villages, and in Terrace, Prince Rupert, Port Edward, and throughout the Lower Mainland. Educational success, labour force activity and employment rates have all risen, and Nisga'a language and culture is flourishing. They established a Lisims Fisheries Conservation Trust; Wilp Wilxo'oskwhl Nisga'a Institute – Nisga'a House of Wisdom (post-secondary institute); and Nisga'a Museum, Hli Goothl Wilp-Adokshl. Major infrastructure advancements have taken place under the treaty: 287-kilovolt Northwest Transmission Line, 31-megawatt Long Lake Hydroelectric Project, resource development, and much more.



Over the years, BCTC and Nisga'a have collaborated on various initiatives to raise awareness and share information about treaties. These initiatives include a Deloitte Report ("Socio-economic Benefits of Modern Treaties in BC"), a conference ("Preparing for the Day After Treaty"), a documentary (Nisga'a Dancing in Both Worlds), and interviews (such as on the significance of the UN Declaration, in BCTC's 2016 Annual Report). In 2019, the Nisga'a Nation joined the Modern Treaties Alliance of BC, a cooperative alliance of all eight modern treaty nations in B.C., which advocates for common treaty implementation matters at the provincial level. All BC modern treaty nations are also members of the Land Claims Agreement Coalition, which advocates for national treaty implementation matters.

In our 2016 Annual Report we interviewed leadership from modern treaty nations on how their agreements embody their vision of self-determination to ask them how treaties reflect the principles of the UN Declaration. The Nisga'a leadership interviewed at that time stated that, "Our treaty provides certainty. There is no question about the perfected, protected rights of the Nisga'a citizens. We have never extinguished our rights. We have perfected them and they are protected... This is the closest thing you get to sovereignty." "Nothing goes on within the 26,000 km² of our traditional territory without consulting us. ... Chapter 10 of the Nisga'a treaty, Environmental Assessment and Protection, is our free, prior, and informed consent. ..."

In 2018, the Treaty Commission obtained an independent legal opinion on how modern

treaties can operationalize the right to "free, prior and informed consent" under the UN Declaration (see Blakes legal opinion from 2018). The opinion highlights how the Nisga'a Final Agreement resolves complex issues of jurisdiction and the sharing of power — of sovereignty — with Canada and BC, and that the rights of the Nisga'a Nation as a government responsible for its own people, land, and resources are recognized, and can be operationalized in a meaningful way.

Additionally, the legal opinion emphasizes how a modern treaty may provide for rights that do not otherwise exist under Section 35, or as affirmed by the courts. For example, the Nisga'a Final Agreement requires British Columbia to consult with the Nisga'a Lisims Government in certain circumstances during the legislative process. While the Supreme Court of Canada recently ruled that the duty to consult under Section 35 does not extend to the legislative process, the Court confirmed that its conclusions do not affect treaty requirements that explicitly require pre-legislative consultation, such as those the Nisga'a achieved in their treaty.

Treaties are the culmination of the significant efforts of generations of First Nations peoples to restore their lands, resources, societies, cultures, and ways of governing. The journey of self-government is not an easy task and does not happen overnight. It takes time to realize the full potential of treaties and nationhood. Chief Commissioner Haldane remarks,

Twenty years ago, the leaders of the day put into place this everlasting achievement which will continue to empower generations to come. Today, generations of Nisga'a live and thrive under Nisga'a Law and nationhood, never having to grow up under the Indian Act. The Nisga'a determine their own path, and the Treaty Commission honours all Nisga'a, past, present, and future.

The Nisga'a Treaty was the first modern treaty in BC which helped shape seven completed treaties and those advancing through the BC treaty negotiations process.



REMEMBERING SIM'OOGIT HLEEK DR. JOSEPH ARTHUR GOSNELL

On August 18, 2020, renowned Nisga'a leader and former Nisga'a President Dr. Joseph Arthur Gosnell, Sr., O.C., O.B.C., LL.D., passed away. Dr. Gosnell's legacy and tremendous lifetime contributions to the Nisga'a Nation, his family, to British Columbia and Canada, and to reconciliation across this country and the world will never be forgotten.

Sim'oogit Hleek, Dr. Joseph Arthur Gosnell was a respected and admired hereditary Nisga'a chief of the Laxsgiik (Eagle) Clan from Gitlaxt'aamiks. Joseph was married to his wife Adele for 64 years; they were proud parents to seven children, and grandparents to many grandchildren and great-grandchildren, many of whom live to know only Nisga'a Law because of Sim'oogit Hleek.

He was a distinguished leader, statesman, negotiator in the landmark Nisga'a treaty, commercial fisherman and carver. Gosnell dedicated his life and efforts to restoring Nisga'a sovereignty; his legacy lives on through the Nisga'a Nation and the implementation of their treaty.

Throughout his lifetime Dr. Gosnell received numerous honours including: Companion and Officer of the Order of Canada, Companion of the Order of British Columbia, Chancellor of the University of Northern BC, several honorary doctorates, Queen's Golden Jubilee Medal, and many more recognitions.

The Treaty Commission echoes the words of Nisga'a Lisims Government President Eva Clayton, "Through his wisdom, dignity, and determination, Dr. Joseph Gosnell helped lead the Nisga'a people out of the *Indian Act* and into self-government through his work in negotiating and implementing the Nisga'a Treaty, which has become a beacon of hope for people the world over."

"Over the past 20 years we have witnessed a hallmark of Indigenous self-determination and self-government. The Treaty Commission is incredibly honoured to be engaged in this important work of recognition and reconciliation, and we hold up the Nisga'a Nation and the late leaders Dr. Joseph Gosnell, Dr. Frank Calder and many others for leading the way in BC," said Chief Commissioner Haldane.

NEGOTIATIONS UPDATE



OVERVIEW

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

STAGE 6: FIRST NATIONS IMPLEMENTING MODERN TREATIES (7)

- | | |
|---|--|
| Maa-nulth First Nations | » Uchucklesaht Tribe / page 25 |
| » Huu-ay-aht First Nations / page 23 | » Yuuʔuiłath (Ucluelet) First Nation / page 25 |
| » Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations / page 24 | Tla’amin Nation / page 25 |
| » Toquaht Nation / page 24 | Tsawwassen First Nation / page 26 |

STAGE 5: FIRST NATIONS FINALIZING NEGOTIATIONS (14)

- | | |
|---|--|
| Ditidaht First Nation / page 28 | Samahquam and Skatin First Nations / page 32 |
| Hul’qumi’num Treaty Group / page 28 | Stó:lō Xwexwilmexw Treaty Association / page 32 |
| K’ómoks First Nation / page 29 | Te’mexw Treaty Association / page 32 |
| Ktunaxa Nation / page 29 | Tsimshian First Nations* |
| Laich-Kwil-Tach Council of Chiefs / page 30 | (Kitselas And Kitsumkalum; Metlakatla) / page 33 |
| Northern Shuswap Tribal Council / page 30 | Wei Wai Kum/Kwiahah First Nations / page 34 |
| Pacheedaht First Nation / page 31 | Wuikinuxv Nation / page 35 |
| | Yekooche First Nation / page 35 |

STAGES 1 TO 4: FIRST NATIONS ACTIVELY NEGOTIATING (17)

