



BC TREATY  
COMMISSION



# Annual Report 2021



NEGOTIATIONS, TREATIES, RECONCILIATION,  
DECLARATION







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naw'si:yém məsteyəx<sup>w</sup> Hello respected people

wə ʔi? tə steʔəx<sup>w</sup>əʔ tə mək<sup>w</sup> wet

All children are important

Celeste Haldane

**CHIEF COMMISSIONER**

On behalf of the BC Treaty Commission, it is my pleasure to share our 2021 Annual Report.

## ACKNOWLEDGING OUR SHARED PAST

When reflecting on this past year, we at the Treaty Commission want to recognize the strength and resilience of all Indigenous peoples, especially residential school survivors. We pay our respects to all the children who did not make it home. **sčecəh cən ʔəw tsəθət tə ʔwələp/nəwə** (I hold you folks close to my heart). We raise our hands to each of you, your families, and your communities.

This summer marked a turning point for many British Columbians and Canadians, with the discoveries and uncovering of numerous unmarked graves of Indigenous children at several residential schools sites. Our shared histories could no longer be ignored. Many non-Indigenous Canadians began to understand the harmful legacy of colonization and the Indian residential school system. This has contributed to a different level of awareness and willingness to learn about our shared history.

Truth and reconciliation will have different meanings for each of us, but collectively we have an obligation to address the wrongs of the past and build a stronger future for Indigenous peoples and all Canadians.

It is with this in mind that the Treaty Commission urges all British Columbians and Canadians, across all ages and sectors, to commit to doing the work necessary to advance reconciliation. Continue learning, contributing to relationships of mutual respect with Indigenous peoples, and listening to Indigenous Nations as they share their visions of reconciliation and self-determination.

The Treaty Commission and Parties to the negotiations are advancing reconciliation through treaty making. Supporting self-determination and the inherent right of self-government, based on Indigenous legal traditions, will strengthen society as a whole.





RYAN DICKIE PHOTO

The Treaty Commission and Parties to the negotiations are advancing reconciliation through treaty making. Supporting self-determination and the inherent right of self-government, based on Indigenous legal traditions, will strengthen society as a whole.

### MILESTONE AGREEMENTS

Since the release of our last annual report, negotiations continued to move forward while adjusting to the challenges of the ongoing pandemic. Despite this, negotiating tables made progress and significant innovations were achieved. The Principals and Parties are to be commended for making necessary changes to maintain focus and progress toward the completion of treaties and tripartite reconciliation agreements. The Treaty Commission also remained flexible in our approaches, making sure that negotiations continued and progress was made.

Four innovative tripartite agreements were achieved this year: *Tlowitsis Nation Transition to Stage 5 Memorandum of Understanding*,

*Snuneymuxw Tripartite Memorandum of Understanding*, *Gitanyow Governance Accord*, and the Haida *GayGahlida “Changing Tide” Framework for Reconciliation*. These agreements demonstrate innovations and new approaches to treaty and tripartite reconciliation negotiations. These agreements are featured in the next section.

### CONCRETE ACTION NEEDED

On June 21, 2021—National Indigenous Peoples Day—the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) became law in Canada: *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* (federal UN Declaration Act) received Royal Assent. We commend the



governments of Canada, British Columbia, and Indigenous peoples for all their dedication in implementing the UN Declaration in Canada. We have not seen this type of advancement since the patriation of the *Constitution Act, 1982*.

With the federal election completed, Canadians have given the Liberal government the mandate to continue work on national priorities, including reconciliation. We congratulate Prime Minister Justin Trudeau, the returning Liberal government, and all elected and re-elected members of Parliament. In British Columbia, there are several Indigenous nations ready to conclude negotiations of treaties and agreements within this newly formed government's term.

We also look forward to the next steps in implementing the federal UN Declaration Act, which commits the federal government to working in collaboration with Indigenous peoples to develop an action plan within a two-year timeframe. Treaties and tripartite reconciliation agreements are one of the most concrete ways to implement the UN Declaration and must be a part of this action plan.

This September marked two years since the Principals endorsed the *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia* (Rights Recognition Policy). This treaty negotiations policy explicitly details how negotiations will be

grounded in the recognition of Indigenous rights, including ownership of lands and resources, and is a framework to implement the UN Declaration.

Continuing to put these commitments into action is critical work for all the negotiating Parties. The Treaty Commission has a crucial role in supporting the Parties in achieving concrete action on the Rights Recognition Policy, reconciliation, and the implementation of the UN Declaration.

## TRIPARTITE WORKPLANS

In recent years, the Treaty Commission has implemented tripartite workplans as one strategic tool to support progress toward concluding negotiations, and reciprocal accountability between the Parties. Tripartite workplans provide an increased accountability measure since moving to 100 per cent contribution funding. These also enhance the Treaty Commission's facilitation role in robust ways at individual tables.

## ANNOUNCEMENTS

The Treaty Commission is pleased that the Government of Canada appointed Commissioner Liseanne Forand to a full term. It is an honour to continue to work with all Commissioners and dedicated staff to serve First Nations, British Columbians, and Canadians in the advancement of treaties and agreements through our collective work.

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

Hay čx<sup>w</sup> ǵə

Celeste Haldane

**CHIEF COMMISSIONER**



RYAN DICKIE PHOTO





# INNOVATIONS IN NEGOTIATIONS





JOSH BERSON PHOTO

## NEW APPROACHES TO NEGOTIATIONS AND RECONCILIATION

This year, four First Nations reached agreements with Canada and BC, demonstrating new innovations and approaches to treaty and tripartite reconciliation negotiations. These milestones build upon the foundations of the treaty negotiations process established by the 1991 *Report of the British Columbia Claims Task Force* (Task Force Report), the first treaties completed in the process, and years of effort and negotiations by First Nations, Canada, and British Columbia. The negotiations are supported by the recent Rights Recognition Policy.

These innovations and new approaches continue to emphasize key principles such as:

- Negotiations are based on the recognition of Indigenous title and rights;
- Recognition and support for Indigenous self-determination and self-government;
- Treaties and agreements as flexible and living partnerships; and
- Treaties and agreements as mechanisms to implement the UN Declaration.

In this section of the report we highlight and summarize these innovations and share quotes from First Nations leaders.



## TLOWITSIS MEMORANDUM OF UNDERSTANDING

This February, Tlowitsis Nation, and the governments of Canada and British Columbia celebrated the signing of the *Tlowitsis Nation Transition to Stage 5 Memorandum of Understanding* (Tlowitsis MOU), advancing the table to Stage 5 and committing to “a new approach to Tlowitsis treaty negotiations.”<sup>1</sup>

Tlowitsis Nation joins several other First Nations that recently advanced to Stage 5 negotiations through MOUs or Agreements in Principle (AIP): Ditidaht First Nation; Hul’qumi’num Treaty Group; Ktunaxa Nation; Laich-Kwil-Tach Treaty Society; Metlakatla First Nation; Pacheedaht First Nation; Stó:lō Xwexwilmexw Treaty Association; and Wei Wai Kum First Nation/Kwiahah First Nations. These agreements implement commitments by the Parties to advance negotiations toward completion of treaties and agreements, based on principles and commitments to Indigenous rights recognition, self-determination and self-government, adaptability and renewal, and the UN Declaration. Each agreement also incorporates the unique context of the First Nation and the negotiation table.

The Tlowitsis MOU lays out the Parties’ shared priorities for negotiations, reflects the Parties’ commitment to conclude negotiations and affirms several core principles and policies, including the UN Declaration, TRC Calls to Action, and the Rights Recognition Policy.

Both the MOU and the Rights Recognition Policy make it clear that renewed relationships between the Crown and Indigenous peoples will no longer include concepts of surrender or extinguishment. The Tlowitsis MOU demonstrates the flexible, innovative and collaborative approaches of the Rights Recognition Policy. Previously,

advancement to Stage 5 would happen after the ratification of an AIP. This often led to longer than necessary negotiations and delayed progress. An AIP is not legally binding; the full land and cash package has not been presented, and the full mandates of Canada and British Columbia are not realized until the final stage of negotiations. This could create challenges for AIP ratification votes.

The current approach affirms Tlowitsis rights and title, with the understanding that these rights will continue to evolve.

Milestones such as this signify a turning point and bring welcome change. The Parties’ shared history is one which includes the displacement of the Tlowitsis Nation in the late 1960s, which resulted in members being dispersed across the province without a connection to their traditional territory. In 2017, following substantial efforts by the Nation, Tlowitsis acquired lands for a new community, *Nenagwas*, which translates to a “place to come home to.”

In time, Tlowitsis will establish a home community for its people on these lands. Work has already begun—in collaboration with local, provincial, and federal governments—on critical infrastructure projects, environmental studies and assessments. The Parties meet on a regular basis as a task force and continue to work together on identifying key issues related to the building and expansion of *Nenagwas*, and to advance treaty negotiations.

Following substantial efforts by the Nation, Tlowitsis acquired lands for a new community, *Nenagwas*, which translates to a “place to come home to.”

<sup>1</sup> *Tlowitsis Nation Transition to Stage 5 Memorandum of Understanding*, February 26, 2021, p. 1.



## SNUNEYMUXW TRIPARTITE MEMORANDUM OF UNDERSTANDING

Snuneymuxw First Nation, Canada and British Columbia signed the *Snuneymuxw Tripartite Memorandum of Understanding* (Snuneymuxw MOU) on July 28, 2021 which formalizes a new negotiations table for the three governments. It sets out a commitment to explore new and innovative approaches to reconciliation through a renewed relationship within the British Columbia treaty negotiations process, based on the shared commitment to an evolving and respectful relationship consistent with the Rights Recognition Policy.

The Parties' overall objective is to reach mutual understanding on one or more of the agreements or constructive arrangements as contemplated within the Rights Recognition Policy, and which are intended to address the implementation of Snuneymuxw First Nation's rights as recognized in section 35 of the *Constitution Act, 1982*.

The Snuneymuxw MOU acknowledges Canada and British Columbia have committed to implement the UN Declaration, including Article 37 which states that Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with states. The MOU commits to renewing and strengthening the treaty relationship between the Snuneymuxw First Nation and the Crown, as set out in the Douglas Treaty of 1854.

Priority topics identified in the MOU include:

- Mechanisms and processes for the recognition and implementation of Snuneymuxw First Nation title, Aboriginal and treaty rights, and governance, including potentially through recognition

or enabling legislation by Canada and British Columbia;

- Transitions and stages for the implementation of Snuneymuxw First Nation title and rights, jurisdiction and consent-based decision-making; and
- Issues related to land, marine and aquatic traditional use and occupation, including harvesting and fishing rights recognized and affirmed by section 35 of the *Constitution Act, 1982*, including those related to the Douglas Treaty of 1854.

