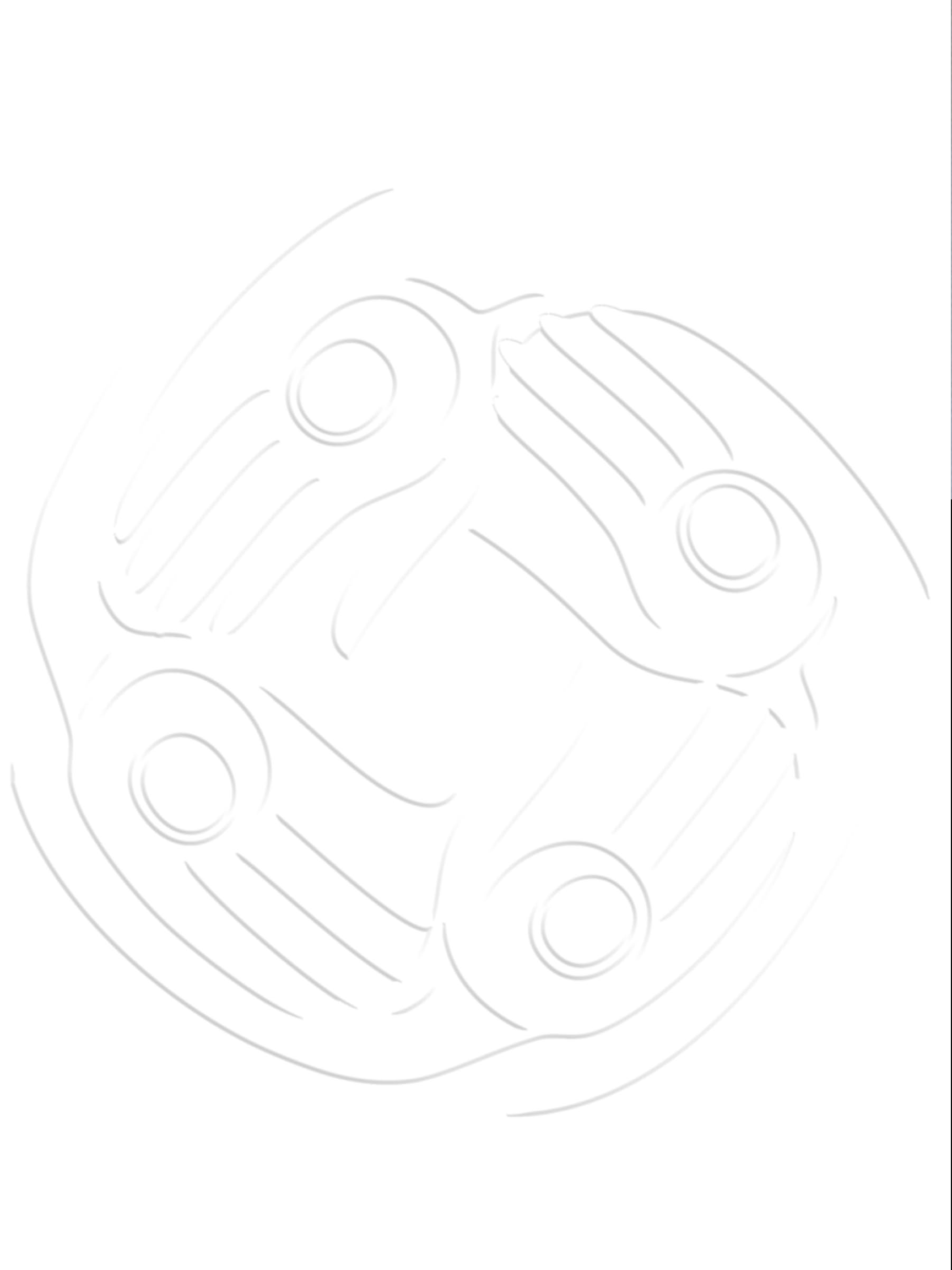


30th ANNIVERSARY







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naw'si:yém məsteyəx^w Hello respected people

Celeste Haldane

CHIEF COMMISSIONER

September 21 marks the beginning of the 30th anniversary year of the signing of the *BC Treaty Commission Agreement* (BCTC Agreement), and we raise our hands to the extraordinary leaders of the day who had the vision to establish the Made-in-BC treaty negotiations process.

Since the signing of the BCTC Agreement, negotiations continue to set the tone for renewed relationships between Indigenous Nations, Canada, and British Columbia. These negotiations are rooted in the acknowledgment and recognition of Indigenous peoples' inherent right to self-government and title to their lands. This is evident with the BC Modern Treaty First Nations who forged their pathways, breaking the shackles of the *Indian Act*, and becoming self-governing First Nations.

While there have been critical changes to the negotiations process, one of the most significant changes is the shifting legal landscape – this includes both federal and provincial *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) legislations and implementation, clear and explicit recognition of rights, the removal of fiscal and financial barriers in the negotiations process, and forthcoming landmark legal decisions. This year marked an important change in longstanding policy on taxation and we want to acknowledge the decades of advocacy from Modern Treaty Nations, their citizens, and citizens of Nations in advanced negotiations.

Canada's changes to s.87 taxation requirements, and expected forthcoming changes in British Columbia's policies, are a positive indicator of the willingness of the Crown to work with Indigenous Nations to build better, more equitable futures.

We must seize the opportunity to make the most of this shifting landscape, while also utilizing the full potential that arises from the current political alignment of both the federal and provincial governments, in order to advance reconciliation and rights recognition through treaties, agreements, and other constructive arrangements.

There are several treaty tables that, with the right support and dedicated focus from both governments, are within one year of concluding negotiations and two years of achieving and implementing agreements. This requires governments to plan proactively and respond in ways that make the path to reconciliation easier and not harder.

This work, though challenging at times, is future-focused and we must not lose sight of the intention behind these treaties and agreements: advancing reconciliation, rights recognition, and supporting self-governance.

Hay čx^w qə

Thank you

Celeste Haldane

CHIEF COMMISSIONER

A vertical metal bar with a brushed finish and a cross-section showing a dark, multi-layered interior, set against a background of weathered wood.

REFLECTIONS ON 30 YEARS



BCTC Agreement signing September 21, 1992

19 RECOMMENDATIONS OF THE BRITISH COLUMBIA CLAIMS TASK FORCE, 1991

The Task Force recommends that:

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

1992 TO NOW

The existing negotiations process — and modern treaties, agreements and other constructive arrangements — would not have been possible without the early work of the BC Claims Task Force (Task Force). The Task Force released its Report along with 19 recommendations in 1991, which affirmed that a new relationship between First Nations, British Columbia and Canada could be built through modern treaties. Along with other recommendations, the Task Force recommended the creation of a Made-in-BC treaty negotiations process, and the creation of an independent body, and “Keeper of the Process” — the BC Treaty Commission.

In September 1992, representatives from the First Nations Summit, the Government of BC, and the Government of Canada gathered to celebrate and sign the *BC Treaty Commission Agreement*. This Agreement laid the foundation for a fair and voluntary process, open to all First Nations in British Columbia, which would create renewed Nation-to-Nation relationships between the Crown and Indigenous peoples.