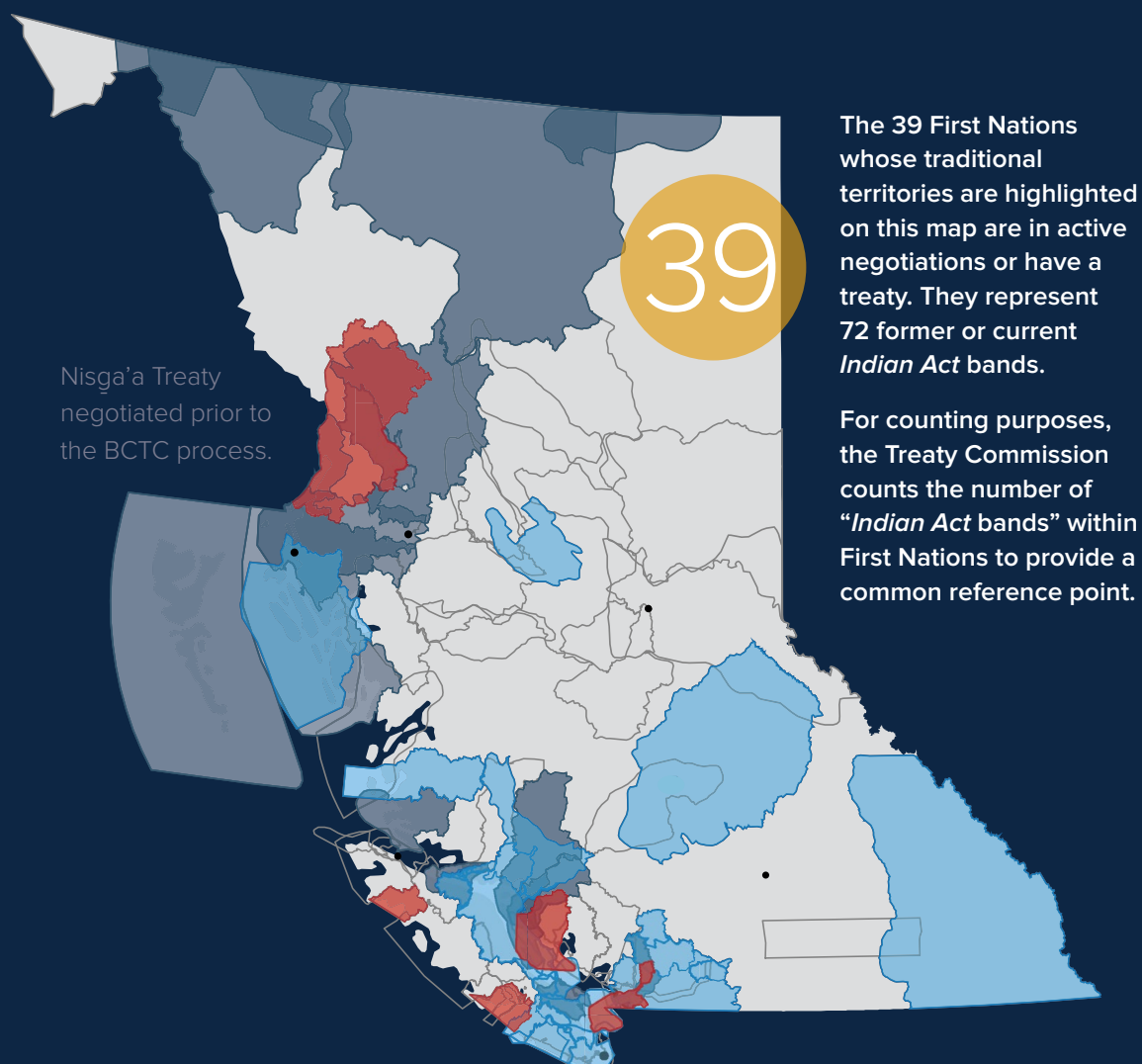
- | | |
|--|---|
| Acho Dene Koe First Nation / page 36 | Kaska Dena Council / page 39 |
| Allied Tribes Of Lax Kw’alaams / page 36 | Klahoose First Nation / page 39 |
| Carcross/Tagish First Nation / page 36 | Snuneymuxw First Nation / page 39 |
| Council Of The Haida Nation / page 37 | Taku River Tlingit First Nation / page 39 |
| Gitanyow Hereditary Chiefs / page 37 | Teslin Tlingit Council / page 39 |
| Gitxaala Nation / page 37 | Tlowitsis First Nation / page 40 |
| Gitxsan Hereditary Chiefs / page 37 | Tsay Keh Dene Band / page 41 |
| Gwa’sala-’Nakwaxda’xw Nations / page 38 | Tsimshian First Nations |
| Homalco Indian Band / page 38 | (Gitga’at; Kitasoo/Xaixais) / page 41 |
| Katzie First Nation / page 38 | <i>*Tsimshian is counted as one First Nation, with communities in various stages.</i> |

For First Nations in the process but not currently negotiating, please visit our website bctreaty.ca

BY THE NUMBERS



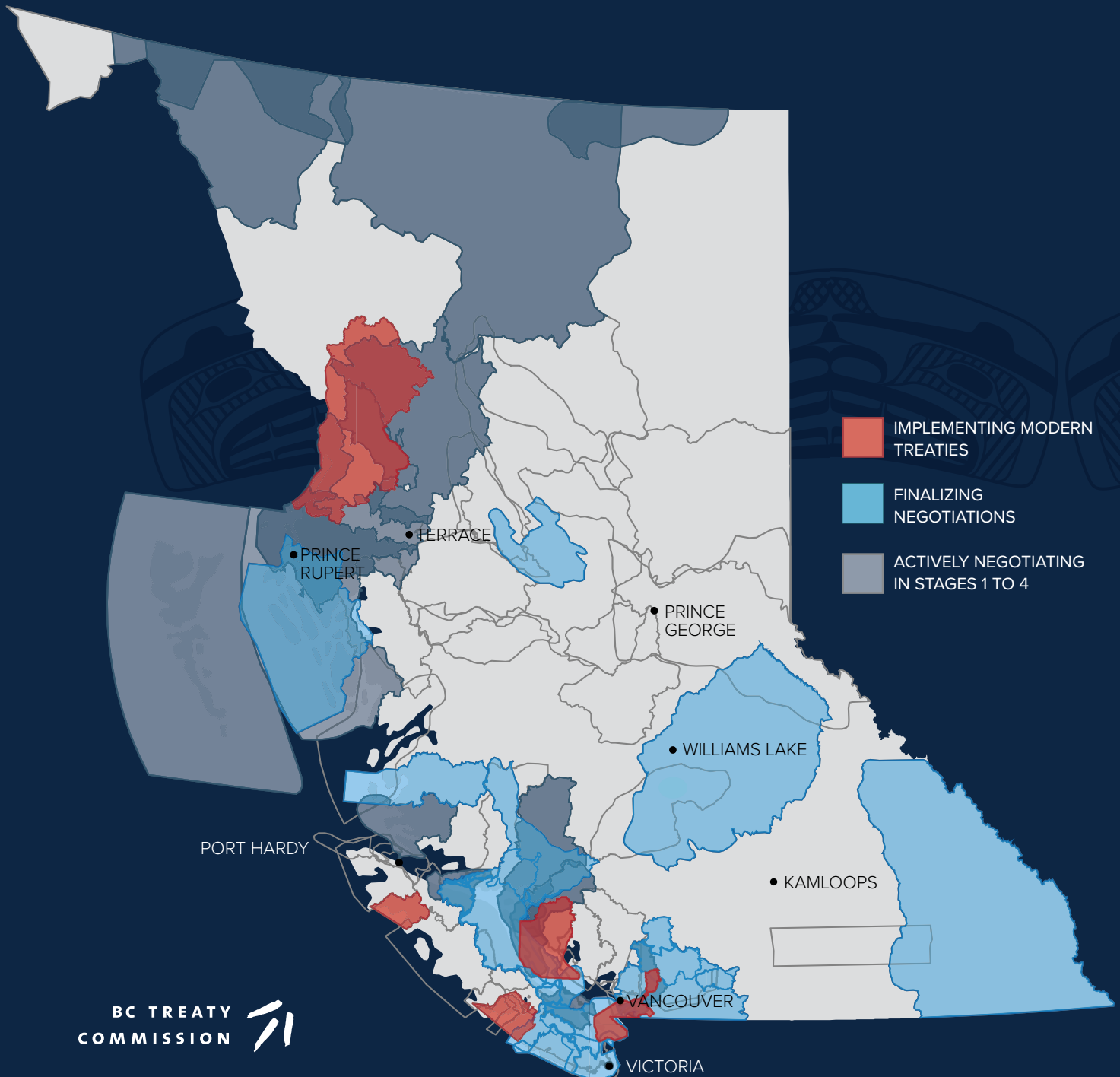
There are 29 modern treaties in Canada, 8 are in BC.



A MAP OF PROGRESS

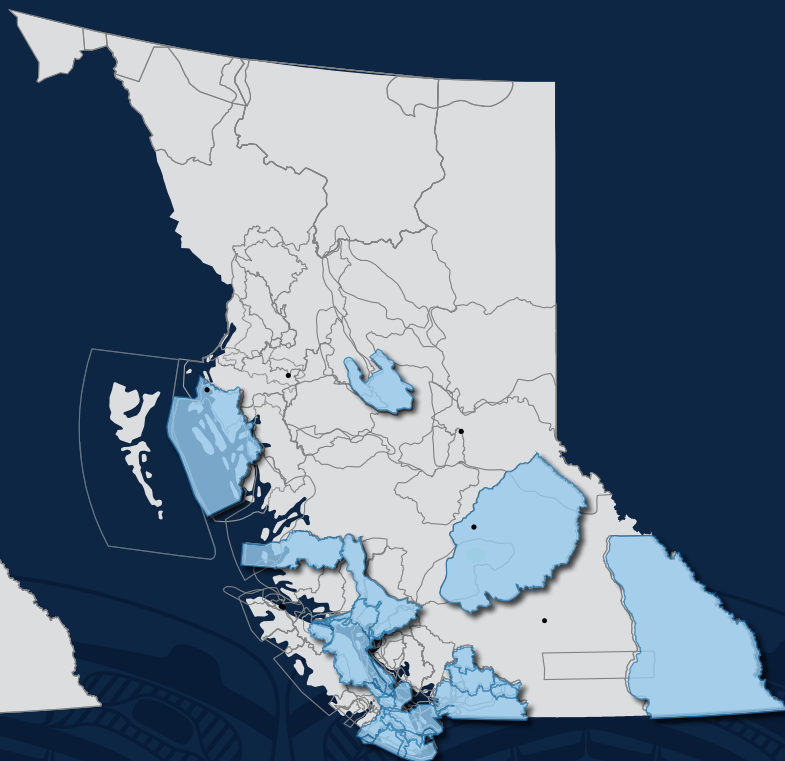
The 39 First Nations whose traditional territories are highlighted on the map represent 8 Indigenous governments implementing modern treaties, 14 First Nations finalizing negotiations and 17 First Nations actively negotiating in Stages 1 to 4 of the treaty negotiations process.