As Snuneymuxw First Nation Chief Mike Wyse noted:

*[This Agreement] is historic and path-breaking in that it provides acknowledgment and a way forward to address historical issues pertaining to our traditional territories and impacts to our rights and practices. We now feel governments will be paddling the same path with us to uphold the Treaty and ensure it is implemented as intended.<sup>2</sup>*

TOTEM POLES CONTAIN GITANYOW'S ORAL HISTORY AND SYSTEM. GITANYOW PHOTO



<sup>2</sup> "Tripartite MOU paves the way for future agreements," Tripartite news release, July 28, 2021.



“This is a historic step in recognition of who we are as hereditary governed people. My grandfather told me as a young boy that our laws have been suppressed, but one day they will grow from a small spark and spread light over the land once again.” — *Simogyet Malii* (Glen Williams)

## GITANYOW GOVERNANCE ACCORD

On August 11, 2021 the Gitanyow Hereditary Chiefs (Nation/*Huwilp*) and the governments of British Columbia and Canada signed the *Gitanyow Governance Accord*. The Accord provides a new path forward in the BC treaty negotiations process, that will transition Gitanyow away from the *Indian Act* by revitalizing and achieving legal recognition of the Gitanyow hereditary governance system of the *Huwilp*/ Houses. It establishes a new approach to recognition of inherent Gitanyow rights and title guided by the Rights Recognition Policy. By signing the Accord, Gitanyow, BC and Canada agreed on key milestones to be reached within five years — steps toward rebuilding the Gitanyow Hereditary Governance with modern day governance tools.

Through the Accord, Canada and British Columbia recognize the nature of Gitanyow hereditary governance: Gitanyow rights and title are held by each *Wilp* (the eight traditional social, political, and governing units of the Gitanyow Nation) in that *Wilp*'s *Lax yip* (territory) and that each *Wilp*, through its *Simogyet* (hereditary Chief), has authorities and responsibilities for that *Lax yip* in accordance with Gitanyow *Ayookxw* (law). How the Parties will give legal

effect to Gitanyow hereditary governance will be recognized and affirmed in a future Gitanyow Inherent Governance Agreement.

The purpose of the Accord, is to take an incremental step toward achieving their shared vision:

*Gitanyow Hereditary Governance is supported, rebuilt, recognized and thriving through formal recognition and respect for the Gitanyow Hereditary Governance system restored to a fully independent governing system with its own laws and structures supporting it, funding is secured and redress is achieved, with Gitanyow sharing in the resources of the Lax yip and sustaining its own governance.*<sup>3</sup>

As *Simogyet Malii* (Glen Williams) of the Gitanyow Hereditary Chiefs noted:

*This is a historic step in recognition of who we are as hereditary governed people. My grandfather told me as a young boy that our laws have been suppressed, but one day they will grow from a small spark and spread light over the land once again.*<sup>4</sup>

<sup>3</sup> *Gitanyow Governance Accord*, August 11, 2021, p. 3.

<sup>4</sup> “Accord is a historic recognition of Gitanyow Hereditary Governance,” Tripartite news release, August 12, 2021.



## HAIDA GAYGAHLDA FRAMEWORK

On August 13, the Council of the Haida Nation, Canada and British Columbia signed the *GayGahllda “Changing Tide” Framework for Reconciliation* agreement (GayGahllda Agreement). This agreement sets out a path for tripartite reconciliation negotiations. It also paves the way for agreements that will be capable of evolving over time, based on the co-existence of Crown and Haida Nation governments, and the ongoing process of reconciliation.

These reconciliation negotiations will be a process of *Til Yahda* (“making things right”) with the Haida Nation, and will meet the standards of and protect all rights of the Haida Nation as recognized in the UN Declaration. The agreement is based on recognition of the Haida Nation’s inherent title and rights with respect to the Haida Gwaii terrestrial area, including the inherent right to self-government and the right to make laws and to manage lands and resources. The agreement also commits to good faith negotiations to reconcile the parties’ interests to the marine area.



The negotiation agenda includes priority and long-term topics for reconciliation that will redefine the relationship between the Haida Nation, Canada, and British Columbia. The agreement commits to a series of good faith measures as a starting point, which may include forestry measures, resources for governance capacity, social and cultural measures, business opportunities, and fisheries and marine matters. It also describes a path forward based on a series of agreements that build on each other over time to implement Haida title and rights.

A principle for negotiations is that private land and the operation of municipal governments will remain under provincial jurisdiction. Any acquisition of private lands by the Haida Nation will be on a willing seller-willing buyer basis.

The GayGahllda Agreement sets out the relationship between negotiations and the legal title case filed by the Haida Nation; negotiations and litigation can continue concurrently. The Parties have agreed they will not go to trial while negotiations proceed in good faith.

As *Gaagwiis* Jason Alsop, President of the Haida Nation, noted:

*GayGahllda represents an important opportunity to begin the process of Til Yahda ‘making things right’ between the Crown governments and the Haida Nation. By shifting away from the denial politics of the past and moving to a place of truth through acknowledgment of inherent Haida Title, a strong foundation for negotiations is established. Together we have set the k’yuu ‘pathway’ to realize peaceful co-existence between the people of Haida Gwaii and between governments without compromise to the objectives of the Haida Nation.*<sup>5</sup>

<sup>5</sup> “New agreements lays foundation for reconciliation of Haida Title and Rights,” Tripartite news release, August 13, 2021.



# NEGOTIATIONS UPDATE





# OVERVIEW

A “First Nation” in the BCTC 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 negotiations process affirms this principle of self-definition and nationhood.

## FIRST NATIONS IMPLEMENTING MODERN TREATIES (7)

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## FINALIZING NEGOTIATIONS (15)

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Tlowitsis First Nation / page 27  
Tsimshian First Nations\* (Kitselas  
and Kitsumkalum; Metlakatla) / page 27  
Wei Wai Kum/Kwiah First Nations / page 28  
Wuikinuxv Nation / page 29  
Yekooche First Nation / page 29

## ACTIVELY NEGOTIATING (16)

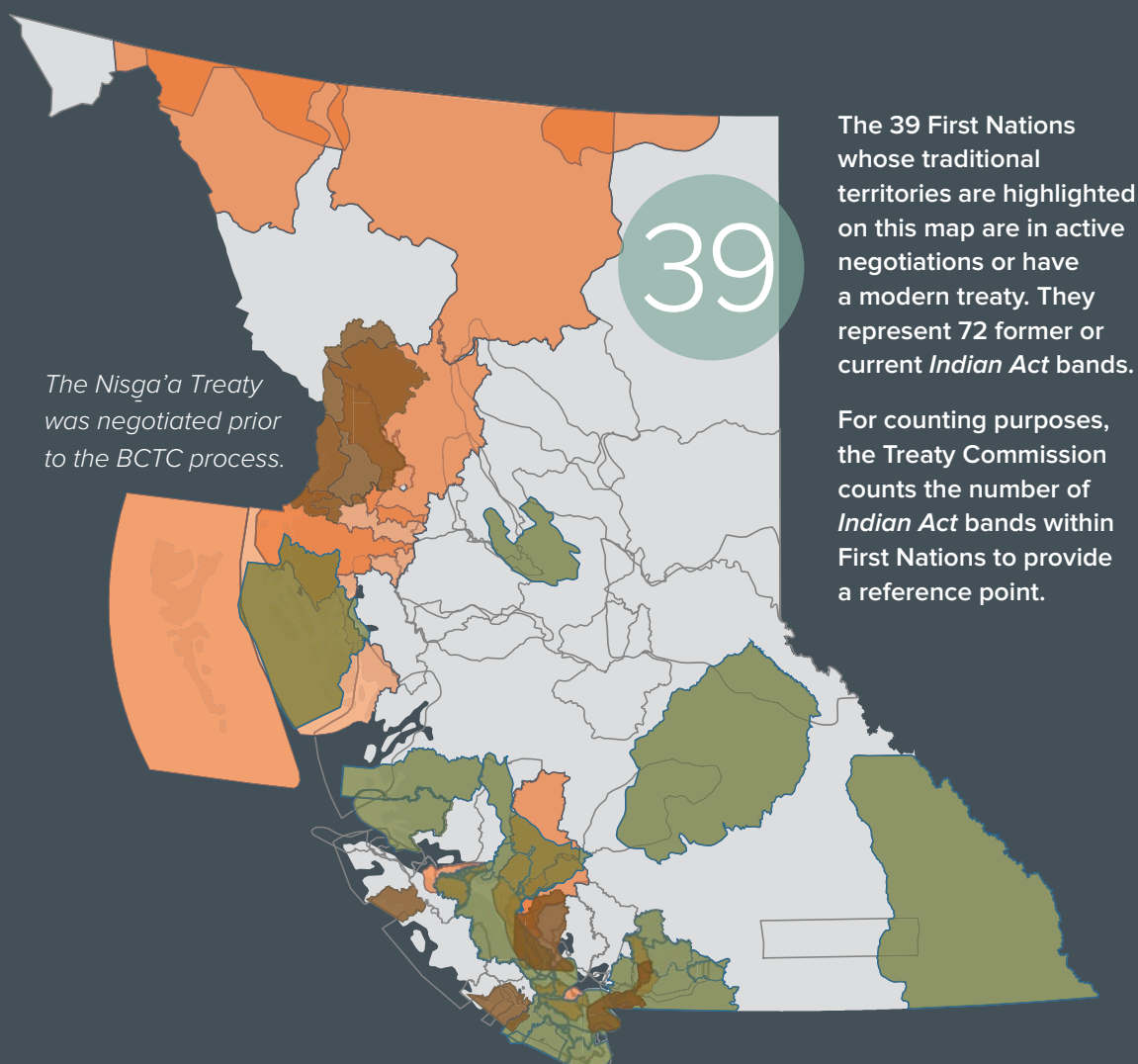
Acho Dene Koe First Nation / page 30  
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Tsimshian First Nations\*  
(Gitga’at; Kitasoo/Xaixais) / page 35