Grand Chief Edward John

FORMER FIRST NATIONS SUMMIT TASK GROUP MEMBER

FORMER NORTH AMERICAN REPRESENTATIVE TO THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

In an event at the new Squamish Nation Recreation Centre marked by Indigenous ceremony, Chiefs of the First Nations Summit, Prime Minister Brian Mulroney for Canada, and Premier Mike Harcourt for BC, signed a tripartite agreement to set up the BC Treaty Commission as an *independent* mechanism to *facilitate* the *resolution* of the long outstanding “BC Land Question” through good faith negotiations.

Indigenous expectations were high, but the tone was understandably cautious. After all, Indigenous peoples had been dealing with successive federal and provincial governments since the days when colonial authorities unilaterally, without agreement or compensation, took all lands and resource held by Indigenous peoples and Nations since time immemorial. Their position was that Indigenous land title and resource rights were extinguished.

Notwithstanding the recognition and affirmation of aboriginal rights in s. 35 of the 1982 Constitution, in the 1990 Sparrow case, the federal government and intervening provincial governments and fishing industry groups argued aboriginal fishing rights were *extinguished* by successive government laws and regulations. The justices of the Supreme Court of Canada rejected this. They also said that s. 35 provided a solid constitutional basis for negotiations.

The First Nations approach in negotiations would ensure that the parameters of their respective aboriginal title and rights would be recognized, affirmed and implemented in and through treaties and agreements. Extinguishment of aboriginal title and rights, in form or result, was and still is an absolute non-starter.

“Where we stand now, the courts have recognized that our rights are legal interests in land. They’re not policy perspectives. They are legal interests in land. The rights, the Aboriginal Title, they’re not some trivial matters to trifle with. And that’s the reality the courts have established in this country. We’re going to make sure that they’re fully acknowledged and dealt with in our agreements.”



Since then, there have been significant political and legal developments relating to Indigenous peoples' collective aboriginal title and rights. The United Nations adopted, in 2007, the Declaration on the Rights of Indigenous Peoples, an international human rights instrument which provides significant details on Indigenous Peoples' rights including those relating to lands, territories and resources. Both Canada and the Province of BC have enacted legislation to *implement* the UN Declaration. In the courts Delgamuukw, Tsilqot'in and Ahousat, to name a few cases, expanded, clarified and solidified the aboriginal title and rights foundation in s. 35. These decisions have determined, inter alia, that aboriginal title is a *legal interest in land* over which Indigenous peoples have the right to make decisions and which includes an *inescapable economic component*.



However, the *negotiations process* has been slow and tedious. First Nations continue to remain skeptical of governments' intentions and many are concerned that some form "extinguishment of rights" continues to underly their negotiations mandates. Governments remain reluctant to accept what the courts have determined — that aboriginal title and rights to land and resources are "legal rights." The Supreme Court of Canada identified the existence of this underlying political and *policy* problem in 1990 in Sparrow. It continues to be a significant roadblock to effective resolution and reconciliation through negotiations.

The BC Treaty Commission was set up to be an *independent* body to facilitate negotiations. It was never meant to be a *neutral* body. In its "facilitation" mandate set out in federal and provincial legislation and by FNS resolution, the Commission needs to call on both Canada and British Columbia to respect and recognize, as determined in various court decisions, that First Nations aboriginal title and aboriginal rights exist throughout BC as "legal rights" and not simply government objectives set out in policy.

The alternative is for continued uncertainty and more court cases.

There are over 200 First Nations in BC. The overall effect of governments' approach where they continue to deny the existence of aboriginal title and aboriginal rights as *legal rights*, forces each and every First Nation to consider the courts as an alternative to negotiations.

The negotiations process, conducted in good faith, reflecting the honour of the Crown, was a measure to find respectful and effective reconciliation. It remains a work in progress.



Michael Harcourt, OC

FORMER COMMISSIONER AND FORMER PREMIER OF BRITISH COLUMBIA

I congratulate the BC Treaty Commission on celebrating 30 years of existence, and excellent work since the September 21, 1992 signing of the BCTC Agreement.

Because of a lot of good people and good will, over the years we have been building what's the most important issue still in British Columbia and that is the respectful new relationship with First Nations and with the people of British Columbia and Canada.

I think back to how optimistic we were that we would be able to get this done in 10 years. We met at the Squamish longhouse, hosted by late Chief Joe Mathias, and many of the other First Nation leaders that are here today, like Ed John, Miles Richardson, Sophie Pierre, and late George Watts. Prime Minister Mulroney and I were honoured to be there to sign this huge step forward after 130 years of denial, of denying Aboriginal rights and treaties existed. Arguing that BC still had a role to play after confederation and denying that it was solely a federal responsibility—we changed all that.

Since 1991, there have been a number of treaties that have been signed, and more are close. The current more flexible approach to reaching agreements means that over the next few years the New Relationship desired by us all will be realized.

From 2003–2007 I was the Canada appointee to the BC Treaty Commission. Since that time the Treaty Commission has gone through challenging times, some criticism, and much change.

Now we are on an irreversible path towards reconciliation, self-determination and self-government, economic self-sufficiency, and the implementation of UNDRIP.

Congratulations to all who have believed in and supported the continual building of a new relationship between aboriginal Indigenous and non-aboriginal Indigenous people in British Columbia.

“Congratulations to all who have believed in and supported the continual building of a new relationship between aboriginal Indigenous and non-aboriginal Indigenous people in British Columbia.”



Sophie Pierre, OC, OBC

BCTC CHIEF COMMISSIONER 2009–2015

It seems quite incredible that we have reached the 30th anniversary of modern treaty negotiations in British Columbia. How enthusiastic and hopeful we were in 1992 when we signed onto these negotiations expecting that by the year 2000 all Indigenous Nations in British Columbia would be fully self-governing based on the recognition of the rights of self-determination. And that after 30 years the yoke of the *Indian Act* and Indian Reserve lands would only be stories we would tell our grandchildren. While we're not all at that place yet, the negotiations continue to evolve as we envisioned they would. The negotiation process developed was guided by the specific needs of our Nations here in BC and the changes that support present and future circumstances are very encouraging.

At the 20th anniversary, while I served as Chief Commissioner, the theme of our Annual Report "Learning from our Success" was inspired by the late Chief Joe Mathias. He taught that much as one learns from their mistakes one must even more so learn from their success. Indeed, while we were and still are in negotiations there have been and continue to be many successes. The agreements may differ but the underlying values based on our lands, culture and language will always remain.

In 2012 we encouraged the three Principals to recommit to the treaty negotiation process that was established on that memorable day in 1992. I stated that, "some of the dialogue in this country around aboriginal issues remains the same, especially around reconciliation. The greatest expression of reconciliation is a modern treaty, fairly negotiated and honourably implemented." That statement remains as true today as it ever has!

"Thank you for this honour of being a witness, I will bring this message to my Nation and my family. This is my responsibility. They will know what has gone on today, as they know what went on 30 years ago."



"Today we are further ahead, we have more recognition of our lands and ourselves as a people. There is recognition, more and more with each decade that goes by."