In total, this map represents 72 current and former *Indian Act* bands.

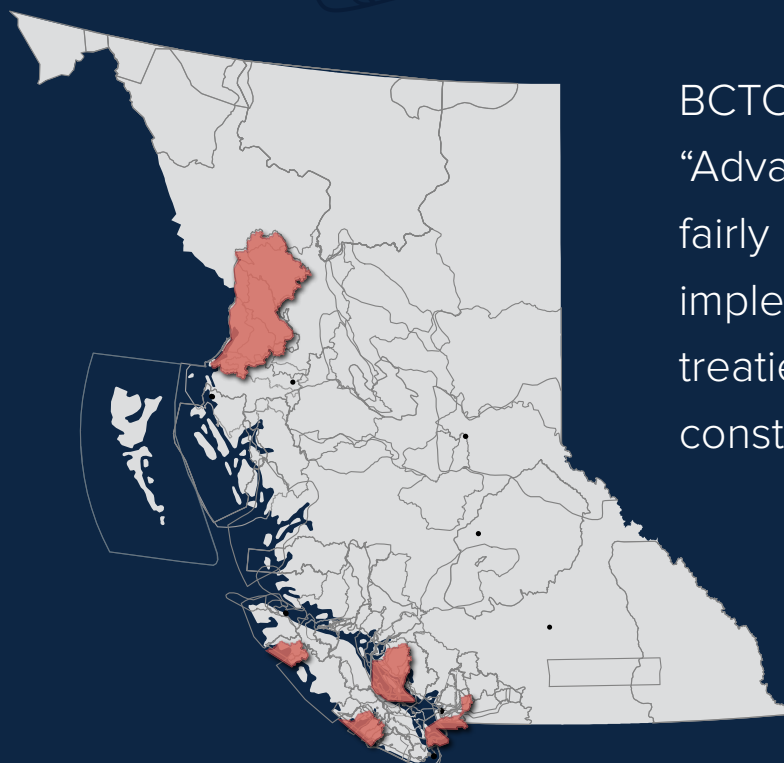


ACTIVELY NEGOTIATING IN STAGES 1 TO 4 (17)

FINALIZING NEGOTIATIONS (14)



IMPLEMENTING MODERN TREATIES (7)



BCTC Vision Statement:
“Advancing reconciliation through
fairly negotiated and honourably
implemented modern-day
treaties, agreements, and other
constructive arrangements.”

An interactive map of all First Nations participating in, or who have completed treaties through, the BC treaty negotiations process is available on the Treaty Commission's website at bctreaty.ca/map



MELODY CHARLIE PHOTO

ABOUT THE STATUS REPORTS

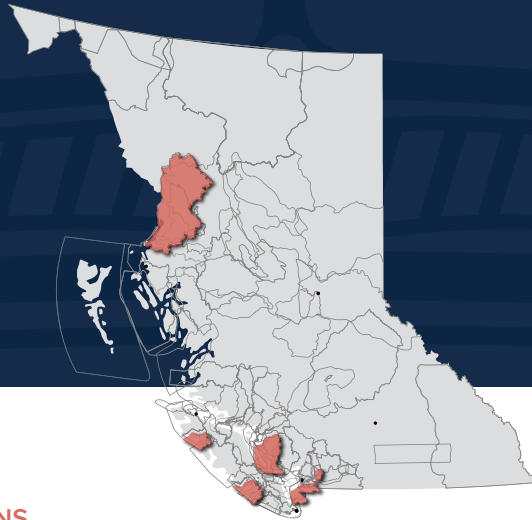
- A “First Nation” in the BC treaty negotiations process is a self-defined governing body with traditional territory in BC, established and mandated by its people to enter into treaty negotiations with Canada and British Columbia. The BCTC Agreement and legislation affirms this principle of self-definition and nationhood.
- For statistical counting, 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: fnp-ppn.aadnc-aandc.gc.ca

ACRONYMS

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

STATUS REPORTS: STAGE 6

IMPLEMENTING MODERN 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 Yuułuṭ̓iḥ̓aṭḥ (Ucluelet) First Nations, Canada, and British Columbia have been implementing their new relationships for over nine 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 735 citizens; Ka:'yu:'k't'h'/Che:k'tles7et'h' has approximately 585 citizens; Toquaht has approximately 155 citizens; Uchucklesaht has approximately 230 citizens; and Yuułuṭ̓iḥ̓aṭḥ 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 the past year, Huu-ay-aht First Nations (HFN) continued to expand its infrastructure, engaged in resource and economic development opportunities, and continued to strengthen its government-to-government relationships. Building on the Reconciliation Protocol Agreement signed in 2018 between HFN and Western Forest Products, Huu-ay-aht announced this March that the Nation will purchase an additional 44 percent of tenure ownership of Tree Farm License 44, and 7 percent stake in the Alberni Pacific Division sawmill. In May, Huu-ay-aht also signed a Memorandum of Understanding with Mosaic Forest Management Corporation, which commits the signatories to reconciliation, sustainability, joint development of the forestry sector, and adherence to HFN values.

Along with the other Maa-nulth First Nations, HFN met with representatives from the provincial government in December 2019, for the second annual Government-to-Government Forum. This February, Huu-ay-aht and Tseshaht First Nations signed an historic economic development protocol agreement, grounded in strong nation ties, and committing to explore collaborative business developments and partnerships in Tseshaht ḥahuuḥi. Since effective date, HFN has drawn down its law-making authority to enact Huu-ay-aht laws. 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 province's 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

This year, Toquaht Nation negotiated a new five-year Fiscal Financing Agreement, which increased the Nation's funding to \$4.6 million. Their first agreement expired in 2019. This January, Toquaht, Yuuḥuḥiḥaḥ and the Districts of Ucluelet and Tofino, Area C, and School District 70 Pacific Rim began discussions on mutual priorities and cooperative opportunities, it is hoped this will become an annual forum. Toquaht continues to pursue a number of capital projects. Opened in June 2019, the Secret Beach marina, campground, boat launch and kayak launch are the first phase of a broader plan to establish Secret Beach as a regional tourism hub. Secret Beach facilities were closed for the majority of 2020 due the COVID-19 pandemic, although continued access for authorized residents and essential services was permitted. Toquaht is using this time to upgrade the site's infrastructure, including the installation of a second breakwater and extending the marina floats. Construction has begun on a new Macoah Community Building. The building is expected to be complete in spring 2021, and will include a gathering hall, community kitchen and office spaces. Designs for a new water storage reservoir in Macoah are in progress.

In 2019 Toquaht completed phase one of their Coastal Adaption Project, assessing probable impacts of natural hazards, and this year the Nation is working on ways to mitigate potential disasters. In May 2018, the First Nation launched the Toquaht Language Project. 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. Toquaht also 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 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

Uchucklesaht Tribe Government (UTG) continues to expand its governance, economic development, community programming and service delivery for its citizens. Since purchasing the former Redford School property in Port Alberni in November 2018, the UTG engaged with citizens to rename the building. The building has since been named Nuč ii (“mountain surrounded by nations”), and will eventually 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. In 2018, Uchucklesaht Tribe launched Thunderbird Spirit Water, an award-winning premium spring water that also donates a percentage of profit to provide safe water to First Nations who still do not have access to clean water. 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.

» Yuułuʔiłʔatḥ (Ucluelet) First Nation

Yuułuʔiłʔatḥ Government has been addressing priority areas of housing, post-secondary education, and mental health and wellness. Yuułuʔiłʔatḥ has been enhancing their governance capacity, introducing a Foundation Program that will build shared understandings of government members’ roles, and how they support each other and the community. Yuułuʔiłʔatḥ continues to develop their culture and language programming for all ages, creating an interim Cultural Centre and Cultural Lending Library, and

opening the Qʷayačiiłʔiis Headstart Childcare Centre. The Nation is in a transitioning to its own health and Usma Family and Child Services independently from the Nuu-chah-nulth Tribal Council. Beginning this March, the First Nation assumed responsibility for all Child Protection services. Yuułuʔiłʔatḥ successfully negotiated the return of 46 artifacts held by museums in British Columbia and Quebec; artifacts began returning to the community this summer. Yuułuʔiłʔatḥ is developing a Gap Closing Action Plan for their share of the gaps closing funds allocated in the 2018 federal budget. The Nation has been consulting their citizens and working with BC Transit to explore a transit service between Ucluelet and Tofino, including a stop at Hitacu. Yuułuʔiłʔatḥ operates a satellite office in the Uchucklesaht Government Building in Port Alberni to support their local members. In 2016, the First Nation completed a water treatment system, and in 2015 Yuułuʔiłʔatḥ 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 four years. The treaty recognizes and transfers ownership and jurisdiction of 8,323 hectares of land to the First Nation 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 \$300,000. Tla'amin Nation will also receive \$700,000 annually in resource revenue sharing payments for 50 years.