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



## BY THE NUMBERS



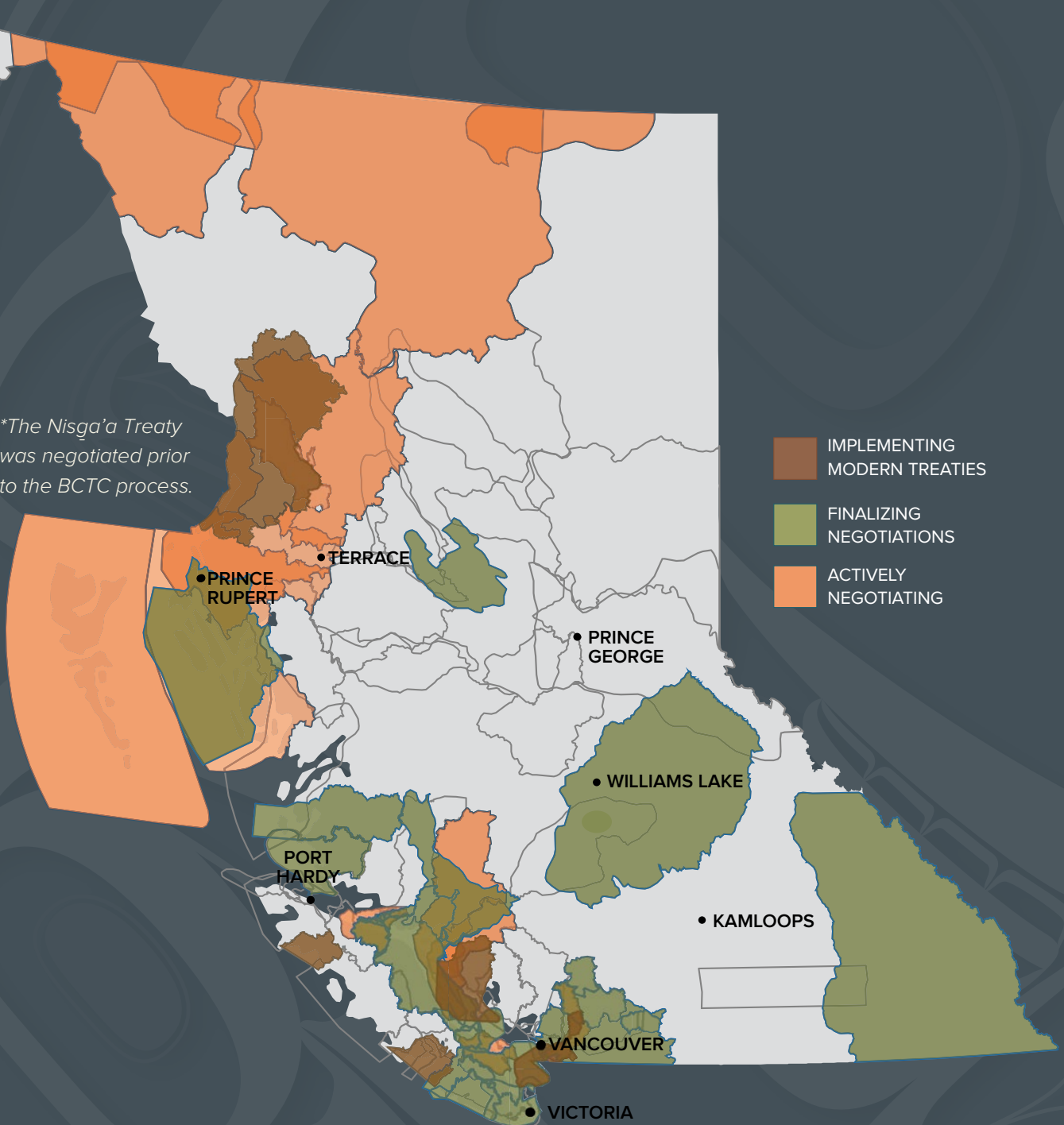


## A MAP OF PROGRESS

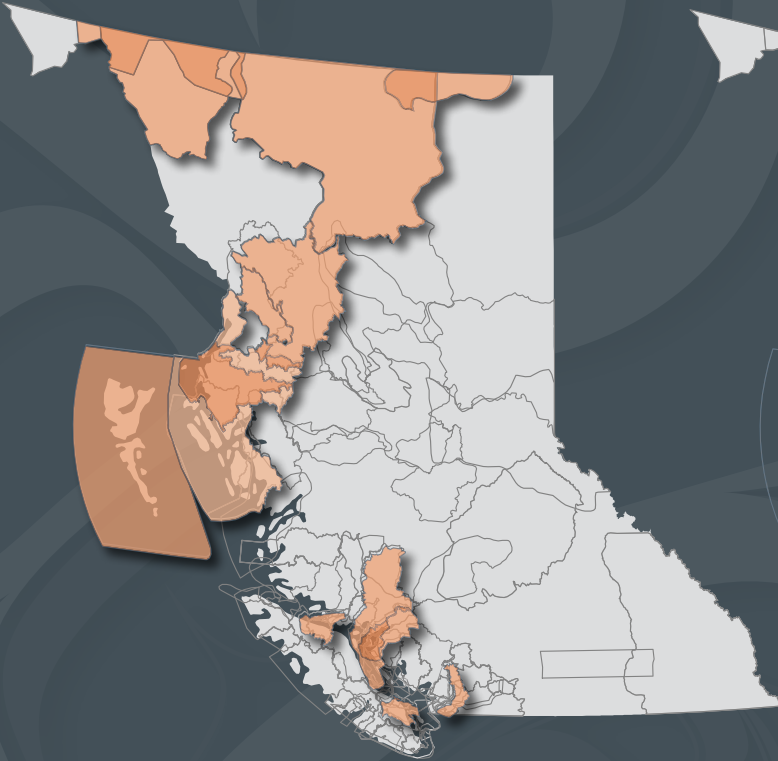
The 39 First Nations whose traditional territories are highlighted on the map represent eight\* Indigenous governments implementing modern treaties, 15 First Nations finalizing negotiations and 16 First Nations actively negotiating treaties or triparte agreements.

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

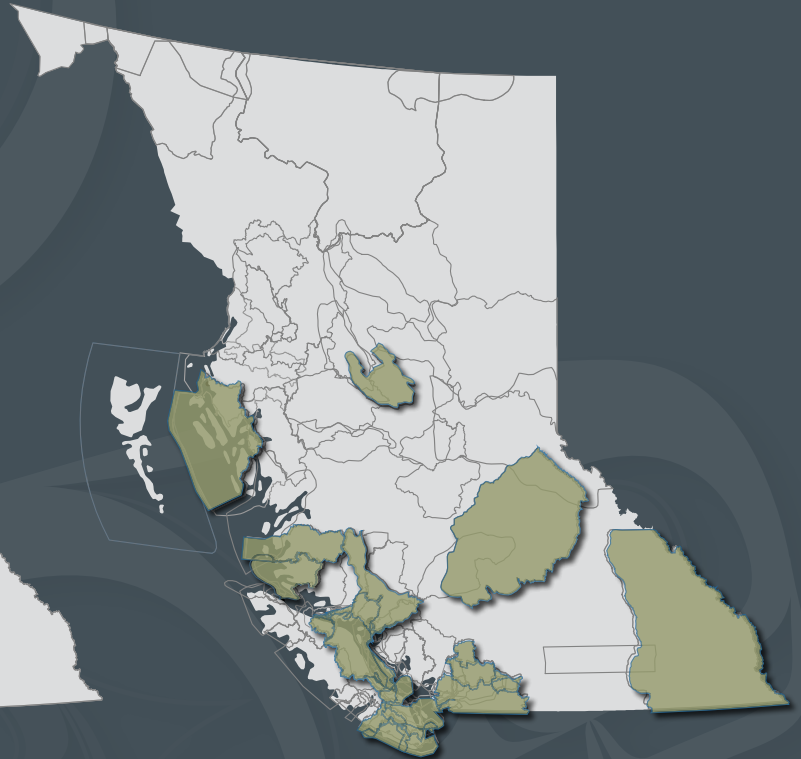
*\*The Nisga'a Treaty was negotiated prior to the BCTC process.*



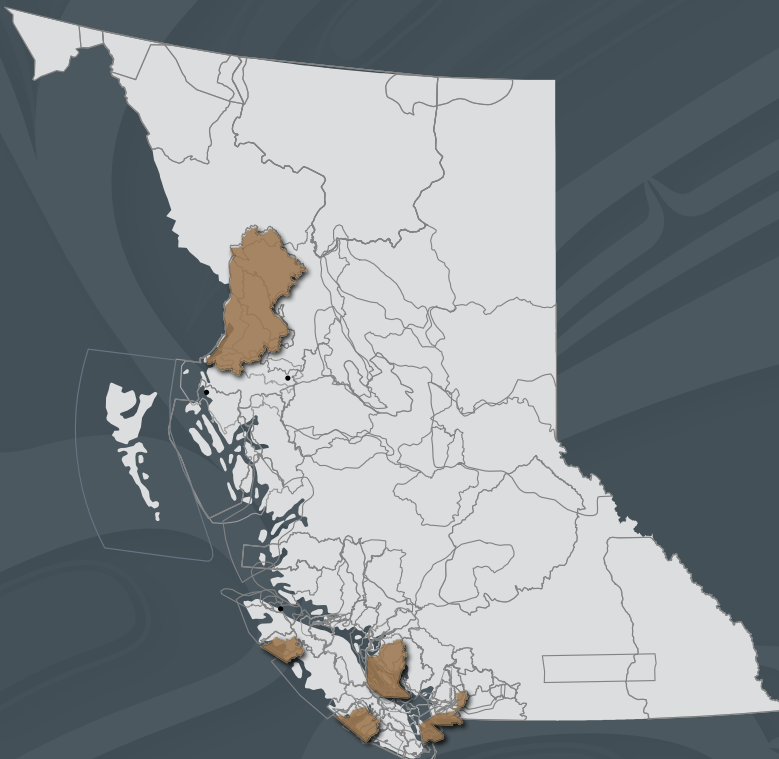
#### ACTIVELY NEGOTIATING (16)



#### FINALIZING NEGOTIATIONS (15)



#### IMPLEMENTING MODERN TREATIES (7)



In BC, there are eight modern treaties being implemented. Seven were negotiated through the BCTC negotiations process.

An interactive map of all First Nations participating in, or have completed treaties or agreements through, the BCTC negotiations process is available at [bctreaty.ca/map](http://bctreaty.ca/map)





RYAN DICKIE PHOTO

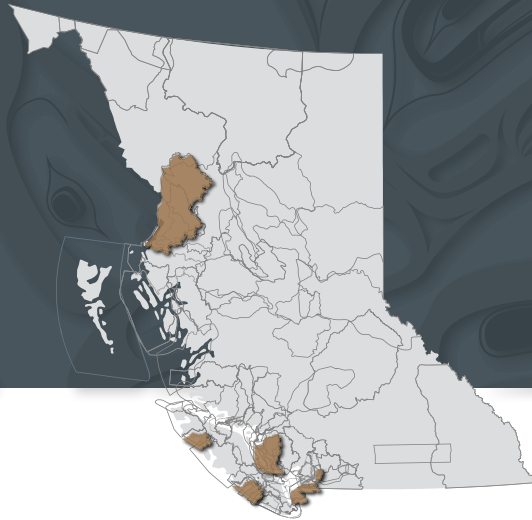
## ABOUT THE STATUS REPORTS

- 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 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](http://fnp-ppn.aadnc-aandc.gc.ca)

### ACRONYMS

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

## IMPLEMENTING MODERN TREATIES (7)



### MAA-NULTH FIRST NATIONS

This year Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht, and Yuułuꞵiꞵaꞵ First Nations (collectively "Maa-nulth First Nations"), Canada, and British Columbia celebrated their 10th treaty anniversary. The *Maa-nulth First Nations Final Agreement* (Maa-nulth Treaty) came into effect on April 1, 2011.