30 YEARS OF NEGOTIATIONS



MADE-IN-BC NEGOTIATIONS PROCESS 30 YEARS

1992

BCTC AGREEMENT

September 21: The British Columbia Treaty Commission Agreement is signed, establishing BCTC as the independent “keeper of the process” for facilitating treaty negotiations



September 21, 1992 BCTC Agreement signing ceremony

1991

June 28: The beginning of the treaty process starts with the Report of the British Columbia Claims Task Force

1993

May: First Nation Summit Resolution Establishing BC Treaty Commission

May: *Treaty Commission Act* (BC)

1995

December: *British Columbia Treaty Commission Act* (Canada)

2000

NISGA'A TREATY

Nisga'a Final Agreement (Nisga'a Treaty) comes into effect, making Nisga'a the first Modern Treaty Nation in BC

2003

October 3: *Maa-nulth First Nations Agreement in Principle*

2004

January 11: *Tla'amin Agreement in Principle*

March 15: *Tsawwassen Agreement in Principle*

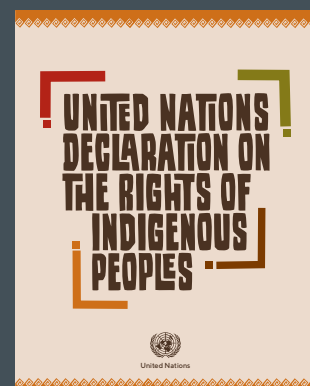
2005

August 22: *Yekooche First Nation Agreement in Principle*

2007

August 15: *Samahquam and Skatin First Nations (In-SHUCK-ch Nation) Agreement in Principle*

September 13: International minimum standards for Indigenous Peoples are established through the United Nations Declaration on the Rights of Indigenous Peoples





2009

TSAWWASSEN TREATY

April 3: The first treaty achieved in the BC treaty negotiations process, the *Tsawwassen First Nation Final Agreement* (Tsawwassen Treaty), comes into effect



April 3, 2009 Tsawwassen Treaty signing

2011

MAA-NULTH TREATY

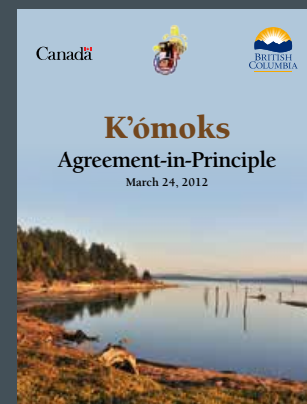
April 1: Five First Nations become self-governing through the *Maa-nulth First Nations Final Agreement* (Maa-nulth Treaty)



April 1, 2011 Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe Government, Yuuʔuʔiʔaʔ Government, and the Governments of Canada and British Columbia.

2012

March 24: K'ómoks Agreement in Principle





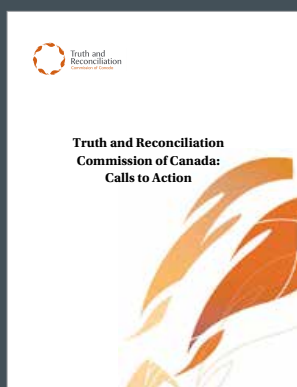
2016

TLA'AMIN TREATY

April 5: Tla'amin Nation becomes self-governing through the *Tla'amin Final Agreement* (Tla'amin Treaty), the seventh First Nation to do so through the BC treaty process

2015

June 2: Truth and Reconciliation Commission of Canada: Calls to Action



April 9: **Te'mexw** Treaty Association Agreement in Principle

July 23: **Wuikinuxw** Agreement in Principle

August 4: **Kitsumkalum** Agreement in Principle

August 4: **Kitselas** Agreement in Principle



Kitsumkalum Agreement

2016

May 24: Principals endorse the Multilateral Engagement Process to Improve and Expedite Treaty Negotiations in British Columbia: Proposals for the Principals' Consideration



Te'mexw Agreement in Principle

2019

LOANS ELIMINATED

\$1.4 billion in negotiation loans eliminated through Federal Budget 2019



March 19: In response to the loans elimination, Chief Commissioner Celeste Haldane said the BCTC “has long advocated for the elimination of loans in treaty negotiations. It is encouraging to see this issue finally being addressed and demonstrates real progress towards reconciliation.”

2017

July 14: Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples

2018

December 1: Principals’ Accord on Transforming Treaty Negotiations in British Columbia

2018

July 22: **Northern Secwepemc te Qelmuxw** Agreement in Principle

October 12: **Stó:lō Xwexwilmexw** Stage 5 Memorandum of Understanding

November 30: **Ktunaxa Nation** Rights Recognition & Core Treaty Memorandum of Understanding



Stó:lō Xwexwilmexw MOU

2019

February 14: **Metlakatla** Transition to Stage 5 and Treaty Revitalization Agreement

June 6: Tripartite Commitment Agreement: **We Wai Kai** Transition to Stage 5 Negotiations Under the BC Treaty Process

June 28: **Ditidaht and Pacheedaht** Agreement in Principle

July 28: **Wei Wai Kum First Nation / Kwiakah** First Nation Transition to Stage 5 and Treaty Revitalization Agreement

August 26: **Hul’qumi’num** Treaty Group Transition to Stage 5 and Treaty Revitalization Agreement

August 27: Canada’s Collaborative Self-Government Fiscal Policy

September 4: Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia is endorsed by the Principals, making it the first co-developed policy between Canada, BC, and First Nations

2019

BC DECLARATION ACT

November 28: *Declaration on the Rights of Indigenous Peoples Act* (British Columbia), BC becomes first jurisdiction in Canada to implement UN Declaration legislation



2022

BCTC 30TH ANNIVERSARY

September 21: Celebration of the 30th anniversary of the BC Treaty Commission



2021

August 11: *Gitanyow* Governance Accord

August 13: *GayGahlda* "Changing Tide" Framework for Reconciliation (Haida)

February 26: *Tlowitsis* Nation Transition to Stage 5 Memorandum of Understanding

July 28: *Snuneymuxw* Tripartite Memorandum of Understanding

June 21: *United Nations Declaration on the Rights of Indigenous Peoples Act* (Canada), Canada becomes the first country in the world to implement the UN Declaration with specific legislation

2022

March: BC DRIPA Action Plan guides implementation of the UN Declaration

March: Shared Priorities Framework, to guide the unique relationship between BC modern treaty nations and BC



Shared Priorities Framework

July 9: *Gwa'sala-'Nakwaxda'xw* Nation Transition to Stage 5 and Treaty Revitalization Agreement

July 22: Canada's new approach to Indigenous Tax Policy establishes new mandate to ensure First Nations' have more options in tax jurisdictions



Gwa'sala-'Nakwaxda'xw agreement

A close-up photograph of a traditional woven straw hat. The hat features a blue tassel and a white feather. It is resting on a blue and white patterned fabric. The text "30 YEARS CELEBRATION" is overlaid on the right side of the image.

30 YEARS CELEBRATION



“I want to thank everyone who helped kick open that door that allowed Tsawwassen to walk through. Not saying it was easy, but it set the table for us to be able to engage in that negotiation and there’s no looking back for us. ... We are putting on the robe of self-governance and that circle is growing and I’m looking forward to see what’s happening in the next decade.”
— Former Tsawwassen Chief Kim Baird



“Today, we honour the tremendous work and leadership of the eight BC Modern Treaty Nations, Canada, British Columbia, and the First Nations Summit. We also recognize all the Nations and Parties currently negotiating that are in the room with us. The new modern agreements that will be concluded will break more ground on the path to self-government and advance the protection and recognition of Indigenous rights and title. We look forward to the near future of gathering and celebrating those achievements, just as we are celebrating these important milestones today.”

— Chief Commissioner Celeste Haldane





We called it policy, but it was a mind shift. It was a fundamental shift, and it meant also for us to move away from the dreaded extinction (model) and understand that we can't build relationships that way, we have to recognize rights and we have to be prepared to work with each other.