Tla'amin continues to advance governance and enhance services to support the well-being of their citizens. Tla'amin is revising priorities in its 2007 Community Comprehensive Nation Plan to reflect its new goals as a modern treaty nation. The Nation continues to work collaboratively with local governments on shared interests in the region. In June, Tla'amin, City of Powell River, and qathet Regional District received \$50,000 from the province to support their first regional poverty reduction plan. After Tla'amin Nation voted to accept the Klahanie specific claims settlement offer, Canada advanced approximately \$22.8 million in unpaid fees owed to the Nation for a 40-year old lease. In December 2019, Tla'amin Nation and the Okeover Harbour Authority Protocol of Archeological Protection came into effect. The agreement is a result of Harbour Authority work that damaged a Tla'amin shell midden, and subsequent efforts to create a more collaborative relationship with the Nation. Since effective date, Tla'amin has drawn down its law-making authority to enact Tla'amin laws.

There are approximately 1,165 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. Tsawwassen, Canada, and British Columbia have been implementing their new relationship for over eleven years. The treaty recognizes and transfers ownership and jurisdiction of 724 hectares of land to the First Nation and provides 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.

Tsawwassen continues to develop their infrastructure with site preparation for a 36-unit multi-family housing project, a new youth centre with targeted completion in early 2021, and plans for an Elders centre are also being developed. TFN also developed an Agricultural Business Plan, which recommends four initiatives: training and capacity building; edible landscapes on TFN lands; a community garden; and community supported agriculture. This summer, TFN piloted a stewardship program with Raincoast Conservation Foundation to teach and mentor youth about Tsawwassen traditional territory. Phase two of the TFN Placemaking Project began, a legacy community initiative to support community identification and wayfinding signs, and land beautification through citizens' input on what TFN lands mean to them.

In November 2019, TFN completed the purchase of 79 hectares of farmland at Brunswick Point. TFN tax exemption is scheduled to expire in January 2022. In 2019 Tsawwassen's Executive Council formed a Tax Panel to prepare for the expiry and transition. The panel will engage TFN government and citizens to develop readiness strategies and ensure a smooth transition. TFN's industrial developments are expected to generate an estimated \$245 million in annual income for the community. 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



MELODY CHARLIE PHOTO

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.

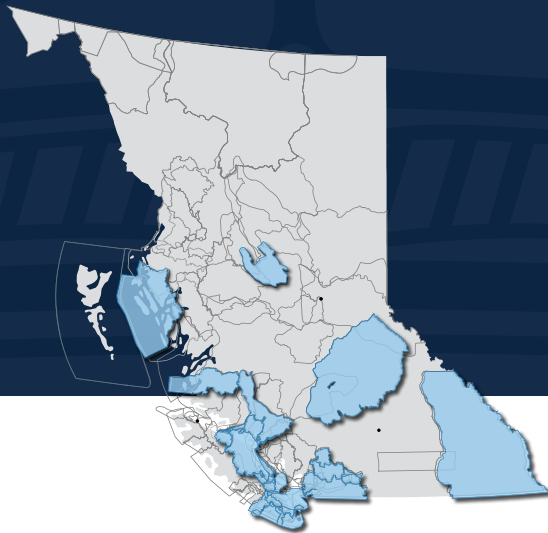
ALLIANCE OF BC MODERN FIRST NATIONS

On July 24, 2018, Huu-ay-aht, Ka:'yu:'k't'h'/Chek'tles7et'h', Tla'amin, Toquaht, Tsawwassen, Uchucklesaht, and Yuułuṭ̓iḡaṭh First Nations established the Alliance of BC Modern Treaty Nations (the Alliance) through the signing of a Memorandum of Cooperation. In November 2019, the Nisga'a Nation joined the Alliance, which now represents all eight Treaty First Nations in BC. The Alliance collaboratively works to address shared provincial treaty implementation issues in B.C.

Last year, the Alliance successfully lobbied the Premier to establish an annual Premier's and Modern Treaty Nations Forum. The first meeting was held this year, the province and the Alliance agreed to discuss and co-develop a new fiscal relationship. 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 2020, 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."

STATUS REPORTS: STAGE 5

FINALIZING NEGOTIATIONS (14)



DITIDAHT FIRST NATION

The Ditidaht treaty table is in Stage 5 negotiations. Ditidaht made significant progress over the past year in shared decision-making and co-management, bringing Parties closer to an agreement on parks. The Parties have completed frameworks for agreements on provincial consultation obligations; collaborative management for federal parks; and an approach to address federal environmental assessment obligations. The First Nation has maintained ongoing community engagement. TRM funding supported land and resource planning.

Ditidaht along with Pacheedaht signed an Agreement in Principle on June 28, 2019 which 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 775 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 2019 the Parties signed the Hul'qumi'num Treaty Group Transition to Stage 5 and Treaty Revitalization Agreement. As per the agreement the Parties developed a four-year tripartite workplan to finalize core treaty negotiations. Key priorities include completing land and forestry appraisals, ITA work, core treaty chapter review, and a land and cash offer. Last year ITAs for private land acquisitions for Cowichan Tribes, Halalt, and Penelakut were completed. Crown land ITAs for Ts'uubaa-asatx (Lake Cowichan) and Lyackson are targeted for late 2020 or early 2021. HTG completed phase two of TRM project supporting Crown land evaluation work. HTG continues to engage

neighbouring First Nations to address overlapping/shared territory issues.

The Hul'qumi'num transition agreement 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 6,580 HTG members, with traditional territory encompassing part of southern Vancouver Island, 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. Since signing the Agreement to Revitalize K'ómoks First Nation Treaty Negotiations in June 2019, the Parties have made significant progress toward finalizing the treaty. The agreement commits the Parties to a core treaty approach, concluding negotiations within two years, and affirms that negotiations will be based on the recognition of rights and title. 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 early transfer of two land parcels to the First Nation.

K'ómoks has worked to strengthen relationships with local governments and collaborate on

infrastructure opportunities. Along with Tlowitsis, We Wai Kai, Wei Wai Kum and Kwiakah, K'ómoks has done substantial work to advance their fisheries negotiations, with all five Nations developing a Fisheries Reconciliation Framework Agreement. TRM funding is supporting planning for community development and fiscal relations between the Nation and Canada, 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 345 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, Nuw-chah-nulth, Sechelt, Snuneymuxw, Tla'amin, Te'mexw, Tlowitsis, We Wai Kai, Wei Wai Kum, and Kwiakah.

KTUNAXA NATION

The Ktunaxa Nation (formerly known as Ktunaxa Kinbasket Treaty Council) treaty table is in Stage 5 negotiations. In May 2019, the interim Ktunaxa Nation Citizenship code was ratified, and the Registrar, Enrollment Board, and Review and Appeal Board became operational. This past year, the Parties have adopted a stepping-stone approach to the negotiations, involving drafting of a Ktunaxa Nation Recognition Agreement, core treaty discussions and mandate co-development. Ktunaxa continues to engage members on its

constitution development. Ktunaxa continues to engage with neighbouring First Nations on overlapping/shared territory issues and shared interests, including fish, archeological work, employment and health.

In November 2018, the Parties signed the Ktunaxa Nation Rights Recognition & Core Treaty Memorandum of Understanding, advancing from Stage 4 to Stage 5 negotiations. The MOU sets out the basis for the final Stage of treaty negotiations. The treaty will recognize and protect Ktunaxa'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 1,140 Ktunaxa 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. Ktunaxa represents ?akisq' nuk (Columbia Lake), ?aqam (St. Mary's Indian Band), ?akinkumtasnuqti?it (Tobacco Plains Band) and Yaqan nu?kiy (Lower Kootenay Band). Ktunaxa Nation 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" or "We Wai Kai") treaty table is in Stage 5 negotiations. LCC represents We Wai Kai in treaty negotiations. In 2019, the Parties signed the Tripartite Commitment Agreement: We Wai Kai Transition to Stage 5 Negotiations (LCC Commitment Agreement), along with a bilateral ITA to transfer lands in advance of treaty. The LCC Commitment Agreement was finalized on

June 6, 2019 and sets out the basis to finalize treaty negotiations.