The treaty provides a basis for reconciliation and a new relationship on a government-to-government-to-government basis. The Parties negotiated the treaty to provide certainty by agreeing to the continuation of the Maa-nulth First Nations' existing Aboriginal rights as treaty rights and does not extinguish their rights. The treaty recognizes the First Nations' rights and jurisdiction throughout their traditional territory, including ownership of 24,550 hectares of land. It provides 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 720 citizens; Ka:'yu:'k't'h'/Che:k'tles7et'h' has approximately

580 citizens; Toquaht has approximately 150 citizens; Uchucklesaht has approximately 240 citizens; and Yuułuꞵiꞵaꞵ has approximately 680 citizens. Their traditional territories are located on the west coast of Vancouver Island surrounding Barkley and Kyuquot Sounds. Maa-nulth First Nations have overlapping and/or shared territories with their First Nation neighbours: Ditidaht, Hupacasath, Tla-o-qui-aht, and Tseshaht.

#### » Huu-ay-aht First Nations

Over the past year Huu-ay-aht First Nations (HFN) engaged with neighbouring nations, the province, and private industry to continue expanding its infrastructure, resource management and economic development opportunities. This work has led to a number of key opportunities including breaking ground for a new \$8 million wastewater treatment plant. HFN is working with the Bamfield Marine Science Centre, to provide infrastructure investment to support residential and economic development. HFN also expanded its existing childcare centre, and increased its ownership in Tree Farm License 44 to 35 per cent.



HFN announced the development and integration of the Hišuk ma čawak Integrated Resource Management Plan (HIRMP), which will focus on forestry and environmental management. HFN is currently in the early stages of working with the Royal BC Museum to repatriate HFN artifacts. 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

On April 14, 2021 Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations (KCFN) joined the Strathcona Regional District (SRD) as full voting members of the board. KCFN first joined the SRD board as an associate member in 2013. KCFN owns and operates three tourism ventures in Kyuquot Sound, in proximity to five provincial parks and four ecological reserves: Walters Cove Resort; Fair Harbour Marina; and Campground and Purple Palace Hostel. 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 their own laws.

#### » Toquaht Nation

This year, Toquaht Nation focused on governance and nation planning and released its 2021-24 Strategic Plan. Toquaht priorities include: building *masčim* (traditions) and government capacity; building infrastructure; growing the economy; and fostering *masčim* and community well-being. Toquaht will also be receiving \$350,000.00 to build a 1.3 km multi-use path to improve active transportation infrastructure between Macoah and the new Secret Beach subdivision, which includes a marina and campground that was opened in 2019. Toquaht is looking at a number of capital infrastructure investments for Secret

Beach, including a potential Government Building and residential units.

In December 2020, Toquaht presented a new mission statement addressing: innovation; provision of programs and services; and fair, transparent, accountable and sustainable governance. This is supporting the Nation's ongoing investment in developing enriched programs and services for citizens, and investment in infrastructure, community and economic development. 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 Government

Uchucklesaht Tribe Government (UTG) spent the past year working on governance, economic development, and community services projects. UTG has created new departments designed to meet the growing needs and interests of its citizens: post-secondary education, nursing, and resource management. Planning has begun for economic development opportunities related to parks and recreation, Thunderbird Spirit Water (launched in 2018), and clean energy projects at Thunderbird House. 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 Government

Yuułuʔiłʔatḥ Government continued work on nation priorities including: housing; post-secondary education; mental health and wellness; and expanding infrastructure in the community. In February 2021, residential mailboxes were installed in Hitaču to support connectivity. Yuułuʔiłʔatḥ introduced a weekly medical clinic at huupatu Centre and hired

additional community-based medical staff in Spring 2021. The Nation hired its first Economic Development Officer and in 2020 developed its first 10-year economic development plan. The Nation plans to expand citizen housing on its lands over the next five years. The Junior Guardian & Warrior Program, created in 2014, has continued to grow, providing cultural, leadership, and skills training opportunities. In July 2021, the Nation partnered with the Coastal Restoration Society to clean up the Ucluth Peninsula coastline within their traditional lands. In 2020, the Nation opened the Q<sup>w</sup>ayač̓iik̓iis Headstart Childcare Centre, providing expanded services and employment opportunities within the community. Yuułuʔiłʔatḥ operates a satellite office in the Uchucklesaht Government Building in Port Alberni to support their local members. In 2020, the First Nation assumed responsibility for all Child Protection services. 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

This year Tla'amin Nation, Canada and British Columbia celebrated their fifth treaty anniversary. The *Tla'amin Final Agreement* (Tla'amin Treaty) came into effect on April 5, 2016. The Parties negotiated the treaty to provide certainty by agreeing to the continuation of the Tla'amin Nation's existing Aboriginal rights as treaty rights; the treaty does not extinguish Tla'amin rights. The treaty provides a basis for reconciliation and a new relationship on a government-to-government-to-government basis.

Tla'amin Nation continues to advance governance and enhance services to improve

the wellbeing of its citizens and nation. Work is ongoing for planning and enhancing resource management and protection, economic development, and housing. The Tla'amin Watershed Protection Plan was completed, as well as a Contemporary Use Study for development and licensing applications to help protect Tla'amin harvesting. A referral portal system, 'Tla'amin Connect', is being developed to streamline evaluation, assessment, and approval processes. A MOU was also signed with Western Forest Products as a step to a possible joint venture partnership. Housing was prioritized both on Tla'amin lands and in the surrounding area. Tla'amin homes are undergoing health and safety restorations, and an emergency housing program provided temporary housing due to







soaring property values and housing shortage in the region. Tla'amin partnered with the City of Powell River for the Rapid Housing Initiative, a 24-unit rental housing complex for families and seniors. Initial funding was provided by BC, and BC Housing has committed to providing an annual operating subsidy. Construction began in August 2021 and is expected to be completed by summer 2022. Lastly, \$1.15 million is being invested into an organics compost processing facility that will service the greater region; Tla'amin, Canada and BC are cost-sharing the project.

The treaty recognizes Tla'amin rights and jurisdiction throughout its traditional territory, including ownership of 8,323 hectares of land. It included 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. Since effective date, Tla'amin has drawn down its law-making authority to enact Tla'amin laws.

There are approximately 1,185 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

This year Tsawwassen First Nation (TFN), Canada, and British Columbia celebrated their 12th treaty anniversary. The *Tsawwassen First Nation Final Agreement* (Tsawwassen Treaty) came into effect on April 3, 2009. The Parties negotiated the treaty to provide certainty by agreeing to the continuation of the Tsawwassen First Nation's existing Aboriginal rights as treaty rights and does not extinguish Tsawwassen rights. The treaty provides a basis for reconciliation and a new relationship on a government-to-government basis.

This past year TFN focused on continued community priorities in areas of health and wellness, elders and youth, and housing. TFN celebrated the opening of its new youth centre, *q̓əʔis məstiməx<sup>w</sup>ətx<sup>w</sup>*, in February 2021. This 12,000 square foot facility supports cultural, artistic, culinary, multimedia, literacy programs, and licensed childcare. Funding was secured through Childcare BC New Spaces Fund, the First Peoples' Cultural Council of BC, and through the federal-provincial Investing in Canada Infrastructure Program. Beginning in September 2020, TFN provided tools and services to support youth and Elders' remote education, and continued to deliver wellness and traditional healing programs. A housing needs assessment was completed, and a health and food security study to better understand members' traditional food consumption and opportunities for habitat improvement. TFN continues to prepare for the expiry of its tax exemption in January 2022.

The treaty recognizes Tsawwassen rights and jurisdiction throughout its traditional territory, including ownership of 724 hectares of land. It delivered one-time capital transfer payment of \$13.9 million over 10 years. It provided \$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 commits Canada and British Columbia to providing annual funding for ongoing programs and services. Since effective date, TFN has drawn down its law-making authority and enacted Tsawwassen laws. Tsawwassen joined the Metro Vancouver Regional District board and the Greater Vancouver Water District in 2009.

There are approximately 495 Tsawwassen members, with traditional territory in the Lower Mainland, from the watersheds that flow into Pitt Lake, to Burns Bog and to the Salish Sea, and includes Salt Spring, Pender, and Saturna Islands. Tsawwassen has overlapping and/or shared territory with its First Nation neighbours: Cowichan Tribes, Hwlitsum, Katzie, Musqueam, Stó:lō, Tsleil-Waututh, and Semiahmoo.

## ALLIANCE OF BC MODERN FIRST NATIONS

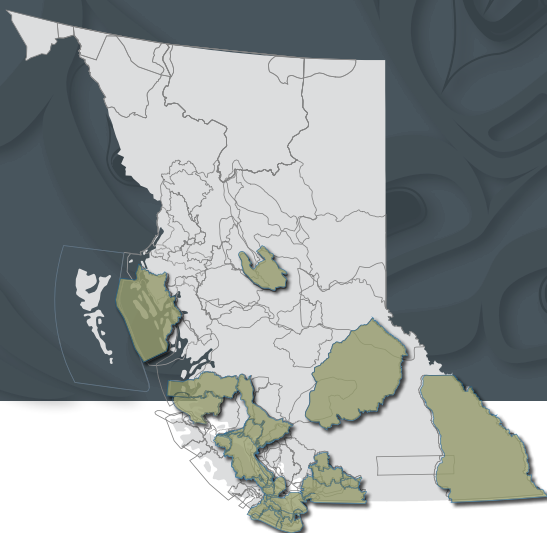
For the past two years all modern Treaty Nations in BC have been working collaboratively to address their shared provincial interests and treaty implementation issues. Last year, the Alliance of BC Modern Treaty Nations (the Alliance) successfully lobbied the provincial government to establish an annual forum with the premier. The first meeting was held last year, and 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 for their lands and resources.

On July 24, 2018, Huu-ay-aht, Ka:'yu:'k't'h'/Chek'tles7et'h', Tla'amin, Toquaht, Tsawwassen, Uchucklesaht, and Yuułuʔiłʔatḥ First Nations established the Alliance of BC Modern Treaty Nations through the signing of a Memorandum of Cooperation. In November 2019, the Nisga'a Nation joined the Alliance, which now represents all eight modern Treaty First Nations in BC.



## STATUS REPORTS

### FINALIZING NEGOTIATIONS (15)



#### DITIDAHT FIRST NATION

The Ditidaht treaty table is in Stage 5 negotiations. Ditidaht continues to make advancements in discussions regarding shared decision-making and co-management off TSL. The Parties have begun drafting and negotiating initial pieces of an Engagement Framework Agreement, and discussing contents of a decision-making model applicable to federal jurisdictions. Ditidaht developed position papers on key negotiations matters (e.g., provincial parks, water, provincial assessments). TRM funding supported work related to shared decision-making.