— Deputy Minister
Doug Caul (BC)



THE GOVERNOR GENERAL • LA GOUVERNEURE GÉNÉRALE

**Message from the Governor General on the occasion of
the British Columbia Treaty Commission's 30th Anniversary**

I am pleased to send my warmest greetings to all those attending the British Columbia Treaty Commission (BCTC)'s 30th anniversary celebration.

For three decades, the BCTC has championed Indigenous rights and reconciliation for all Canadians. You have committed yourselves to action through your many negotiation efforts with provincial and federal representatives, and have achieved a great deal. The recognition and protection of our rights are worth the effort.

I know that Indigenous peoples across Canada are still healing from painful policies that devastated language, culture and identity. However, I have seen firsthand the positive effects of our hard work. Across the country, we are beginning to listen to our Indigenous voices, an important step on the road to reconciliation. Thank you for everything you continue to do. I know that we are on the right path forward.

I wish you a pleasant and successful event.

Mary Simon

1 SUSSEX DRIVE • 1, PROMENADE SUSSEX
OTTAWA • CANADA • K1A 0A1 • WWW.GG.CA



PRIME MINISTER • PREMIER MINISTRE

Message from the Prime Minister of Canada

It is with great pleasure that I send my sincerest greetings to the Commissioners, including Chief Commissioner Haldane, and all attending the Treaty Commission's event celebrating Modern Treaties across British Columbia. I would also like to recognize that today, September 21, 2022, marks the 30th anniversary since the creation of the Treaty Commission.

With eight modern treaties in place – and several more in advanced negotiations – the accomplishments by the BC Treaty Commission over the last 30 years to bring together the Federal Government, the Government of British Columbia, and First Nations in the province, demonstrate the importance and necessity of your work.

Today, as you celebrate this milestone anniversary, I join First Nations in B.C., and many Canadians in expressing my appreciation for all the advocacy done by the BC Treaty Commission to advance reconciliation in Canada. Thank you.

Please accept my warmest greetings and best wishes for a memorable event.

Ottawa
2022

“This is a remarkable change in Canadian History. There are few jurisdictions anywhere that I know of around the world that can say that in the space of one generation, they have gone from the concept of not even recognizing each other exist to actually recognizing that there are governments inside a country that we could never imagine previously could possibly exist, and if they could possibly exist, they could never possibly succeed.”

— Deputy Minister Daniel Quan-Watson (Canada)



“To see our people, do that now is a really powerful thing, see that we are in good hands with the young people going forward. I call it waking up the sleeping giant and I think that’s happened across this whole province and it’s a really powerful thing to see.”
— Denise Smith, Tla’amin Nation



A Message from the Lieutenant Governor



As Lieutenant Governor of British Columbia, it is my great honour to mark the 30th anniversary of BC Modern Treaties and the BC Treaty Commission.

For three decades, the BC Treaty Commission has built and supported a bridge between First Nations in British Columbia and federal and provincial governments. Through careful and thoughtful negotiation and agreements, the work of the Commission helps support the things that encourage Indigenous lives to thrive, such as the revitalization of culture and language, economic development, and the expansion of self-government.

Treaties present an opportunity to move into better alignment with an aspirational vision of our country, and truly embrace the values of fairness, equality, and justice. These changes will require a sustained long-term commitment, as well as a revolution in the understanding and attitude of all Canadians, grounded in a genuine embrace of the hard truths about the history of our country, and the treatment of Indigenous peoples. I am hopeful that this understanding is finally taking root in our hearts, and in our relationships with each other, across cultures and social barriers, in communities, within families, and between generations.

It is with sincere gratitude that, as representative of the Crown in British Columbia, I congratulate the BC Treaty Commission for the important work done over the past 30 years, with best wishes for continued success in the decades to come.

Sincerely,

The Honourable Janet Austin, OBC
Lieutenant Governor of British Columbia



A MESSAGE FROM PREMIER JOHN HORGAN

On behalf of the Province of British Columbia, I want to congratulate the BC Treaty Commission and all participants on the 30th anniversary of the BC treaty negotiations process.

I honour and acknowledge the courage and dedication of our treaty partners: the Tla'amin Nation, Tsawwassen First Nation, Maa-nulth Treaty Nations (Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe and Yuułuꞵiꞵath Government) and Nisga'a Nation.

The 1991 Report of the BC Claims Task Force signaled a monumental shift away from denying the right to self-government. Treaties are an emblem of living relationships between First Nations, BC and Canada, and these constitutionally entrenched agreements recognize Indigenous title and rights, providing for the co-existence of Crown and First Nations governments and laws.

Since 2017, First Nations, Canada and BC have been exploring flexible approaches, better suited to addressing the needs of individual nations, and we have shifted the concept of "final agreements" to allow room to grow and change over time. Together, we have built a shared decision-making chapter in treaties that implements the goals of the Declaration Act on the Rights of Indigenous Peoples and the United Nations Declaration, and we will be closing some treaties shortly.

The incredible commitment and hard work over the past three decades have immensely improved the quality of life for Indigenous people by revitalizing languages and cultures, establishing economic development opportunities, and ensuring equitable sharing of prosperity.

As a partner in reconciliation and on behalf of the Province of BC, I offer my gratitude to the generations who have helped us to this place and offer my best wishes to those who will carry this work and our relationships in the future.

John J. Horgan
HONOURABLE JOHN HORGAN
PREMIER OF BRITISH COLUMBIA



"I got into our government because I wanted change. I wanted something for our youth, something we could be proud of. We need to bring that back, bring being proud of who we are and where we are from and carrying that with us everywhere we go and that starts with the youth and showing them the way, creating a path for them because they are our future.

— Kevin Jules,
Ka:'yu:'k't'h'/
Che:k'tles7et'h'



“The first thing I learned when I came into my Nation is that self-government was the most important factor into continued success of any First Nation, because that sets the groundwork for economic development, and for nations rebuilding themselves the way they should have been. We are becoming who we should have been because of the work that you all have done.” — John Jack, Huu-ay-aht First Nations

First Nations Summit

September 21, 2022

Celeste Haldane, Chief Commissioner
BC Treaty Commission
700-1111 Melville Street
Vancouver BC V6E 3V6

Dear Chief Commissioner Haldane,

Re: 30th Anniversary of the BC Treaty Commission Agreement

The signing of the BC Treaty Commission Agreement, 30 years ago today, marked a significant moment in the history of the relationship between the Crown and First Nations in BC. This agreement, signed by the Prime Minister of Canada, the Premier of BC and the leaders of the First Nations Summit, was celebrated by a sacred Coast Salish cultural ceremony, which honored the parties' commitments to move beyond their difficult past and build a new relationship based on mutual trust, respect and understanding.

We hold our hands up to the BC Treaty Commission, Commissioners, both past and present, as well as BCTC staff, who have worked diligently over the past thirty years to advocate for and facilitate the recognition and protection of Indigenous rights and title, including the implementation of the *UN Declaration on the Rights of Indigenous Peoples*, through the negotiation of modern treaties, agreements and other constructive arrangements. BCTC has played an integral role in creating an opportunity for First Nations to achieve a handful of important and successful agreements. We only wish that more agreements could have been accomplished to date.

We remain committed to the BC treaty negotiation process and to working with the BCTC to provide opportunities for successful outcomes for all First Nations working to conclude treaty agreements as a means to resolve the long-standing land question in BC and to achieve reconciliation of the Crown's assertion of sovereignty with our pre-existing sovereignty. We must continue to work towards concluding agreements that recognize and respect First Nations' ability to govern and make decisions that impact our lives, lands, resources and territories.