We Wai Kai and BC are currently piloting a Crown land transfer project, which includes land survey and registration, and the implementation of the ITA is set to begin later this year. Along with Tlowitsis, K'ómoks, Wei Wai Kum and Kwiakah, We Wai Kai has advanced fisheries reconciliation negotiations, with all five Nations developing a Fisheries Reconciliation Framework Agreement. 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 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 1,165 LCC members. LCC is comprised of We Wai Kai (Cape Mudge), 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.

NORTHERN SHUSWAP TRIBAL COUNCIL

The Northern Shuswap Tribal Council ("Northern Secwepemc te Qelmucw" or "NStQ") treaty table is in Stage 5 negotiations. This year the Parties advanced treaty chapter language review and increased tripartite meetings to address substantive negotiations issues. The Parties

focused on eligibility and enrollment, governance, and fiscal and tax matters. NStQ increased youth engagement efforts, and the use of digital and social media to engage citizens about their treaty negotiations. Since signing an AIP in 2018, NStQ and British Columbia continue to work on land transfers to the four communities through the implementation of an ITA.

The first land acquisition was completed in August. Xatśūll First Nation agreed to lease a ranch from the province, valued at \$8 million, until effective date of the NStQ treaty, at which time ownership will transfer to the First Nation. This is the first ranch acquisition of this kind in the province. The purchase agreement delivers a grant toward the operating costs for the first year and the acquisition, delivers 1,574 hectares (3,890 acres) of deeded land, 113 hectares (280 acres) of additional pasture, more than 500 head of cattle, extensive outbuildings and two residences. The working ranch has 486 hectares (1,200 acres) of hay production and irrigation. The table continues work on ranch acquisitions for the other three NStQ communities. TRM funding supported child and family wellness jurisdiction transition work, including policy development, 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 2,670 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.

PACHEEDAHT FIRST NATION

The Pacheedaht treaty table is in Stage 5 negotiations. Parties signed an Agreement in Principle in 2019 and are working to finalize negotiations. Progress has been made on shared decision-making and co-management, bringing Parties closer to side agreements. The Parties have drafted principles for an engagement framework agreement to address provincial consultation and constitutional obligations, and developed frameworks for collaborative management within federal parks, one which outlines an approach to address federal environmental assessment obligations. Pacheedaht is engaging on overlap/shared territory work and has maintained ongoing community engagement on treaty. TRM funding supported community economic development planning.

Pacheedaht along with Ditidaht signed an AIP on June 28, 2019 which sets out the basis for the final Stage of 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.

SAMAHQUAM AND SKATIN FIRST NATIONS

The Samahquam and Skatin (formerly known as In-SHUCK-ch) treaty table is in Stage 5 negotiations. The First Nations continue to explore governance models, protocol agreements with neighbouring nations, and amending constitutions to better reflect new governance structures. An AIP was signed in 2007.

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 Tsleil-Waututh.

STÓ:LŌ XWEXWILMEXW TREATY ASSOCIATION

The Stó:lō Xwexwilmexw Treaty Association (SXTA) treaty table is in Stage 5 negotiations. Parties moved to Stage 5 negotiations in 2018 by signing the Stage 5 Treaty Negotiations Memorandum of Understanding (SXTA MOU). Since transitioning to Stage 5 negotiations the table has continued steady work on core treaty discussions. SXTA has undertaken significant community engagement work as they prepare to vote on their constitution. They strengthened digital communications initiatives with informative videos and the launch of a podcast. SXTA has continued and expanded engagement with neighbouring First Nations and local government.

TRM funding is supporting capacity building, community engagement, communications planning, and readiness for land acquisitions.

The SXTA MOU 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 1,485 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 Yakweawoose. SXTA has overlapping and/or shared territory with its First Nation neighbours: Chawathil, Cheam, Peters, Chehalis, Katzie, Kwantlen, Kwawkwawapilt, Kwikwetlem, Matsqui, Musqueam, New Westminster, Nl'akapamux, Samahquam and Skatin, Semiahmoo, Scowlitz, Seabird, Shxw'owhámel, 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, Parties worked substantially on chapter language, resolving outstanding TSL matters, and began discussing options for early implementation of the treaty. BC and Canada presented land and cash proposals to Malahat, Snaw-naw-as, and T'Sou-ke First Nations in late 2017, and Parties anticipate proposals for Scia'new and Songhees First Nations by end of this year. T'Sou-ke and Scia'new First Nations have completed work on their respective constitutions, while Snaw-naw-as,

Malahat and Songhees First Nations continue to develop and finalize their own constitutions. Key discussions on culture and heritage, fisheries and taxation continue to take place. Te'mexw First Nations have engaged in extensive communication work and maintained ongoing community engagement. TRM funding supported: constitution development, repatriation efforts, groundwater research, and special management and sustainability of areas and resources.

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. Among other matters, the treaty will recognize and protect Te'mexw First Nations' inherent title and rights, establish how the First Nations' laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory.

There are approximately 1,760 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 Nuuchah-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 at a common treaty table and are in Stage 5; Metlakatla is in Stage 5; Gitga'at

is in Stage 4; and Kitasoo/XaiXais initiated a tripartite reconciliation negotiations process.

The five Tsimshian First Nations total approximately 3,760 members. Kitselas has approximately 695 members, and Kitsumkalum has approximately 780. Metlakatla has approximately 995. Gitga'at has approximately 780 members. Kitasoo/XaiXais has approximately 508. Its traditional territory spans the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations have overlapping and/or shared territories with its First Nation neighbours: Gitxsan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

» Kitselas and Kitsumkalum

In October 2020, Kitselas and Kitsumkalum completed a Reconciliation Framework Agreement for Bioregional Oceans Management and Protection (RFA). The RFA is intended to facilitate reconciliation by advancing collaborative governance and management on matters related to marine planning and oceans management, shipping, marine safety, ocean protection, and opportunities for capacity building and economic opportunities for the Nations.

The Kitselas and Kitsumkalum treaty table continues to advance negotiations and focus on land selection and economic components of the 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 continue to build 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 stage 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 treaties 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. In October 2020, Kitselas and Kitsumkalum signed a Reconciliation Framework for Bioregional Oceans Management and Protection with Canada providing for a new level of cooperation and management options over marine areas.

» Metlakatla

The Metlakatla treaty table began its second year of negotiations since signing the Metlakatla Transition to Stage 5 and Treaty Revitalization Agreement (Metlakatla Transition Agreement) on February 14, 2019. 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. The Parties have made progress on identified negotiations priorities: forestry (including an ITA), conservation, foreshore rights and governance, 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, foreshore, water and land-use work and research.

WEI WAI KUM/KWIAKAH FIRST NATIONS

The Wei Wai Kum/Kwiah (WWKK) treaty table is in Stage 5 negotiations. Previously, WWKK negotiated with Laich-Kwil-Tach Council of Chiefs. In 2014, WWKK began negotiating at its own treaty negotiations table. In July 2019 the Parties signed the Wei Wai Kum/Kwiah Transition to Stage 5 and Treaty Revitalization Agreement (WWKK Transition Agreement). Since entering Stage 5 negotiations, Wei Wai Kum has worked on identifying ITA lands and aim to complete the agreement in early 2021. The Parties have established a lands technical working group to advance work on ITA and TSL land selection; and established a Treaty Transition Working Group to develop land and cash scenarios. WWKK is participating at a fish common table with We Wai Kai, K'ómoks, Tlowitsis and Canada. WWKK continues work with Nanwakolas Council on fish and management interests with neighbouring First Nations, and engagement efforts with neighbouring First Nations on an Inter-Tribal Governance Protocol. The Nations continue to work on post-treaty governance models, constitution and community engagement. TRM funding supported TSL selection work and work to identify co-management, and shared decision-making areas and parks is ongoing. The Parties continue to address, parks, forests, fish, co-management, and culture and heritage interests.

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 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 870 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, 'Namgis, Snaw-naw-as, Qualicum, Snuneymuxw, Da'naxda'xw Awaetlala, Tlowitsis, Tla'amin, and We Wai Kai.

WUIGINUXV NATION

The Wuikinuxv treaty table is in Stage 5 negotiations. The Parties continue work on a shared decision-making agreement, 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 14,600 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.

YEKOOCHE FIRST NATION

The Yekooche treaty table is in Stage 5 negotiations. The Parties continue to work through specific negotiations items, including forestry, fisheries and harvesting. The First Nation is working on community building and social renewal, governance planning, and engaging with neighbouring nations to resolve overlapping and shared territory issues. TRM funding supported planning for self-government.

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, Stelat'en, Takla, Tl'azt'en, and Treaty 8.

STATUS REPORTS: STAGES 1–4

ACTIVELY NEGOTIATING (17)



ACHO DENE KOE FIRST NATION

The Acho Dene Koe (ADK) treaty table has been in Stage 2, “Readiness,” for several years, as not all Parties were prepared to engage in tripartite negotiations. The Parties are now exploring a tripartite table. In February 2014, ADK signed an AIP with Canada and the Northwest Territories. Last year ADK focused on internal governance and community engagement. In 2020 the Parties are currently discussing the possibility of a tripartite exploratory table.