The Ditidaht and Pacheedaht AIP was signed on June 28, 2019, setting out the basis for finalizing treaty negotiations. Ditidaht will have ownership of approximately 6,106 hectares of land, including former reserves, and a capital transfer of approximately \$39.9 million. The treaty will recognize and protect Ditidaht 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 770 Ditidaht members, with traditional territories spanning the south-western corner of Vancouver Island. Ditidaht has overlapping and/or shared territory with its First Nation neighbours: Huu-ay-aht, Lake Cowichan, and Pacheedaht.

#### 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*. The transition agreement sets out the basis for finalizing treaty negotiations. It outlines a four-year tripartite workplan to finalize core treaty negotiations, identifies land and forestry appraisals, ITA work, and core treaty chapter development as priorities. The core treaty will recognize and protect Hul'qumi'num 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.

Private ITA land acquisitions for Cowichan Tribes, Halalt, and Penelakut have been completed. Crown ITA land transfers for Ts'uubaa-asatx and Lyackson are pending BC approvals. The Parties established an Appraisal Working Group to collaboratively develop options for a future land and cash offer. The Technical Language Working Group advanced several treaty chapters to final treaty language. HTG completed land selection work through a TRM. HTG plans to increase community engagement efforts and continue work with neighbouring First Nations to address overlapping/ shared territory issues. Internal work on constitution, membership code, election code, and taxation authority is ongoing.

There are approximately 6,730 HTG members, with traditional territory spanning 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. This year the Parties signed an ITA, finalized chapter language, and advanced key areas of discussion on lands, forestry, fisheries, governance, and enforcement of laws. K'ómoks continues to work in collaboration with Tlowitsis, We Wai Kai, Wei Wai Kum and Kwiakah First Nations to develop a fish reconciliation agreement between the five Nations and the federal government. In preparation for a land and cash offer, and future ratification vote, K'ómoks has begun working on an eligibility and enrolment chapter and continues to engage community.

TRM funding supported forestry, early constitution ratification initiatives, and planning for post-effective date. K'ómoks continues to strengthen relationships with neighbouring Nations and local governments, which has contributed to infrastructure development initiatives.

The K'ómoks AIP was signed on March 24, 2012, setting out the basis for finalizing treaty negotiations. K'ómoks will have ownership of approximately 2,057 hectares of land, 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, Nuu-chah-nulth, Sechelt, Snuneymuxw, Tla'amin, Te'mexw, Tlowitsis, We Wai Kai, Wei Wai Kum, and Kwiakah.

### KTUNAXA NATION

The Ktunaxa Nation (formerly Ktunaxa Kinbasket Treaty Council) treaty table is in Stage 5 negotiations. This last year the Nation increased community engagement on its Constitution and the *Ktunaxa Nation Recognition Agreement*. The Constitution Working Group is finalizing a document for citizen input and work is underway to support implementation of its Citizenship Code, which was ratified in 2019.

Governance transition planning to support Nation rebuilding is ongoing. As part of Nation



rebuilding work, the Ktunaxa established a Speakers' Series and a Cultural Working Group. Ktunaxa continues engagement efforts with neighbouring First Nations on overlapping/shared territory issues and shared interests. 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. In May 2019, the interim Ktunaxa Nation citizenship code was ratified, resulting in the Registrar, Enrollment Board, and Review and Appeal Board becoming operational.

*The Ktunaxa Nation Rights Recognition & Core Treaty Memorandum of Understanding* was signed in November 2018, setting out the basis for finalizing treaty negotiations. The treaty will recognize and protect Ktunaxa 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 1,160 Ktunaxa members, with traditional territory spanning the Kootenay, Flathead, and Columbia River watersheds, extending from the Arrow and Kinbasket Lakes east to the Alberta border. Ktunaxa represents ʔakisq'nuk (Columbia Lake), ʔaqam (St. Mary's Indian Band), ʔakinkumtasnuqtiʔit (Tobacco Plains Band) and Yaqaan nuʔkiy (Lower Kootenay Band). Ktunaxa has overlapping and/or shared territory with its First Nation neighbours: Osoyoos, Okanagan, Penticton, Shuswap Nation Tribal Council, Spallumcheen, Upper and Lower Similkameen, Upper Nicola, and Westbank.

#### **LAICH-KWIL-TACH TREATY SOCIETY**

The Laich-Kwil-Tach Treaty Society (LKTS) treaty table is in Stage 5 negotiations. LKTS negotiates on behalf of, and represents the interests of, We Wai Kai First Nation. LKTS has been active


in enhancing youth engagement, language revitalization, communications efforts, and relationship-building with neighbouring nations. BC and LKTS continue to work on implementing the ITA signed in 2019, with last year's pilot project on Crown Lands transfer processes proving successful. We Wai Kai continues to work in collaboration with K'ómoks, Tlowitsis, Wei Wai Kum and Kwiakah First Nations to develop a fish reconciliation agreement between the Nations and federal government. TRM funding supported ongoing work with the fish common table.

*The Tripartite Commitment Agreement: We Wai Kai Transition to Stage 5 Negotiations* was signed on June 6, 2019, setting out the basis for final treaty negotiations. The treaty will recognize and protect We Wai Kai 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 1,185 We Wai Kai members, with traditional territory spanning the area around Campbell River, Quadra Island, and surrounding inlets. We Wai Kai 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. Preparations for full reclamation of jurisdiction over children and families by NStQ continued with the tripartite working group and the NStQ Children and Family Steering Committee. The Parties



advanced treaty language for the land title, general provisions, ratification, and education chapters. Tripartite co-development of the fish mandate is ongoing. NStQ and British Columbia continue to work on land transfers to the four communities through the implementation of ITAs for each community. In August 2020, Xatśūll entered into a lease agreement with the province, whereupon ownership of 1,574 hectares of ranch lands will become NStQ lands on effective date. NStQ continues community engagement work and engagement efforts with neighbouring First Nations. TRM funding is supporting constitution drafting work and phase two of fisheries data research.

The NStQ AIP was signed on July 22, 2018, setting out the basis for finalizing treaty negotiations. NStQ will have ownership of approximately 82,129 hectares of land, including former reserves, and a capital transfer of \$48.7 million. The treaty will recognize and protect NStQ 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 2,740 NStQ members, with traditional territory spanning the central Cariboo, from Valemound 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), Xatśūll/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. Pacheedaht continues to prioritize discussions related to co-management of TSL and shared decision-making. Pacheedaht worked internally to advance conversations around an Engagement Framework Agreement and continues to engage in discussions with neighbouring Nations. The Parties have begun reviewing the AIP in order to develop a list of outstanding issues to guide future discussions. TRM funding supported economic development planning and governance development planning.

The Ditidaht and Pacheedaht AIP was signed on June 28, 2019, setting out the basis for finalizing treaty negotiations. Pacheedaht will have ownership of approximately 1,897 hectares of land, including former reserves, and a capital transfer of approximately \$19.72 million. The treaty will recognize and protect Pacheedaht 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, with traditional territories spanning the southwestern corner of Vancouver Island. Pacheedaht has overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Huu-ay-aht, T'Sou-ke, and Lake Cowichan.

## **SAMAHQUAM AND SKATIN FIRST NATIONS**

The Samahquam and Skatin (formerly 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 790 Samahquam and Skatin members, with 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. The table has continued steady work on core treaty discussions focusing on an incremental approach, and working to co-develop mandates. SXTA undertook substantial community engagement to share information on the negotiations and draft constitution. In November 2020, two of the six communities voted to ratify their constitution. SXTA continues to engage leaders and citizens in the remaining four communities to build greater understanding and support. Engagement with neighbouring First Nations and local government has continued. TRM funding is supporting research on fisheries interests and policy development for the transition and establishment of the Stó:lō Xwexwilmexw National Government.

The *Stage 5 Treaty Negotiations Memorandum of Understanding* was signed October 12, 2018, setting out the basis for finalizing treaty negotiations. The treaty will recognize and protect Stó:lō 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 1,530 Stó:lō members, with traditional territory spanning the Lower Mainland 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 Yakweakwoose. 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'owhámél, Soowahlie, Sumas, Skwah, Skway, Squamish, Squiala, Tsawwassen, Tsleil-Waututh, Union Bar, and Yale.

### **TE'MEXW TREATY ASSOCIATION**

The Te'mexw treaty table is in Stage 5 negotiations. Te'mexw worked to expand internal capacity and to adapt projects and communications strategies into virtual alternatives. The Parties continue to work on land and cash proposals for Songhees and Scia'new; an offer is anticipated in the coming year. Malahat and Songhees have both made advancements in the development of their constitutions. Parties have begun negotiating matters related to a culture and heritage side agreement. TRM funding supported initiatives on growth strategies, data and information management, taxation and fiscal models, lands, land use planning, economic development, and cultural sites.

The Te'mexw AIP was signed April 9, 2015, setting out the basis for finalizing treaty negotiations. The five First Nations will have ownership of approximately 1,565 hectares of land, including former reserves, and a capital transfer of approximately \$142 million. The treaty will recognize and protect Te'mexw 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 1,810 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.

### TLOWITSIS FIRST NATION

The Tlowitsis treaty table is in Stage 5. In February 2021, the Parties celebrated a significant milestone by signing the *Tlowitsis Nation Transition to Stage 5 Memorandum of Understanding*. The Parties have worked to create a bilateral partnership between Tlowitsis and BC in areas related to parks and recreation, and to develop tripartite communication strategies. Planning continues for *Nenagwas*, the new Tlowitsis community, through regular tripartite meetings. Tlowitsis continues to work in collaboration with K'ómoks, We Wai Kai, Wei Wai Kum and Kwiakah First Nations to develop a fish reconciliation agreement between the five Nations and the federal government. TRM funding supported land use planning, and lands and resource management assessment.

*Nenagwas* is the result of extensive efforts by Tlowitsis to provide their members with a place to return home to. These lands were designated through a federal Order in Council in December 2017.

There are approximately 445 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.

### 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 3,840 members. Kitselas has approximately 710 members, and Kitsumkalum has approximately 800. Metlakatla has approximately 1,020. Gitga'at has approximately 810 members. Kitasoo/XaiXais has approximately 500. Its traditional territory spans the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations have overlapping and/or shared territories with its First Nation neighbours: Gitksan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

#### » Kitselas and Kitsumkalum

The Kitselas and Kitsumkalum treaty table continues to advance negotiations and focus on land selection and economic components of 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. In August 2021, Kitsumkalum adopted a Land Code and continues working to build land management capacity. 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.

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 and governance capacity building, document management, fish chapter work, and research on land use planning, access and roadways, and forestry.

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

#### » Metlakatla

The Metlakatla treaty table began its third 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 on recognition of Metlakatla title and rights, non-extinguishment, and affirms that the Parties will be guided by the UN Declaration. A foreshore working group involving several federal and provincial departments, and Metlakatla, has been meeting regularly to co-develop a way to address Metlakatla's interests

to the foreshore and the complex jurisdictional issues of the Parties to these areas. 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*. TRM funding is supporting development of a constitution, and work on law enforcement procedures and compliance and enforcement.