An entire generation has passed since the treaty negotiations process began in BC thirty years ago. It is urgent that all parties take deliberate and immediate actions to overcome the remaining barriers that lie before us so that all First Nations in BC that wish to, can achieve reconciliation through the meaningful implementation of their Aboriginal title and rights through comprehensive treaty agreements.

Sincerely,
FIRST NATIONS SUMMIT POLITICAL EXECUTIVE


Cheryl Casimer


Robert Phillips


Hugh Braker

Suite #1200 - 100 Park Royal South, West Vancouver, BC V7T 1A2 Tel: 604.926.9903 Fax: 604.926.9923 Toll Free: 1.866.990.9939
Internet: www.fn.bc.ca



LOOKING FORWARD



LOOKING FORWARD

The reflections from leaders and witnesses to the signing of the *BC Treaty Commission Agreement*, and their observations on the negotiations process over these 30 years, are important for all of us to keep in mind as we move forward.

All of the leaders who have been quoted in this report and those involved in the negotiations, admit that the pace has been too slow. One of the challenges to concluding agreements is the slowness to implement change, particularly where departments require policy reviews of new proposals which have been stuck in review for years. So even when there is political will by governments, proposals get stuck in prolonged policy reviews. This is akin to a veto on reconciliation through inertia. While mandates and policies do indeed need to be adapted to reflect new innovations in negotiations, this review process cannot be permitted to paralyze innovation and reconciliation.

Another key challenge was expressed by Grand Chief Edward John in his reflection, “Governments remain reluctant to accept what the courts have determined—that Aboriginal title and rights to land and resources are ‘legal rights’. ...It continues to be a significant roadblock to effective resolution and reconciliation through negotiations.”

The Grand Chief’s comments come at a time when legal denial is becoming more and more difficult. A recent court decision from the Quebec Court of Appeal has made a potentially groundbreaking ruling regarding Indigenous self-government.¹ The Supreme Court of Canada (SCC) has granted leave to hear the case, and if this aspect of the case is upheld,

it will become the *Delgamuukw* of Indigenous self-governance, finally upholding that Indigenous Nations have a legal right to self-governance. The Quebec Court of Appeal stated that the legal tests should be adapted:

[486] to reflect the particular nature of the right to self-government allowing for the regulation of child and family services. By its very nature, this right pertains to Aboriginal peoples as peoples. As we have just seen, this is a right which is intimately tied to the cultural survival of Aboriginal peoples, but is not necessarily based on the practice of distinctive cultural activities in the strict sense. As with Aboriginal title, the factors to be considered in recognizing the right of Aboriginal peoples to regulate child and family services must therefore be tailored to take into account the particular characteristics of that right.

[487] Like Aboriginal title, one of these necessary adaptations entails recognizing the generic nature of the right to self-government in relation to child and family services, that is, the generic right to regulate those services. This is so because this jurisdiction is essential to the cultural security and survival of each Aboriginal people [emphasis in the original]

Of equal or even greater significance than the Quebec Reference case is the federal government’s submission by the Attorney General of Canada (AGC) to the SCC on this core element of the decision—that s. 35 protects a general right to self-government—should be upheld by the highest court of the country.²

1 Reference to the Court of Appeal of Quebec in relation with the *Act respecting First Nations, Inuit and Métis children, youth and families* (Order in Council No. 1288-2019) 2022 QCCA 185 (CanLII).



146. The AGC notes that the rights recognized and affirmed by section 35, including the right of self-government, exist independently of judicial recognition. The approach proposed below does not require that there be a judicial determination in order that an Indigenous community with section 35 rights be able to exercise its right of self-government in matters encompassed by that right. That being said, the AGC believes that this right should be implemented through treaties, agreements and other constructive arrangements, which may be bilateral or trilateral, to coordinate the exercise of jurisdiction by federal, provincial and Indigenous governments. As this Court has underscored, negotiation remains *“the ultimate route to achieving reconciliation between aboriginal societies and the Crown.”*

This is a significant position by the federal government that should have far reaching impacts on the BC treaty negotiations process. It remains to be seen what the SCC will decide, but this position should be a lasting direction to all government departments to ensure their mandates respect and advance Indigenous self-government.

The federal government in its factum to the SCC also makes important acknowledgements about UN Declaration:

130. The UNDRIP is an important legal development that must be considered in the Court’s analysis. The Canadian government is committed to implementing the UNDRIP, which is a source for the interpretation of Canadian law. In line with Canadian jurisprudence, the UNDRIP *“supports a robust interpretation of Aboriginal rights.”*

The Treaty Commission is of the view that the UN Declaration, along with the provincial and federal acts, require changes to treaty mandates when they are not aligned with the UN Declaration. This includes mandates for mechanisms to incorporate Indigenous consent and a greater role for Indigenous Nations in co-management and co-decision making.

The federal government submits that a threshold test should be applied to the right of self-government:

161. ...the approach starts with answering a **threshold question: is the community claiming the right an “Aboriginal people of Canada” within the meaning of section 35? In practice, this step is only required where there is doubt about the issue, which will not be the case for most Indigenous communities.** To establish that the community is an “Aboriginal people of Canada”, the community claiming a right of self- government under section 35 must demonstrate, where necessary, that it is the modern-day successor to a community that occupied the Canadian territory at the time of the assertion of sovereignty [emphasis added]

162. Secondly, the AGC argues that the inherent right of self-government protected by section 35 includes, as a generic right, jurisdiction over any matter that relates to the internal affairs of an Indigenous community and is necessary to ensure its survival and flourishing as a distinctive Indigenous community.

2 Attorney General of Canada’s Factum in Reference to the Court of Appeal of Quebec in relation with the *Act respecting First Nations, Inuit and Métis children, youth and families* (Order in Council No. 1288-2019) 2022 QCCA 185 (CanLII).



BCTC celebration September 21, 2022

The Treaty Commission is of the view that First Nations in the BC treaty negotiations process have passed the threshold question, have a legal right to self-government, protected by s. 35, and that this legal right should form the basis of the negotiations.

Canada also argues that: “[t]he proposed approach is primarily forward-looking, focusing on communities’ current and future needs—rather than retrospective, centered on a historical analysis of pre- and post-contact facts. The proposed approach therefore does not require detailed historical evidence” [para 165]. This means that the negotiations must support the right with fiscal resources and other resources to ensure that self-governance thrives into the future.

The Treaty Commission is of the view that First Nations in the BC treaty negotiations process have passed the threshold question, have a legal right to self-government, protected by s. 35, and that this legal right should form the basis of the negotiations.

This right to self-government requires the Crowns to vacate power and control. All relevant government departments must assess whether their old authorities and ministerial discretion are still needed in a time of reconciliation and partnership, and if not then they must vacate jurisdictions to make greater space for Indigenous self-government. Indigenous rights are legal rights that fetter the discretion of the Crown, and this is a principle that must be recognized in negotiations.

Where government departments cannot or will not change mandates, or unnecessarily hang on to ministerial discretion, the Treaty Commission recommends that specific provisions be developed. These provisions must protect and recognize Indigenous rights in those areas, to “carve” them out of the treaty, while protecting them, if the Indigenous Nation agrees. Government departments cannot insist on entrenching operational positions that restrict rights. Treaties and agreements must advance Indigenous rights; not restrict them, nor seek to control them, nor manage them.