There are approximately 710 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 table is in Stage 3 and the Parties are exploring establishing a tripartite reconciliation table. There are approximately 3,950 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, Gitxaała, Kitselas, Kitsumkalum, Metlakatla, and Nisga’a.

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 First Nation signed its treaty in the Yukon in 2005, and a Self-Government Agreement in 2006. 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 land management, legal, lands, and financial matters.

Funding from the Nation Rebuilding Fund continues to support engagement efforts among the First Nations and Taku River Tlingit. This past year the Nations focused on a heritage resource inventory project and archival project work. Community engagement and overlap/shared territory engagement efforts with neighbouring First Nations is ongoing. TRMs supported treaty and land use in BC records management.

There are approximately 705 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.

COUNCIL OF THE HAIDA NATION

The Haida negotiating table is in Stage 4, having established a reconciliation table to explore a recognition approach to Haida title and rights and jurisdiction. There are approximately 4,800 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.

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 are 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 the fish stock composition of the Nass River. In early 2020, BC and Gitanyow signed an interim Forest

and Range Consultation and Revenue Sharing Agreement.

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

GITXAALA NATION

The Gitxaala table is in Stage 2 negotiations and exploring a tripartite reconciliation table. There are approximately 2,025 Gitxaala members, with traditional territory and waters span the northwest coast, including the Prince Rupert area. The Gitxaala territory has overlapping and/or shared territories with its First Nation neighbours: Lax Kw'alaams, and Haisla and Tsimshian First Nations.

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 7,855 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. The Parties have made substantial progress on a transition agreement to move to Stage 5. GNN has begun to draw down jurisdiction over Child and Family Service, following the passing of Bill C-92: An Act respecting First Nations, Inuit and Métis children, youth and families in June 2019. Key negotiations matters include, parks, conservancies, housing, fisheries, environmental clean-up efforts, and forestry. In May 2017, GNN signed the Cultural Revitalization and Capacity Building Agreement with British Columbia. TRMs supported land and resource management planning, governance capacity development and conservancy management planning.

There are approximately 1,050 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, Kwawa-aineuk, Kwakiutl, 'Namgis, Tlatlasikwala, Tsawataineuk, and Wuikinuxv.

HOMALCO INDIAN BAND

The Homalco treaty table is in Stage 4 negotiations. The Parties have reviewed the lands selection and revised an ITA for implementation next year. In October 2019, the Homalco Land Code was successfully ratified. This year, Homalco focused on treaty team capacity development, and

community engagement on land use planning, Comprehensive Community Planning and implementation of its Land Code. Homalco continues to engage with neighbouring First Nations including K'ómoks, Tla'amin, and Klahoose on Nation-to-Nation protocols.

There are approximately 480 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. The Parties have increased tripartite activity this year 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. TRM funding is supporting negotiation and governance planning. In 2017, Katzie ratified its community land code.

There are approximately 605 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: Samahquam and Skatin, 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. This year, Kaska Dena Council continued work on internal efforts, including implementation of the ITA and Strategic Engagement Agreement, capacity building and community engagement. In March 2020, BC and Kaska Dena Council extended their current SEA by one year. TRM funding is supporting land management planning, and an ecotourism analysis and feasibility study.

There are approximately 880 Kaska Dena members, with traditional territory stretching from north-central BC into Yukon and Northwest Territories. Within the BC treaty process, 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. This past year, Klahoose finalized proposed TSL selections and BC made substantive progress on technical lands review on the proposed TSL. The Parties reviewed and finalized several AIP chapters and are making negotiations progress. In fall 2019, Klahoose initiated overlapping/shared territory discussions with neighbouring First Nations, and in August 2020, Klahoose and Tla'amin signed a Harvesting and Communication Protocol.

There are approximately 420 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.

SNUNEYMUXW FIRST NATION

This year Snuneymuxw began engaging in tripartite reconciliation discussions with Canada and British Columbia. Previously Snuneymuxw was negotiating bilaterally with the province. The table is exploring an approach to recognize Snuneymuxw rights and title, including its Douglas Treaty rights.

There are approximately 1,855 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, Nuuchah-nulth Tribal Council, and Stz'uminus.

TAKU RIVER TLINGIT FIRST NATION

The Taku River Tlingit treaty table is in Stage 4 negotiations. The Nation continues to work on internal governance matters in preparation for tripartite negotiations.

There are approximately 430 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, the treaty table in Stage 4 negotiations. Both communities are self-governing First Nations in the Yukon with traditional territory in BC.



MELODY CHARLIE PHOTO

TTC is signatory to the Yukon treaty and Self-Government Agreement in 1993. The Parties re-engaged in negotiations in 2017 and are developing a transition agreement to move to Stage 5. Funding from the BC Capacity Initiative program supported community member training to support culture and wildlife initiatives. 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. TRMs supported work on LiDAR land surveys of heritage sites and traditional use sites for planning purposes.

There are approximately 595 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 develop a Stage 5 transition agreement, and to discuss forestry, fisheries, and marine resources. Along with K'ómoks, We Wai Kai, Wei Wai Kum and Kwiakah, Tlowitsis has done substantial work to advance their Fisheries Reconciliation Negotiations, with all five Nations developing a Fisheries Reconciliation Framework Agreement. 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: the Nenagwas Indian Reserve. The addition of this land for a new community was a result

of extensive effort by Tlowitsis and supported by the federal government. The Parties have since formed a working group to ensure Tlowitsis' vision for Nenagwas is fulfilled. The First Nation continues 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 435 Tlowitsis members, with traditional territory spanning part of northeastern Vancouver Island and an area on the mainland just northwest of Sayward. Tlowitsis has overlapping and/or shared territory with its First Nation neighbours: Da'naxda'xw/Awaetlala, 'Namgis, Homalco, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, Wei Wai Kum, We Wai Kai, and Kwiakah.

TSAY KEH DENE BAND

The Tsay Keh Dene (TKD) treaty table is in Stage 4 negotiations. In 2019, TKD shifted from a comprehensive treaty model to a core treaty model, and emphasized a stepping-stone approach to the negotiations. The Parties also established a framework for the co-development of mandates. The table continues to focus work on key areas of negotiations, such as lands and protected areas, governance, economic development, socio-cultural support, forestry tenures, redress, and revenue sharing. Community engagement is ongoing.

There are approximately 505 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; KITASOO/XAIXAIS)

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 is exploring tripartite reconciliation negotiations.

The five Tsimshian First Nations total approximately 3,760 members. Kitselas has approximately 695 members, and Kitsumkalum has approximately 780 members. Metlakatla has approximately 995 members. Gitga'at has approximately 780 members. Kitasoo/XaiXais has approximately 508 members. Its traditional territory spans the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations have overlapping and/or shared territories with its First Nation neighbours: Gitxsan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

» Gitga'at

In July Gitga'at proposed a foundation agreement approach to treaty that the Parties continue to develop. TRM work supported identification of potential TSL and ITA lands to build on a "living landscapes" project. Gitga'at continues to prioritize community engagement and held several community sessions and continues research and discussions with neighbouring nations regarding traditional territory boundaries

» Kitasoo/Xaixais

This year Kitasoo/Xaixais re-engaged in tripartite discussions with Canada in BC and is exploring a reconciliation table.

“ Indigenous sovereignty is a foundational principle of Indigenous rights and fundamental to reconciliation.

Modern treaties are in fact a sharing of power — a sharing of sovereignty — between Indigenous Nations and the Crown.

STATUS REPORTS: NOT NEGOTIATING

FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY (27)

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

'NAMGIS NATION

The 'Namgis treaty table is in Stage 4 negotiations. There are approximately 1,915 '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.

CARRIER SEKANI TRIBAL COUNCIL

The Carrier Sekani treaty table is in Stage 4. There are approximately 7,000 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 Whut'en, Saik'uz, Stellat'en, Takla Lake, Tl'azten, and Wet'suwet'en First Nation. The Carrier Sekani Tribal Council has overlapping and/or shared territory with its First Nation neighbours: Gitksan, 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 925 Champagne and Aishihik members, with traditional territory and waters spanning the Yukon/BC border. Champagne and Aishihik have overlapping and/or shared territory with their First Nation neighbours: Carcross/Tagish First Nation and Taku River Tlingit.

CHESLATTA CARRIER NATION

The Cheslatta Carrier treaty table is in Stage 3. There are approximately 375 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.

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 Ma'amtagila.

ESK'ETEMC FIRST NATION

The Esk'etemc treaty table is in Stage 4. There are approximately 1,030 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 1,970 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 2,475 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 345 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: the First Nations comprising the Nuuchah-nulth Tribal Council, Tla-o-qui-aht, Tseshaht, Uchucklesaht and Yuułuṭ'it̓aṭh.