#### WEI WAI KUM/KWIAKAH FIRST NATIONS

The Wei Wai Kum/Kwiah (WWKK) treaty table is in Stage 5 negotiations. 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 and Kwiah have identified ITA interests in lands and wood lots. Work to complete the ITA agreements is ongoing.

The Parties have established a Chapter Language Technical Working Group to advance chapter language, a Lands Technical Working Group to advance work on TSL selection and/or fee-simple purchases, and a Treaty Transition Working Group to develop land and capital transfer scenarios. The Parties continue to address parks, forests, fish, co-management, and culture and heritage interests. TRM funding supports governance structure development through community consultation.

WWKK continues work at a fish common table with We Wai Kai, K'ómoks, Tlowitsis, and Canada. Work with the Nanwakolas Council on baseline studies of marine and land areas is ongoing. WWKK continues to work on governance models, its constitution, and has relaunched its website. WWKK continues work with neighbouring First Nations and local government, including engagement efforts on an inter-tribal governance protocol.

The WWKK Transition Agreement was finalized on July 28, 2019, setting out the basis for finalizing treaty negotiations. The treaty will recognize and protect Wei Wai Kum and Kwiakah 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 885 Wei Wai Kum/ Kwiakah members, with traditional territory spanning 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. This year the Nation focused on internal strategy meetings. The Parties continue work on forestry, fish, economic development, and shared decision-making. TRM funding supported capacity development, fisheries management, and economic development planning.

The Wuikinuxv AIP was signed July 23, 2015, setting out the basis for finalizing treaty negotiations. Wuikinuxv will have ownership of over 14,600 hectares of land, including former reserves, and a capital transfer of \$7.3 million. The treaty will recognize and protect Wuikinuxv 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 Wuikinuxv members, with traditional territory spanning 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.

### YEKOOCHÉ FIRST NATION

The Yekooche treaty table is in Stage 5 negotiations. The Parties have prioritized key areas of work for ongoing discussions for the next few years. Yekooche has focused internally on fisheries, community and social renewal, and capacity-building. Yekooche has been engaging with neighbouring nations to address overlapping and shared territory interests.

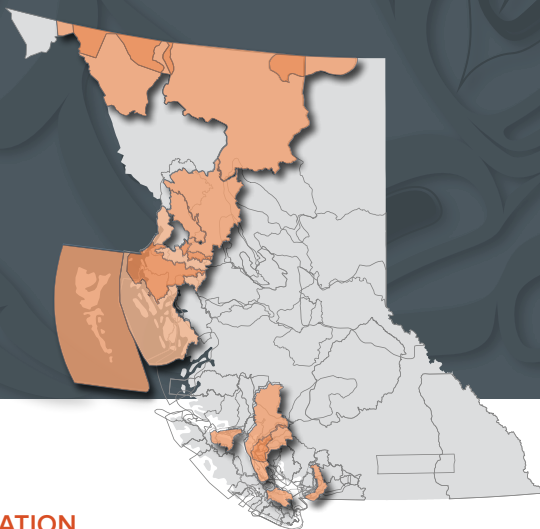
The Yekooche AIP was signed August 22, 2005, setting out the basis for finalizing treaty negotiations. Yekooche will have ownership of approximately 6,400 hectares of land, including former reserves, and a capital transfer of \$6.5 million. The treaty will recognize and protect Yekooche inherent title 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 230 Yekooche members, with traditional territory spanning Stuart Lake, Cunningham Lake, and Lake Babine. Yekooche has overlapping and/or shared territory with its First Nation neighbours: Lake Babine, Burns Lake, Nadleh Whut'en, Nak'azdli, Stellat'en, Takla, Tl'azt'en, and Treaty 8.



## STATUS REPORTS

### ACTIVELY NEGOTIATING (16)



#### ACHO DENE KOE FIRST NATION

The Acho Dene Koe (ADK) treaty table is in Stage 2 Readiness. The Parties have been discussing the possibility of a tripartite exploratory table. This year, ADK completed internal and technical work to prepare and advance discussions and work toward a tripartite framework agreement.

There are approximately 715 ADK members, with traditional territory and waters spanning three jurisdictions: BC, Yukon, and Northwest Territories. The ADK 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 pursuing tripartite reconciliation to address Lax Kw'alaams inherent title and rights. The Parties are engaging on a reconciliation framework agreement. There are approximately 3,985 Lax Kw'alaams members,

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

#### CARCROSS/TAGISH FIRST NATION

Carcross/Tagish and Teslin Tlingit are separate First Nations negotiating together; the treaty table is in Stage 4 negotiations. Both First Nations are self-governing in the Yukon with traditional territory in BC. This past year Carcross/Tagish and Teslin Tlingit tabled several documents outlining key areas for mandate co-development including governance, water, law-making, environmental assessments, and land use planning. The Nations actively participate at common tables discussing fiscal and land matters, and completed internal work for land use planning and co-management. Community engagement and overlap/shared territory engagement efforts with neighbouring First Nations is ongoing. BC Capacity Initiative

and TRM funding supported land and water use planning and development of a strategic framework.

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 table is pursuing tripartite reconciliation to address Haida title and rights. In August 2021, the Parties signed the *GayGahlda* “Changing Tide” Framework for Reconciliation (GayGahlda Agreement). This agreement commits the Parties to reconciliation negotiations based on a process of *Til Yahda* (“making things right”) with the Haida Nation.

This agreement is based on recognition of Haida inherent title and rights with respect to the Haida Gwaii terrestrial area, including the inherent right to self-government. Discussions will be founded on the understanding that Haida inherent title exists, rather than having to be proven. The agreement also commits to negotiations in good faith to reconcile interests, including laws and management of resources, in the marine area of Haida Gwaii.

The negotiation agenda includes priority and long-term topics for reconciliation that will redefine the relationship between the Haida Nation, Canada, and BC. The agreement also commits to a series of good faith measures, which may include forestry measures, resources for governance capacity, social and cultural measures, business opportunities and fisheries and marine matters. It also describes a path forward based on a series of agreements that build on each other over time to implement title and rights.

The relationship between negotiations and the legal title case filed by the Haida Nation is described in the agreement. The Parties have agreed that negotiations and litigation can continue concurrently. However, the Parties will not go to trial while negotiations proceed in good faith.

Both the federal and provincial governments have passed legislation to implement the *United Nations Declaration on the Rights of Indigenous Peoples*, and in the Parties’ views, GayGahlda Agreement is unique and reflects this approach.

There are over 5,000 Haida members from clans across Haida Gwaii, with traditional lands and waters spanning Haida Gwaii. Under the GayGahlda Agreement the Haida Nation will continue to formalize agreements with neighbouring First Nations as to their respective territorial boundaries with Haida Gwaii.

### GITANYOW HEREDITARY CHIEFS

The Gitanyow treaty table is in Stage 4 negotiations. In August 2021, the Parties signed the *Gitanyow Governance Accord*, setting out a path forward within the BCTC negotiations process toward revitalizing and legally recognizing the Gitanyow hereditary governance system of *Huwilp*/Houses within five years. Parties agreed on key milestones, including revitalizing the Gitanyow Constitution and governance structures, developing a citizenship code, and negotiating, ratifying and ultimately implementing an Inherent Governance Agreement. TRM funding is supporting technical work on fisheries in the Nass Watershed and development of land use planning.

There are approximately 865 Gitanyow members, with traditional territory spanning the Kitwanga and Nass watersheds, and the upper Kispox 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 treaty table is pursuing tripartite reconciliation. There are approximately 2,065 Gitxaala members, with traditional territory and waters spanning the northwest coast, including the Prince Rupert area. The Gitxaala Nation has overlapping and/or shared territories with its First Nation neighbours: Lax Kw'alaams, Haisla, and Tsimshian.

### 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, and exploring how the Gitxsan *Huwilp* Government fits within the Canadian Constitution. Gitxsan continues to focus on governance, fisheries, and jurisdiction over watersheds.

There are approximately 7,900 Gitxsan members. The Gitxsan Hereditary Chiefs represent the majority of the house groups and membership. Gitxsan traditional territory spans 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 continue to make substantial progress on a transition agreement to advance to Stage 5 negotiations. Last year GNN established a Jurisdiction Committee to reclaim jurisdiction over child

and family services. The Nations increased community engagement efforts including an updated treaty website, development of communications materials and virtual community engagement meetings. The table established a Traditional Knowledge Protocol to allow for recording traditional knowledge shared at the table. Key negotiations priorities include parks, fisheries, return to homelands, technical lands work, and appendices review. In March 2021, GNN and BC signed a *Forest and Range Consultation and Revenue Sharing Agreement*, which sets out a consultation process for forest resource development on Crown lands within GNN traditional territory. TRM funding supported work on marine resource management planning, land use planning on potential TSL, and homelands return work.

There are approximately 1,065 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 spans 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: Kwiksutaineuk, Kwawa-aineuk, Kwakiutl, 'Namgis, Tlatlasikwala, Tsawataineuk, and Wuikinuxv.

### HOMALCO INDIAN BAND

The Homalco treaty table is in Stage 4 negotiations. This past year Homalco successfully ratified its Election Code and completed a draft comprehensive community plan. Homalco ratified its Land Code in 2019. The Parties focused on completing lands transfers under a revised ITA and made progress on AIP chapters. Last year, the Nation began increasing work on traditional use and occupation studies. Homalco continues to engage with neighbouring First Nations on Nation-to-Nation protocols.

There are approximately 470 Homalco members, with traditional territory spanning 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.

### KASKA DENA COUNCIL

The Kaska Dena treaty table is in Stage 4 negotiations. The Kaska Dena Council continued focusing on internal governance work, ITA related work, and lands management, community well-being, and youth engagement. Key progress has been made in areas such as wellness initiatives, forestry, and a one-year extension of the current Strategic Engagement Agreement between BC and Kaska Dena. TRM funding supported land management work.

There are approximately 895 Kaska Dena members, with traditional territory spanning from north-central BC into Yukon and Northwest Territories. The Kaska Dena Council represents three communities: Kwadacha, Daylu Dena Council, and Dease River First Nations. Kaska Dena Council has overlapping and/or shared territory with its First Nation neighbours: Acho Dene Koe, Carrier Sekani, Liard, Ross River Dena, Teslin Tlingit, and Tahltan.

### KATZIE FIRST NATION

The Katzie treaty table is in Stage 4 negotiations. The Parties are pursuing an incremental approach to treaty, and continue working on how to recognize, protect, and exercise Katzie inherent rights and title. They have formed a working group to focus on core self-governance issues. The Nation enhanced community engagement efforts, including a new digital

engagement platform, and is working on an updated Membership Code. TRM funding continues to support governance planning and research on fisheries interests. In 2017, Katzie ratified its community land code.