Government departments cannot create a veto on reconciliation by insisting on maintaining restrictive mandates in a treaty or other agreements and cannot put handcuffs on issues they do not have current jurisdiction over. The progress of negotiations must continue and must not be impeded by departmental intransigence. Indigenous self-government is expanding and government restrictions on rights shrinking. Negotiations must follow this trend and must not be an opportunity to resist or reverse it.

The image features a close-up of a textile with a classic herringbone pattern. The pattern consists of fine, parallel lines in shades of blue and white, creating a series of V-shapes that run diagonally across the frame. The fabric has a visible texture, suggesting a woven material like wool or cotton. At the bottom of the image, there is a decorative fringe made of thick, light-colored braided cords. The overall lighting is somewhat dim, highlighting the intricate details of the weave and the texture of the fringe.

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.

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We Wai Kai Treaty Society / page 50

Wei Wai Kum/Kwiakah First Nations / page 50

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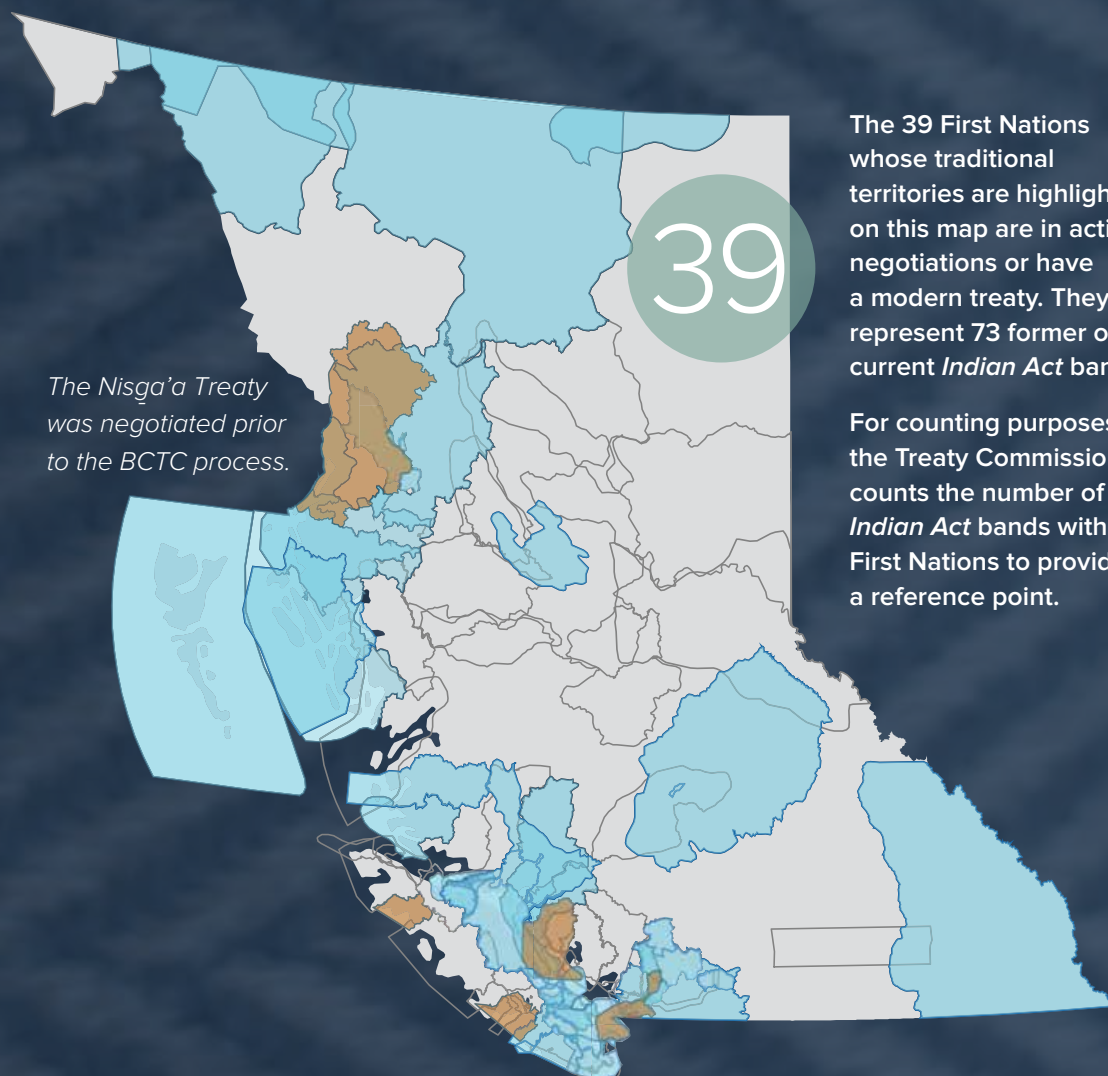
Yekooche First Nation / page 51

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

BY THE NUMBERS



There are 29 modern treaties in Canada. Eight are in BC.



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

The 39 First Nations whose traditional territories are highlighted on this map are in active negotiations or have a modern treaty. They represent 73 former or current *Indian Act* bands.

For counting purposes, the Treaty Commission counts the number of *Indian Act* bands within First Nations to provide a reference point.

A MAP OF PROGRESS

The 39 First Nations whose traditional territories are highlighted on the map represent eight* Indigenous governments implementing modern treaties, and 31 First Nations in active tripartite negotiations.

In total, this map represents 73 current and former *Indian Act* bands.



ACTIVELY NEGOTIATING (31)



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

IMPLEMENTING MODERN TREATIES (7)



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

**BC TREATY
COMMISSION** 



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. This is consistent with Article 3 of the UN Declaration, which affirms Indigenous peoples’ right to self-determination.
- 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

ACRONYMS

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

STATUS REPORTS

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 (known collectively as the Maa-nulth First Nations), Canada, and British Columbia celebrated their 11th treaty anniversary. The *Maa-nulth First Nations Final Agreement* (Maa-nulth Treaty) came into effect on April 1, 2011. In 2022, the Maa-nulth First Nations released the *Maa-nulth Treaty: 2022 Documentary* which chronicles the first 10 years of treaty implementation and the successes the five Maa-nulth First Nations have achieved since effective date. The Maa-nulth First Nations continue to work collaboratively on common interests, including through roundtable discussions on issues such as taxation.

The Maa-nulth Treaty provides a basis for reconciliation and a new relationship on a 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; it 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 710 citizens; Ka:'yu:'k't'h'/Che:k'tles7et'h' has approximately 590 citizens; Toquaht has approximately 150 citizens; Uchucklesaht has approximately 250 citizens; and Yuułuꞵiꞵaꞵ has approximately 675 citizens. Their traditional territories are located on the west coast of Vancouver Island surrounding the 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

During the past year Huu-ay-aht First Nations (Huu-ay-aht) made significant progress working to improve community well-being and to advance their infrastructure investments. In May 2022, the Nation celebrated the opening of a new wastewater treatment plant, a 10-year project. The \$8 million project was jointly funded by Indigenous Services Canada and Huu-ay-aht. In April 2022, Huu-ay-aht marked their 10 year anniversary as full voting members on the Alberni-Clayoquot Regional District board, on which their member representative is currently the Chair. The Nation continued to work with the Alliance of Modern BC Treaty Nations co-developing the *Shared Priorities Framework*, advancing treaty implementation with the

Government of British Columbia. In October 2021, Huu-ay-aht and the Province began the jointly funded \$30.7 million Bamfield Main Road Surfacing Project, making Huu-ay-aht the first Indigenous community in Canada to lead a road infrastructure project of its size. Completion of phase one is targeted for fall 2022.