KWAKIUTL NATION

The Kwakiutl treaty table is in Stage 4. There are approximately 835 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 2,550 LBN members representing the communities of Woyenne, Old Fort, Tachet, 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.

LHEIDLI 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 495 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 1,225 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 Dena, and Tahltan.

MCLEOD LAKE INDIAN BAND

The McLeod Lake treaty table is in Stage 2. There are approximately 575 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, Nak'azdlie Whut'en, Tsay Keh Dene, West Moberly, Salteau, and Halfway River.

MUSQUEAM NATION

The Musqueam treaty table is in Stage 4. There are approximately 1,435 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.

NAZKO FIRST NATION

The Nazko treaty table is in Stage 4 negotiations. There are approximately 410 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 3,270 Nuu-chah-nulth members, with traditional territories and waters spanning much of the west coast of Vancouver Island. Nuu-chah-nulth Tribal Council treaty table comprises of Ehattesaht, 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 Yuułu'it̓'ath̓.

QUATSINO FIRST NATION

The Quatsino treaty table is in Stage 4. There are approximately 580 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 555 Ross River Dena 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 1,440 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.

SQUAMISH NATION

The Squamish treaty table is in Stage 3. There are approximately 4,300 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, Samahquam and Skatin, Musqueam, Stó:lō, 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 1,165 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, Yuułuʔiłʔatḥ, 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.

TSLEIL-WAUTUTH NATION

The Tsleil-Waututh treaty table is in Stage 4 negotiations. There are approximately 615 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, Samahquam and Skatin, Katzie, Kwikwetlem, Musqueam, Squamish, Tsawwassen and Stó:lō.

WESTBANK FIRST NATION

The Westbank treaty table is in Stage 4. There are approximately 900 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 3,195 Wet'suwet'en members, with traditional territory in the Bulkley River drainage area in northwest BC. Wet'suwet'en represents four communities: Hagwilget, Witset, 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, \$700,000 annually in program funding, and a combination of \$1.4 million in one-time funding and \$600,000 in annual funding to support implementation.

There are approximately 180 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, and Stó:lō.

ABOUT THE BC TREATY COMMISSION



ABOUT THE BC TREATY COMMISSION AND NEGOTIATIONS »

The Treaty Commission is an independent body that advocates for and facilitates the recognition and protection of Indigenous rights and title, and the implementation of the UN Declaration, through the negotiation of modern treaties, agreements and other constructive arrangements.

BCTC facilitates negotiations amongst the First Nations in BC and the governments of Canada and British Columbia. It is not a party to the negotiations and does not negotiate treaties or agreements. BCTC is the only independent tripartite statutory body in the country whose mandate is to support reconciliation.

MANDATE

The Treaty Commission's work encompasses 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 UN Declaration, the Calls to Action, the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*, and the recognition of First Nations title and rights.

The Treaty Commission is comprised of a Chief Commissioner and four Commissioners, and is supported by 11 staff members. The Commission's operating costs are funded by the federal and provincial governments. The Government of Canada contributes 60 percent and the Government of British Columbia contributes 40 percent. In the 2019/20 fiscal year, operating funding was approximately \$3.05 million.

INDEPENDENCE AND LEGISLATION

The Treaty Commission and the treaty negotiations process are both established in law. The governments of Canada and British Columbia and the First Nations Summit (collectively referred to as the "Principals") are signatories to the *British Columbia Treaty Commission Agreement*, 1992 (BCTC Agreement) establishing the Treaty Commission, followed by federal and provincial legislation.

The federal *British Columbia Treaty Commission Act*, S.C. 1995, c.45, and the provincial *Treaty Commission Act* (RSBC 1996), c. 461, strengthened the basis and independence of the Treaty Commission, affirming it “is not an agent of any of the Principals.”

Independence is central to the mandate of the Treaty Commission and to the process, to ensure fair and impartial negotiations, essential to reconciliation. This is also 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 (Article 27).

PRINCIPALS, PARTIES AND THE PUBLIC

PRINCIPALS AND PARTIES TO THE NEGOTIATIONS

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.

At each negotiation table there are three **Parties** that participate in the negotiations: the federal government, the provincial government, and individual or collective First Nation(s). While the First Nations Summit is a Principal to the negotiations process, and a forum for First Nations in the negotiating in the process, it is not a party to the negotiations.

PRINCIPALS’ RENEWED COMMITMENT

The Principals’ responsibilities are confirmed by their endorsement and commitment to the 19 Recommendations of the *Report of the British Columbia Claims Task Force*, 1991 (Task Force Report); the *Principals’ Accord on Transforming*

Treaty Negotiations in British Columbia, 2018 (Principals’ Accord) and enhanced through the *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia* (Rights Recognition Policy), signed on September 4, 2019.

The Principals’ Accord and the Rights Recognition Policy set a strong foundation for strengthening rights recognition and treaty negotiations. Both unequivocally state that extinguishment and surrender of Indigenous rights have no place in modern-day Crown Indigenous relations or agreements. Instead, the Principals have agreed that Aboriginal title and rights must be continued through treaties, agreements, and other constructive arrangements. Further, they have affirmed that negotiations and implementation of treaties, agreements, and other constructive arrangements must reflect the UN Declaration and the Calls to Action.

The Rights Recognition Policy is ground-breaking and the first co-developed tripartite public policy for the recognition and protection of Indigenous rights in British Columbia.

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

THE PUBLIC

Everyone has a role in rights recognition and reconciliation, including the **public**. This requires the will of communities to initiate change, and to embrace the process of moving forward together in a new relationship of respect and recognition.

Although the three Parties conduct negotiations, the public also has a critical role in becoming involved in the BC treaty negotiations process and reconciliation. Each of us have a responsibility to learn about and acknowledge the traditional territories of First Nations, find opportunities to learn about First Nations' rich cultures and diverse histories, and acknowledge the colonial history and lasting impacts of the Canadian residential school system. The Calls to Action as well as the UN Declaration, provide strong steps forward for individuals and institutions.

Learning about the BC treaty negotiations process and Indigenous rights—becoming informed about important local issues and our shared history—is a responsibility that must be taken seriously. Treaty-making is an important part of the fabric of our country.

Non-Indigenous interests are represented at the negotiation table by British Columbia and Canada. Municipalities and Regional Districts officials may also attend to observe negotiations with BC government officials. The BC treaty negotiations process is based on mutual respect and shared responsibility. All British Columbians and Canadians have an integral role to play in forging this new relationship.

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

In fulfilling its role, 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;
- Renewed interest in the negotiations as a result of the 2019 Rights Recognition Policy;
- Increased attention to the importance of negotiations to support the implementation of the UN Declaration;
- Completion of treaty negotiations and the ratification requirements for First Nations;
- Stalled negotiations;
- Increased focus to support 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 explicitly support the implementation of the UN Declaration and the recognition of First Nations rights and title.

With the establishment of the Principals' Accord and Rights Recognition Policy, and commitments to implement the UN Declaration at the federal and provincial levels, the Treaty Commission will be expanding its facilitation authority to assist the Parties in implementing these commitments.

ALLOCATING NEGOTIATIONS SUPPORT

The Treaty Commission is the independent funding authority for treaty negotiations in BC, implementing a key recommendation from the Task Force Report, and is set out in the BCTC Agreement and associated federal and provincial legislation. Funding to support First Nations in their negotiations is provided to the Treaty Commission by the governments of Canada and BC, and the Treaty Commission allocates this funding to First Nations. An independent funding authority ensures impartiality and fairness amongst the parties in the treaty negotiations process.

Negotiation support funding (NSF) is allocated by BCTC to First Nations to carry out treaty negotiations with Canada and BC. NSF supports each First Nation's treaty office and staff, and other activities, including: capacity and governance building; community engagement; negotiations; legal and advisory services; lands, resources and research work; ratification; and preparations for self-government.

FUNDING MOVING FORWARD

A significant change in funding has occurred in recent years. Negotiations support funding is now 100 percent contribution-only, non-repayable funding (similar to grants), instead of a combination of loans and contribution funding. The previous funding arrangement consisted of a maximum of 80 percent loans and a minimum of 20 percent contribution funding.

The Treaty Commission and First Nations long advocated that First Nations should not have to borrow money for negotiations to recognize and protect Indigenous rights and title. In April 2018, funding changed to 100 percent contribution-only funding for the treaty negotiations process.

in BC. Outstanding First Nations' loan debt still remained, however, with a commitment from Canada to address this issue in the near future. The change to contribution-only funding was an important achievement and demonstrated real progress towards reconciliation.

This year, the Treaty Commission allocated \$31.2 million in 100 percent contribution-only funding to First Nations for their negotiations. Under the previous funding arrangement, up to \$25 million of this funding would have been loans.