There are approximately 625 Katzie members, with traditional territory spanning 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.

### 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 of the proposed lands. The Parties completed several draft AIP chapters and identified priority outstanding issues. Klahoose continues to engage community on the AIP and is engaging with neighboring First Nations.

There are approximately 435 Klahoose members, with traditional territory and waters spanning from Cortes Island to Toba Inlet. 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

Snuneymuxw treaty table is pursuing tripartite reconciliation. In August 2021, Snuneymuxw, Canada and BC signed the *Snuneymuxw Tripartite Memorandum of Understanding* to advance meaningful reconciliation and formalize a new negotiations table. The MOU sets out priority items, including the implementation of the 1854 Douglas Treaty and near-term land





reconciliation. Snuneymuxw had previously signed a bilateral Letter of Understanding with Canada in August 2019, and two bilateral framework agreements with BC in September 2020. The Parties continue working toward these commitments.

There are approximately 1,870 Snuneymuxw members, with traditional territory and waters spanning eastern Vancouver Island, including Nanaimo, Gabriola, and Mudge Islands, and other islands in the Nanaimo watershed. Snuneymuxw has overlapping and/or shared territory with its First Nation neighbours: Snaw-naw-as, Nuu-chah-nulth Tribal Council, and Stz'uminus.

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

The Taku River Tlingit treaty table is in Stage 4 negotiations. This year the Nation continued to focus on internal governance, planning, and research to support preparations for tripartite negotiations. Work is underway for the development of a comprehensive community plan. Taku River Tlingit has also been engaging with neighbouring nations. TRM funding supported research related to the traditional territory.

There are approximately 440 Taku River members, with traditional territory spanning 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 are self-governing First Nations in the Yukon with traditional territory in BC. The Parties re-engaged in negotiations in 2017 and are

developing a transition agreement to advance to Stage 5. Funding from the BC Capacity Initiative program supported community member training to support culture and wildlife initiatives. Last year, TTC undertook work on developing an inventory of traditional territories lands resources and heritage sites. The Parties continue discussion on a Game Guardian ITA. Community engagement is ongoing, as well as overlap/shared territory engagement efforts with neighbouring First Nations. TRM funding supported work on development of a draft concept paper for water management and jurisdiction.

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

### **TSAY KEH DENE BAND**

The Tsay Keh Dene (TKD) treaty table is in Stage 4 negotiations. In the last year, the Parties have begun implementing a framework previously agreed to for the co-development of mandates. Parties also began working on the contents of a future incremental treaty and reconciliation agreement, which will focus on key areas: economic development, socio-cultural support, revenue sharing, forestry, and governance. TRM funding supported constitution development work.

There are approximately 520 TKD members, with traditional territory spanning 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 is in Stage 5 negotiations; Gitga'at is in Stage 4, and Kitasoo/XaiXais is exploring tripartite reconciliation negotiations.

The five Tsimshian First Nations total approximately 3,840 members. Kitselas has approximately 710 members, and Kitsumkalum has approximately 800 members. Metlakatla has approximately 1,020 members. Gitga'at has approximately 810 members. Kitasoo/XaiXais has approximately 500 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**

The Gitga'at table developed a tripartite work plan that includes timeframes for key milestones to advance completion of a foundation framework agreement. Gitga'at has also focused on identifying priorities for early benefits. Community engagement and discussions with neighbouring nations regarding traditional territory boundaries are ongoing. TRM funding supported a governance readiness scan, enhanced communications and strategic engagement plan, and fisheries management work.

#### **» Kitasoo/Xaixais**

This year Kitasoo/Xaixais re-engaged in tripartite discussions with Canada in BC and is exploring a reconciliation table and a reconciliation framework agreement to address Kitasoo/Xaixais inherent rights.



## STATUS REPORTS: NOT NEGOTIATING

### FIRST NATIONS NOT CURRENTLY NEGOTIATING (27)

The following First Nations have not had any significant tripartite activity in the last fiscal year or longer. For information on all First Nations in the BCTC negotiations process, please visit our website, [bctreaty.ca](http://bctreaty.ca)

- 'Namgis Nation
- Carrier Sekani Tribal Council
- Champagne and Aishihik First Nations
- Cheslatta Carrier Nation
- Da'naxda'xw/Awaetlala Nation
- Esk'etemc First Nation
- Haisla Nation
- Heiltsuk Nation
- Hupacasath First Nation
- Kwakiutl Nation
- Lake Babine Nation
- Lheidli T'enneh First Nation
- Liard First Nation
- Mcleod Lake Indian Band
- Musqueam Nation
- Nazko First Nation
- Nuu-Chah-Nulth Tribal Council
- Quatsino First Nation
- Ross River Dena Council
- Sechelt Indian Band
- Squamish Nation
- Tla-O-Qui-aht First Nation
- Tlatlasikwala Nation
- Tsleil-Waututh Nation
- Westbank First Nation
- Wet'suwet'en Hereditary Chiefs
- Yale First Nation



# 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 and agreements. BCTC facilitates negotiations amongst First Nations in BC, the Government of Canada, and the Government of British Columbia. BCTC is not a party to the negotiations and does not negotiate treaties or agreements.

## MANDATE

The Treaty Commission's work encompasses three main functions:

- 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, its mandate was expanded to include supporting negotiating Parties in implementing the UN Declaration, the 94 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, four Commissioners, and 10 staff members. The Commission's operations are cost-shared by the federal and provincial governments. The Government of Canada contributes 60 per cent and the Government of British Columbia contributes 40 per cent. In the 2020/21 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* (BCTC Agreement) establishing the Treaty Commission, followed by federal and provincial legislation.

## PARTNERS IN RECONCILIATION

### 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 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* (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 the implementation of treaties, agreements, and other constructive arrangements must reflect the UN Declaration and the TRC Calls to Action.

The Rights Recognition Policy is ground-breaking — it is 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 to assist the fulfilment of this constitutional imperative is critical.

## THE PUBLIC

Reconciliation is the responsibility of all Canadians. 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.

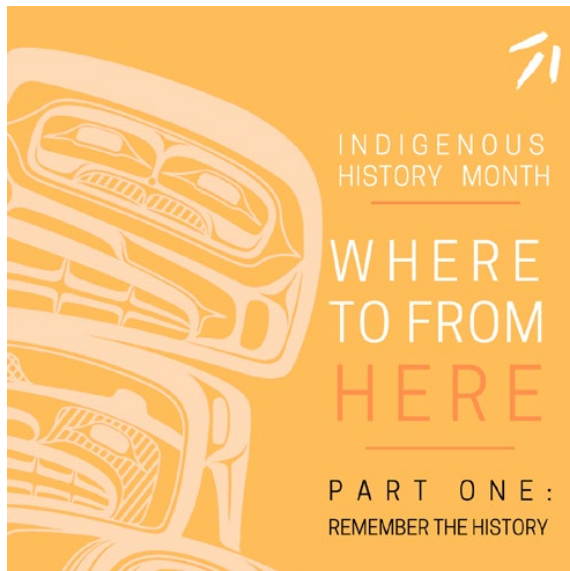
Although it is the three Parties that conduct negotiations, the public also has an important role in supporting the BC treaty negotiations process and reconciliation. Each of us have a responsibility to learn about and acknowledge the traditional

territories of First Nations, find opportunities to learn about First Nations' rich cultures and diverse histories, and learn about the colonial history and lasting impacts of the Canadian residential school system. The Calls to Action and 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 collective responsibility. 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 with BC government officials to observe negotiations.

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.



**As highlighted in our social media campaign, reconciliation is the responsibility of all Canadians. Everyone has a role in rights recognition and reconciliation, including the public.**

## 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 CEO and 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 toward 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 negotiations at Stage 5, Stage 4, and tripartite reconciliation tables;

- Renewed interest in the negotiations as a result recent policy and legislation changes;
- Increased support arising from tripartite workplans;
- Increased support for the implementation of the UN Declaration;
- Completion of treaty negotiations and the ratification requirements for First Nations;
- 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, 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.

## INDEPENDENT FUNDING AUTHORITY

Set out in the BCTC Agreement, associated federal and provincial legislation, and the Rights Recognition Policy, the Treaty Commission is the independent funding authority for treaty and tripartite reconciliation negotiations in British Columbia. BCTC allocates and monitors funding to First Nations for these negotiations.

Funding to support First Nations in their negotiations, commonly referred to as negotiation support funding (NSF) is provided to the Treaty Commission by the governments of Canada and BC, and the Treaty Commission allocates NSF to First Nations to carry out treaty and tripartite negotiations with Canada and BC. A key recommendation from the Task Force Report is that an independent funding authority ensures impartiality and fairness amongst the parties in the treaty negotiations process.

NSF supports each First Nation's treaty office and staff to participate in the negotiations, and other activities, including: capacity and governance building; community engagement; communications; overlap and shared territory engagement; legal and advisory services; lands, resources, and research work; ratification; and preparations for self-government.

## FIRST NATIONS FUNDING

First Nations NSF is 100 per cent contribution-only, nonrepayable funding (similar to grants). The previous funding arrangement consisted of part loan and part contribution funding: maximum of 80 per cent loan and a minimum of 20 per cent contribution funding; this no longer applies.

In April 2018, funding changed to 100 per cent contribution-only funding, however outstanding First Nations' loan debt still remained at that time. 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 Budget 2019, the federal government announced it will eliminate outstanding comprehensive claims negotiation loan debts for all First Nations in Canada and will reimburse Indigenous governments that had already repaid their loans. By March 2020, the final step to eliminate the major obstacle of loan debt was completed. The Treaty Commission recognizes



the federal government and First Nations for their tremendous leadership in resolving this longstanding issue. The change to contribution-only funding is an important achievement and marks a significant milestone toward reconciliation.

In the 2020/21 fiscal year, the Treaty Commission allocated \$31 million in 100 per cent 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 financial accountability measures. BCTC has requested that funding be directed to key priorities and issues in negotiations. To date, we have identified and continue to focus on citizen engagement and information sharing, overlapping/shared territory engagements, capacity building, and preparations for self-government. BCTC also requests that tripartite workplans be developed at each negotiating table to support transparency and accountability, with the objective of supporting the negotiations tables making progress toward shared goals.

## PUBLIC ENGAGEMENT

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

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

- Prepares and maintains a public record of the status of negotiations, while respecting the confidentiality of the negotiations;

- Reports on the status of negotiations throughout the year through online, print, and in-person engagements including its 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 and treaty negotiations through social media, school presentations, and negotiations workshops, such as negotiations and treaty simulations, and mock negotiations;
- Meets with federal and provincial departments to advocate for the importance of treaty negotiations in fulfilling both Canada and BC constitutional obligations, and commitments to implement the UN Declaration;
- 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.