In December 2021, Huu-ay-aht released their community plan—*Our Community, Our Circle, Our Voice*—a living document setting out a vision for its future, action items, and performance measures. The plan calls for future development of plans and strategies for marine use, emergency preparedness, culture, housing, food security and cultural artifact repatriation. Work on the Hišuk ma c’awak Integrated Resource Management Plan is underway. In August 2022, Huu-ay-aht and Western Forest Products Inc. unveiled the shared vision and path forward for C’awak ʔqin Forestry (formerly Tree Farm Licence 44). The new name means “we are one” in Nuuchah-nulth. Huu-ay-aht has drawn down its law-making authority to enact Huu-ay-aht laws.

» 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: Walters Cove Resort; Fair Harbour Marina and Campground; and Purple Palace Hostel. In addition to tourism, the Nation is pursuing forestry and fisheries ventures. In December 2021, in partnership with New Relationship Trust and Pacific Economic Development Canada, KCFN was awarded grant funding to assist with the replacement of the existing above-ground power lines and infrastructure with an underground distribution line. This helps improve energy efficiency through the British Columbia Indigenous Clean Energy Initiative with provincial support from CleanBC. 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 past year, Toquaht Nation (Toquaht) made progress toward the goals outlined in its 2021-2024 Strategic Plan. A Cultural Advisor is in place supporting *ḥaḡwiiḥ* (Hereditary Chiefs) to explore governance gaps and a glossary of *nuučānūt* (Nuu-cha-nulth) terms is being developed. Toquaht's goal of building *masčim* (citizens) capacity and well-being is underway. Dedicated staff have been hired to support children, youth and family, and elder programming, and a new health support system was created. In spring 2022, Toquaht began updating their official community plan, which sets out objectives and policies to guide planning and land use management.

Toquaht continued to expand and improve its infrastructure, with multiple projects underway including the construction of a government building and Gathering Lodge. Construction of a new 7,400 square foot Community Building is nearing completion and by early next year will provide additional community and office spaces. In January 2022, sewer and water lines were expanded to service areas of Secret Beach, including designs for a cookhouse and washroom facilities. Toquaht developed a framework to grow their economy, and they are negotiating with Coast Connect to connect fibre-optics to Secret Beach and Macoah. 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 (Uchucklesaht) spent the past year working on economic development and community services projects. This includes a village revitalization project, with six new houses, water services, fibre-optic connectivity, and a community septic field. The Nation has continued to work on economic development initiatives including the completion of the Thunderbird Spirit water initiative. 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.

» Yuułuḡiḡaḡ Government

Yuułuḡiḡaḡ Government (Yuułuḡiḡaḡ) continued work on Nation priorities, including housing, mental health and wellness, and expanding infrastructure in the community.

A bighouse/cultural learning facility opened in the village of Hitaču in December 2021, and construction on citizen housing is underway. In July 2022, Yuułuḡiḡaḡ and the municipality unveiled bilingual (Nuu-chah-nulth and English) street signs in Ucluelet—54 signs are to be posted by end of year. Renovations on a newly acquired facility for a Port Alberni Urban Office began in March 2022. Other infrastructure milestones include the opening of a community gym, and recruiting new staff to expand their government administration and child and family services. Yuułuḡiḡaḡ is working toward a five-year strategic plan, with extensive citizen engagement completed in early 2022.

In June 2022, a new multi-use pathway, ḡapsčiiḡ ḡašii, through Pacific Rim National Park Reserve on Yuułuḡiḡaḡ traditional territory opened to the public. Yuułuḡiḡaḡ, alongside Tla-o-qui-aht First Nation participated in an Elders Working Group for five years to guide Parks Canada in creation of the project. The \$51 million project provides Nuu-chah-nulth cultural interpretation along the walkway, with signage in Nuu-chah-nulth, English, and French. The Nation has begun working with other Maa-nulth First Nations and the Province on a two-year study to assess elk populations in the Nahmint Valley.

Yuułuḡiḡaḡ 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, they completed a water treatment system and in 2015, Yuułuḡiḡaḡ opened its Government House. The First Nation currently operates Wya Point Resort, Wya Welcome Centre and the Thornton Motel.

Since effective date, Yuułuḡiḡaḡ has drawn down its law-making authority to enact Yuułuḡiḡaḡ laws. Yuułuḡiḡaḡ joined the Alberni-Clayoquot Regional District board in 2012.

TLA'AMIN NATION

This year, Tla'amin Nation (Tla'amin), Canada and British Columbia celebrated their sixth treaty anniversary. The *Tla'amin Final Agreement* (Tla'amin Treaty) came into effect on April 5, 2016. The treaty provides certainty by agreeing to the continuation of Tla'amin'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 basis.

Tla'amin continues to advance governance and enhance services to improve the well-being of its citizens and Nation. In August 2022, Tla'amin entered into an MOU with Pacific Hydrogen Canada, partnering to develop a green energy project at the mill and historic village site at tisk'at. The *Tla'amin Watershed Protection Plan* was completed. Updates were started to a contemporary use study documenting Tla'amin traditional harvesting practices throughout the Tla'amin territory, and capturing current hunting, fishing and gathering practices, to notify governments of and to better protect these areas. A referral portal system, Tla'amin Connect, was developed to streamline the evaluation, assessment, and approval processes for resource and other development projects within their territory. A joint venture was signed with Western Forest Products on February 15, 2022, through a negotiated timber harvesting services contract in Tree Farm License 39 Block 1.

Housing was prioritized both on Tla'amin lands and in the surrounding area. Tla'amin homes are undergoing health and safety restorations. A program provided temporary housing due to soaring property values and housing shortage in the region. Tla'amin partnered with the City of Powell River to develop a 24-unit rental complex for families and seniors. Initial funding was provided by BC, and BC Housing has committed to providing an annual operating subsidy. Preliminary work has been completed for the Elder's Home Project and Tla'amin was awarded an \$8.8 million grant through the Canada Mortgage and Housing Corporation's Rapid Housing Initiative. Completion of the project is expected by early 2023. Two new community buildings were completed in 2022, the *č'i č'uy Ɂaye* (children's house) and the *ayiš Ɂaye* (cousin's house), providing space for both

preschool programs and youth programs. Tla'amin, Canada and BC are cost-sharing a \$1.15 million project to build an organics compost processing facility that will service the greater region.

The Tla'amin Treaty recognizes Tla'amin rights and jurisdiction throughout its traditional territory, including ownership of 8,323 hectares of land. It includes a one-time capital transfer payment of approximately \$31.1 million over 10 years, economic development funding of approximately \$7.3 million, and a fishing vessel fund of \$300,000. Tla'amin 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 1,200 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 (Tsawwassen), Canada, and British Columbia celebrated their 13th 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's existing Aboriginal rights as treaty rights. The treaty provides a basis for reconciliation and a new relationship on a government-to-government basis. The treaty does not extinguish Tsawwassen rights.