With this enhancement to the funding process, the Treaty Commission strengthened its accountability. BCTC has requested that funding be directed to key priorities and issues in negotiations. To date, we have identified and continue to focus on community and overlapping/shared territory engagements, and capacity building and preparations for self-government. BCTC also requests that tripartite workplans be developed at each negotiating table to support transparency and accountability, and which support the negotiations tables making progress towards shared goals.

In *Budget 2019: Investing in the Middle Class to Grow Canada's Economy*, the federal government announced it would be eliminating outstanding comprehensive claims negotiation loan debts for all First Nations in Canada and reimburse Indigenous governments that had already repaid their loans.

By March 2020, the Government of Canada fulfilled this budget commitment. This was the final step to eliminate the major obstacle of loan debt that should not have been accumulated in a process of rights recognition. The Treaty Commission recognizes the federal government and First Nations for their tremendous leadership in resolving this difficult issue.

PUBLIC ENGAGEMENT

The Treaty Commission provides public information on treaty negotiations. The governments of Canada and BC also share the responsibility of educating and informing the public about negotiations, and the three Parties to each negotiation table provide specific information on the progress of their negotiations.

To fulfill this part of its 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 an annual report;
- Engages the public on treaty negotiations at conferences, tradeshow, special events, community forums, meetings, and schools;
- Educates and engages youth and emerging Indigenous leaders on reconciliation through mock negotiations workshops, negotiations and treaty simulations;
- Meets with federal and provincial departments to advocate for the importance of treaty negotiations in fulfilling Canada and BC's constitutional obligations;
- Engages with local, municipal and regional districts to share information;
- 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 Treaty Nations implementing modern treaties;
- Maintains a website with current and historical information on treaty negotiations and all publications, including annual

reports, news releases, forum materials, videos, and teaching materials; and

- Engages with the public using social media channels such as Facebook, Instagram, YouTube, and Twitter. The Treaty Commission social media handle is @bctreaty.

PRESENTATIONS AND TRADE SHOWS

Sharing information and having direct conversations about treaty negotiations is the most effective way to educate and inform the public. However, this year COVID-19 impacted how we all connect and engage with one another. The Treaty Commission frequently presents at gatherings of First Nations, industry, youth, government, and legal professionals. This year, the Treaty Commission presented and participated at numerous engagements, both in-person and digitally, including: the Land Claims Agreements Coalition (LCAC), Council of Forest Industries, Prospectors and Developers Association of Canada, Association of Mineral Exploration's Roundup 2020, Vancouver Island Economic Alliance, and the Pacific Business and Law Institute. Adapting to COVID-19 social distancing requirements, virtual presentations were given to Legal Aid BC, and Metro Vancouver's Indigenous Relations Committee.

EMPOWERING EMERGING LEADERS

In recent years, the Treaty Commission has increased its efforts on educating and engaging youth and emerging Indigenous leaders about negotiations and treaties. In February, the Treaty Commission supported the second Treaty Negotiation and Implementation Simulation, hosted by the Gordon Foundation at the national LCAC conference. This simulation was delivered to emerging Indigenous leaders from B.C., Quebec, Northwest Territories, Nunavut and Yukon. It provided an experiential learning opportunity and a chance for youth to connect with and learn from experts in treaty implementation and negotiations.

The Treaty Commission also presented to students at the University of British Columbia, AUS Monash University, Massey College and to the BC Legislative Internship Program. The Treaty Commission was scheduled to host its mock negotiations workshop at the annual Indigenous youth conference, Gathering Our Voices. Although the conference was cancelled this year, BCTC looks forward to continuing to deliver its workshop in future years.

Most notably this year, BCTC collaborated with the Gordon Foundation and partners to develop the Understanding Our Treaties website, detailed in the beginning of this report.



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UN EXPERTS SESSION

As part of its mandate to support the parties in implementing and integrating the importance of the UN Declaration into the negotiations, the Treaty Commission, in March 2020, hosted a UN Expert Session. This session brought together Stage 5 First Nations leadership, experts from the United Nations Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples, the First Nations Summit and senior officials from the governments of Canada and BC.

This one-day session focused on how international mechanisms can support negotiations in BC, and how negotiations can begin to fulfill Canada's commitments to the UN Declaration.

The Treaty Commission looks forward to continuing to support engagements around the UN Declaration and treaty negotiations.

TRUTH AND RECONCILIATION COMMISSION'S CALLS TO ACTION

June is National Indigenous History Month, and this year marked the fifth anniversary of the Truth and Reconciliation Commission's (TRC) final report and 94 Calls to Action. In its final report, the TRC called on governments, educational and religious institutions, civil society groups and all Canadians to work toward enacting the Calls to Action. These provide an important framework for reconciliation across all sectors, and aim to build a stronger and more vibrant Canada.

This summer, the Treaty Commission undertook a public information campaign throughout the month of June to celebrate this milestone, promote public awareness, and recognize the ongoing work required to fully implement the Calls to Action. A saved slideshow of all the Calls to Action can be accessed through our Instagram and Facebook channels.



In March 2020, the Treaty Commission hosted a UN Expert Session that focused on how international mechanisms can support negotiations in BC, and how negotiations can begin to fulfill Canada's commitments to the UN Declaration.

COMMISSIONERS



BCTC COMMISSIONERS »

The BC Treaty Commission is comprised of one Chief Commissioner and four Commissioners.

The Chief Commissioner is appointed by agreement of the three Principals and serves for a three-year term. The First Nations Summit elects two Commissioners and the federal and provincial governments each appoint a commissioner. Commissioners are part-time and serve two-year terms.

The Treaty Commission is structured in this way, supported by legislation, to ensure its impartiality and independence. Commissioners do not represent the Principals that appoint them, and act independently. Decisions require the support of one appointee of each of the Principals.

Celeste Haldane

CHIEF COMMISSIONER



CELESTE HALDANE was first appointed as Chief Commissioner in April 2017, and was reappointed in May 2020.

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 the Legal Services Society

(Legal Aid BC) where she served as Chair. She recently completed six years on the UBC Board of Governors and continues to serve on the UBC Indigenous Engagement Committee, having served as Chair in the past. Celeste is a Director of the Brain Canada Foundation and the Musqueam Capital Corporation. She is an active member of both the Canadian Bar Association and the Indigenous Bar Association. She is an alumni of the Governor General's Canadian Leadership Conference. Celeste is a member of the Sparrow family from Musqueam and is Tsimshian through Metlakatla. She 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 Nation 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 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.

Liseanne Forand
COMMISSIONER



LISEANNE FORAND was appointed by the Government of Canada as interim-Commissioner in May 2020. She is a retired public servant with 30 years' experience in intergovernmental affairs, policy, natural resource management, and international relations.

Liseanne began her public service career at the Department of Fisheries and Oceans in 1985, where she assumed progressively senior roles culminating as Assistant Deputy Minister (Policy) between 2001 and 2003. In 2003 she was appointed Associate Deputy Minister (ADM), at what was then the Department of Indian and Northern Affairs. In that capacity, Liseanne provided leadership in natural resource management and contaminated site remediation, northern science, and devolution to territorial governments. In later years, Liseanne served as ADM of Agriculture and Agri-Food Canada, Senior ADM of Human Resources and Skills Development and Chief Operating Officer for Service Canada, and

as the first President of Shared Services Canada. She retired from the public service in 2015.

Since 2017, Liseanne has served as Vice Chairperson of the Board of Polar Knowledge Canada, which works in partnership with northern communities to advance Canada's knowledge of the Arctic, strengthen Canadian leadership in polar science and technology, and promote the development and distribution of knowledge of circumpolar regions.

Liseanne graduated with a Bachelor of Arts degree in English from Concordia University. Liseanne and her husband Jonathan live in North Saanich.

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. She has remained actively involved in the implementation of her Nation's treaty and self-governance, having 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.

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. She has served and continues to serve on a number of corporate, Crown and First Nations Boards.

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

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 Gitxaana 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 two rez dogs.



ALANO EDZERA is a Tahltan multimedia artist and entrepreneur based in West Vancouver, BC. He has had an extensive career exhibiting at numerous shows in Canada and abroad, and is a recognized key artist in the contemporary northwest coast art movement.

Alano is the owner and director of Edzerza Gallery, Edzerza Sports and Edzerza Artworks and has been running his own business since 2007. Recently, Edzerza Gallery has moved from downtown Vancouver to a fully operational online store and gallery, for all accomplishments, please see Alano's linktree: https://linktr.ee/Alano_

Alano gives back; he has taught and volunteered with numerous youth organizations including KAYA (Knowledgeable Aboriginal Youth Association), the Freida Diesing School for Northwest Coast Native Art, NYAC (Native Youth Arts Collective), and has been a judge for the YVR Art Foundation Scholarship.

His works featured in this annual report include: "Brothers," "Moving Forward," and "Tooth Tah."



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

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