## TRUTH AND RECONCILIATION

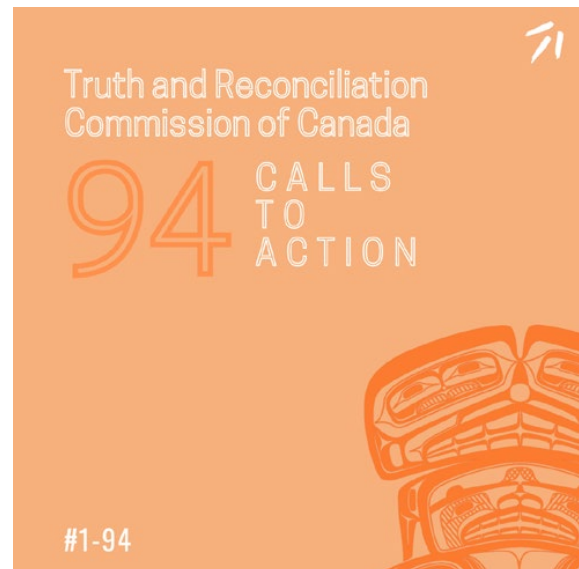
In honour of National Indigenous History Month, the Treaty Commission created an educational campaign which ran through the month of June. This featured the Truth and Reconciliation Commission's 94 Calls to Action, in addition to two guides for British Columbians and Canadians on how to support these Calls to Action. On National Indigenous Peoples Day, June 21, the Treaty Commission participated in two virtual speaker events; one hosted by the Permanent Mission of Canada to the Organisation of American States and the Embassy of Canada in Washington, DC, and the other hosted by Business in Vancouver on economic reconciliation.

This summer marked a turning point for many British Columbians and Canadians, with the discoveries and uncovering of numerous unmarked graves of Indigenous children at several residential school sites. Our shared histories could no longer be ignored. The Treaty Commission encourages individuals, businesses, governments, and institutions to continue learning, to contribute to relationships of mutual respect with Indigenous people, and to listen to Nations as they share their visions of reconciliation and self-determination.

These guides, along with the 94 Calls to Action, are accessible on our social media and on our website.

## PRESENTATIONS

The Treaty Commission presents and participates in virtual and in-person gatherings of First Nations, industry, youth, government, and legal professionals. Sharing information and engaging in conversations about treaty negotiations is an effective way to educate and inform the public. With the ongoing pandemic, we have all had to adjust the ways in which we connect.



**In our social media, we noted that “Self-governance and reconciliation through modern treaties is the foundation for a better future for our children, grandchildren, and generations to come.”**

This year, the Treaty Commission made presentations to Legal Aid BC, Deloitte, Metro Vancouver's Indigenous Relations Committee, the Certificate Program in Regulatory Leadership, participated in the Vancouver Island Economic Alliance Summit, and presented at the Infonex Virtual Conference focusing on capacity development in First Nations communities.

## FORUMS AND ROUNDTABLES

In February 2021, the Treaty Commission co-hosted an Enforcement of Indigenous Laws Roundtable with K'ómoks First Nation. The purpose of the forum was to bring together First Nations, legal experts, and senior officials to discuss the challenges around enforcing, prosecuting, and adjudicating Indigenous laws under modern treaties. Self-government without enforceable laws is an “empty promise.” Presentations included experiences from Stage 5 and Modern Treaty Nations, and remarks from Mr. Belkacem Lounes, a member of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). Participants and presenters discussed

the need for the proper enforcement of laws, mechanisms needed to support enforcement, and the relationship between the enforcement of laws and self-governance.

Information and recommendations on the enforcement of Indigenous laws was included in the Treaty Commission submission to the EMRIP Report on *Self-Determination under the UN Declaration on the Rights of Indigenous Peoples*. The Treaty Commission highlighted recommendations and examples of good practices of implementing the UN Declaration to EMRIP. This included the recent federal *United Nations Declaration on the Rights of Indigenous Peoples Act*, which received Royal Assent on June 21, 2021, as a good example of the UN Declaration being implemented through domestic law. The Treaty Commission also made an intervention on these matters in the virtual 14th Session of the Expert Mechanism on the Rights of Indigenous Peoples in July 2021.

Throughout the last year, the Treaty Commission established and delivered a series of communications roundtable engagements with First Nations communications and community relations representatives from Stage 4 and Stage 5 nations. The intent behind these sessions was to bring technical team members together, to share communications experiences, information, and exchange ideas tools and best practices with one another.

Sessions such as these are an opportunity for participants to discuss their experiences on the ground, in community, and at a time where engagement practices have been forced to shift due to the ongoing pandemic.

## EMPOWERING EMERGING LEADERS

The Treaty Commission continued to partner and collaborate with organizations to enhance collective priorities on treaties and agreements and reconciliation. This year, the Treaty Commission collaborated on an education and professional development initiative with Law Society BC and worked with treaty societies on communications materials on rights recognition and negotiations.

Youth engagement remained a priority with the goal of encouraging young leaders to become more informed, increasing knowledge, awareness, and involvement in the treaty negotiations process and reconciliation. In March, the Treaty Commission worked with the Gordon Foundation and the Land Claims Agreement Coalition to host the third National Treaty Negotiation and Implementation Simulation. Young Indigenous leaders from British Columbia, Yukon, the Northwest Territories, Nunavut, and Saskatchewan worked together along with Treaty Advisors on developing a chapter of a self-government agreement. BCTC continues to collaborate with the Gordon Foundation and partners to further develop the *Understanding Our Treaties* website.

The Treaty Commission also presented to students at the University of British Columbia, Massey College, the British Columbia Institute of Technology, and participants in the Canadian Undergraduate Policy Competition.



# 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 (the governments of Canada and British Columbia, and the First Nations Summit) and serves as the CEO and Chair for a three-year term. The First Nations Summit elects two commissioners and the federal and provincial governments each appoint one. 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. Decisions require the support of one commissioner of each of the Principals.

Celeste Haldane, QC  
**CHIEF COMMISSIONER**



**CELESTE HALDANE** is serving her second term as Chief Commission and was first appointed in April 2017. Celeste is Musqueam (Coast Salish) and Metlakatla (Tsimshian) from the Sparrow and Haldane families, and has European ancestry.

Celeste is a practising lawyer and was appointed Queen's Counsel in 2019. Drawing from over 25 years' of experience, her specializations are in Indigenous law and corporate governance, and she previously practiced criminal defense and civil litigation. She is an active member of both the Indigenous Bar Association and the Canadian Bar Association, and currently serves on the CBA Indigenous Advisory Group.

She holds a Master of Laws in Constitutional Law from Osgoode Hall Law School at York University. Celeste is currently pursuing her doctorate in Anthropology and Law from the University of British Columbia, where she earned a Bachelor of Laws and Bachelor of Arts (Anthropology).

Celeste also serves on governance boards and is currently a Director of the Brain Canada Foundation and Legal Aid BC. Previously, she served on the Hamber Foundation, UBC Board of Governors, the Musqueam Capital Corporation, and the Indigenous Bar Association, and is an alumna of the Governor General's Canadian Leadership Conference. Celeste lives with her husband, Conrad, on Vancouver Island, and is the proud mother of three and grandmother of two.

Liseanne Forand  
**COMMISSIONER**



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

She began in public service with the Department of Fisheries and Oceans (DFO) in 1985. Throughout her career she progressively assumed senior roles, serving as Assistant Deputy Minister (DM) in both the DFO and the Department of Indian and Northern Affairs. Liseanne was also Senior Associate DM of Human Resources and Skills Development, Chief Operating Officer for Service Canada, and served in the Privy Council Office as Assistant Secretary to Cabinet, Social Development Policy. She was also the first President of Shared Services Canada and retired from public service in 2015.

Liseanne also holds a Bachelor of Arts degree in English (Honors) from Concordia University. She is currently Vice Chairperson of the Board of Polar Knowledge Canada, and previously served as Chair of the CHEO Foundation and on the Institute on Governance Board.

Liseanne and her husband, Jonathan, live in North Saanich, and she is a proud step-mother and grandmother.

Francis Frank  
**COMMISSIONER**



**FRANCIS FRANK** is serving his third term as Commissioner, he was first elected by the First Nations Summit Chiefs in Assembly in 2015. He is from Tla-o-qui-aht First Nation and is an elected Councillor.

He has served his community in leadership roles, including Chief Councillor for fourteen years, negotiator for over ten years, and band administrator for six years. Francis has extensive negotiation experience in Indigenous title and rights, including fisheries, and is currently the T'aaq-wiihak Fisheries lead negotiator. He is also an experienced social worker and earned his Bachelor of Social Work from the University of Victoria.

Francis lives in Port Alberni with his wife, Janice, and is a proud father of five children, three foster children, and grandfather to four grandchildren.



Angela Wesley  
**COMMISSIONER**



**ANGELA WESLEY** is serving her second term as Commissioner and was first appointed by the Government of British Columbia in 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.

She has remained active in her Nation's self-governance journey, having been involved throughout all stages of negotiation, ratification and now implementation. Angela has served as Speaker for the Huu-ay-aht First Nations Legislature and Annual People's Assemblies, Board Chair/President for the Huu-ay-aht Group of Businesses, and is the representative on the Maa-nulth tripartite treaty implementation committee. She also serves on numerous boards.

For over the past 30 years, through her consulting company Wes-Can Advisory Services, Angela has worked with First Nations providing advisory and facilitation services in areas of strategic planning, community development and engagement, communications, and governance capacity building. She is also actively involved in international discussions on Indigenous governance and leadership.

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) is serving his first term as Commission, elected by the First Nations Summit Chiefs in Assembly in March 2019. He is from Gitxaala Nation, is a hereditary leader and former elected Chief Councillor.

He studied business and commerce at the University of British Columbia and is a facilitator and trainer with Nawaabm Enterprise. Clifford is an Elder of the New Westminster First Nations Court for more than 12 years and was involved with the BC Aboriginal Family Healing Court project.

Clifford also serves on various boards, including Chair of the First Nations Advisory Committee of BC, Board Chairman of the Northern Nations Cooperative, and Director with the Prince Rupert Indigenous Housing Society, the New Relationship Trust Foundation, and the First Nations LNG Alliance. He is passionate about commercially sustainable environmental management and continues to work with the Industry Training Authority, private industries, union and non-union trades on Indigenous workforce developments.

Clifford is a proud husband to Lynn, father to three children, grandfather to four, and has 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\\_](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: "Cheona Alpha," "Synergy," and "Baby Thunderbird."



Photographs in this annual report are by BCTC Director of International Relations and Communications Sashia Leung, from both her home Wet'suwet'en community, and Gitksan territory, and by photographers Ryan Dickie, a descendant of the Dene people based in Fort Nelson ([winterhawkstudios.com](http://winterhawkstudios.com)), and Joshua Berson, based in Vancouver ([bersonphoto.com](http://bersonphoto.com)).



SASHIA LEUNG



RYAN DICKIE



JOSHUA BERSON

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