Over the last year, Tsawwassen focused on community priorities, particularly in areas of resource management, childcare, and housing. Tsawwassen received a \$15,000 grant from the Union of BC Municipalities, supporting the completion of community engagement for its housing assessment. Significant progress has been made in the design phase of the Elder Centre facility, and on a 36-unit multi-family housing development. On October 2, 2021, Tsawwassen and the Vancouver Fraser

Port Authority announced the signing of a historic agreement formalizing a partnership to govern their long-term relationship and provide a framework to work collaboratively in Tsawwassen traditional territory. The relationship agreement reflects a joint commitment to protect Tsawwassen lands, uphold treaty rights, and advance collective goals of environmental stewardship.

The Tsawwassen Treaty recognizes Tsawwassen rights and jurisdiction throughout its traditional territory, including ownership of 724 hectares of land. The treaty delivered a one-time capital transfer payment of \$13.9 million over 10 years, \$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 the federal and provincial governments to providing annual funding for ongoing programs and services.

There are approximately 505 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 TREATY NATIONS

For the past three years all Modern Treaty Nations in BC have been working collaboratively to address their shared treaty implementation issues through the Alliance of BC Modern Treaty Nations (the Alliance). In March 2022, the *Shared Priorities Framework*, co-developed by the Alliance and the Province, was released. The framework renews a commitment to effective implementation of modern treaties, recognizing that modern treaties provide a blueprint for reconciliation and a foundation for government-to-government relationships based on mutual respect and established treaty rights. The shared priorities are to: establish fiscal arrangements to fulfil treaty rights and obligations; establish meaningful participation of Modern Treaty Nations in the Province's legislative and policy initiatives; and, establish organization and policy changes in

the provincial public service to advance a whole-of-government approach to treaty implementation. The Alliance meets regularly on issues requiring joint action, including the future of government-to-government relations, the *Declaration on the Rights of Indigenous People Act* Action Plan, 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 Yuułu?it̓at̓ First Nations established the Alliance through the signing of a Memorandum of Cooperation, witnessed by the Treaty Commission. In November 2019, Nisga'a Nation joined the Alliance, which now represents all eight Modern Treaty First Nations in BC.

STATUS REPORTS

ACTIVELY NEGOTIATING (31)



ACHO DENE KOE FIRST NATION

The Acho Dene Koe (ADK) treaty table is in Stage 2: Readiness to Negotiate. The Parties have been discussing the possibility of a tripartite exploratory table.

There are approximately 700 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 Allied Tribes of Lax Kw'alaams (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 4,050 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, Gitxa'la, Kitselas, Kitsumkalum, Metlakatla, and Nisga'a.

CARCROSS/TAGISH FIRST NATION

Carcross/Tagish First Nation (Carcross/Tagish) negotiates together with Teslin Tlingit Council, a separate First Nation. The table is in Stage 4 negotiations. Both Nations are self-governing in the Yukon, with traditional territory in BC. Key focuses for the table have included land relationship planning to address fish, wildlife and water, an environmental monitoring ITA, and engagement strategies for youth and elders. In March 2022, Carcross/Tagish announced their *Land and Water Proclamation*, calling for a collaborative approach to managing land, water, and resources in their traditional territory. Although impacted by challenges related to COVID-19, the Nation continued heritage and traditional territory research work. Carcross/Tagish continues to engage with neighbouring First Nations on overlap/shared territory matters. TRM funding supported land and water use planning, and research to prepare for government-to-government engagement.

There are approximately 680 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 Council of the Haida Nation (Haida) table continues to pursue tripartite reconciliation negotiations 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 *Tll Yahda* (making things right) with the Haida.

The negotiation agenda includes priority and long-term topics for reconciliation that will redefine the relationship between Haida, Canada, and BC. The agreement describes a path forward based on a series of agreements that build on each other over time, all with the objective to implement Haida title and rights.

There are over 4,900 Haida members from clans across Haida Gwaii, with traditional lands and waters spanning Haida Gwaii. Under the GayGahlda Agreement, Haida will continue to formalize agreements with neighbouring First Nations as to their respective territorial boundaries with Haida Gwaii.

DITIDAHT FIRST NATION

The Ditidaht First Nation (Ditidaht) treaty table is in Stage 5 negotiations. Ditidaht continues to make significant progress in their negotiations, particularly in areas of federal shared decision making. The Nation has worked to draft side agreements on co-management throughout the territory. The Ditidaht table continued negotiating and drafting an engagement framework agreement and a federal environmental assessment model. Internally, Ditidaht developed positions on key negotiating matters, including fisheries and water management.

The Ditidaht and Pacheedaht AIP was signed on June 28, 2019, setting out the basis for finalizing treaty

negotiations, with separate treaties for each nation. 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 775 Ditidaht members, with traditional territories spanning the southwestern corner of Vancouver Island. Ditidaht has overlapping and/or shared territory with its First Nation neighbours: Huu-ay-aht, Lake Cowichan, and Pacheedaht.

GITANYOW HEREDITARY CHIEFS

The Gitanyow Hereditary Chiefs (Gitanyow) treaty table is in Stage 4 negotiations. Gitanyow is pursuing an incremental reconciliation pathway. In the past year, the Nation has worked toward reconciliation initiatives, social well-being projects, governance agreement negotiations to recognize the Gitanyow Hereditary system, and genealogy and membership research, including *Lax’yip* (House) membership. The Nation has continued overlap and shared territory engagement with neighbouring First Nations. TRM funding is continuing to support technical work and feasibility studies on fisheries in the Nass Watershed, and the development of land use planning.

In August 2021, the Parties signed the *Gitanyow Governance Accord*, setting out a path forward toward revitalizing and legally recognizing the Gitanyow Hereditary governance system of *Huwilp* (Houses). On September 28, 2022, Gitanyow and BC gathered in the rotunda of the BC Legislative Assembly to celebrate the 10-year anniversary of the Gitanyow *Lax’yip* Land Use Plan.

There are approximately 865 Gitanyow members, with traditional territory spanning the Kitwanga and Nass watersheds, and the upper Kispiox River in the Swan Lakes area. Gitanyow has overlapping and/or shared territory with its First Nation neighbours: Gitxsan and Nisga’a.

GITXAALA NATION

The Gitxaala Nation (Gitxaala) treaty table is pursuing tripartite reconciliation. There are approximately 2,100 Gitxaala members, with traditional territory and waters spanning the northwest coast, including the Prince Rupert area. Gitxaala has overlapping and/or shared territories with its First Nation neighbours: Lax Kw'alaams, Haisla, and Tsimshian.

GITXSAN HEREDITARY CHIEFS

The Gitxsan Hereditary Chiefs (Gitxsan) treaty table is in Stage 4 negotiations. The Parties continue to engage on tripartite and bilateral negotiations that support Gitxsan Hereditary governance, and exploring how the Gitxsan Huwilp Government fits within the Canadian Constitution. On June 20, 2022, the Parties signed a two-year tripartite workplan focused on governance, fisheries, and jurisdiction over watersheds.

There are approximately 7,200 Gitxsan members. The Gitxsan Hereditary Chiefs represent the majority of Gitxsan 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 Nations (GNN) treaty table is in Stage 5 negotiations. The Parties signed a MOU on July 9, 2022 transitioning the table to Stage 5. This year, with financial support from the federal government, GNN broke ground on their *Gukwdzi* (Bighouse) project. GNN has increased community engagement efforts including community feasts, 'Return to Homeland' trips, the development of communications materials, and virtual community engagement meetings. Key negotiations priorities include: housing; fisheries; return to homelands; technical lands work; and treaty chapter language review. TRM funding supported work on land management for the Nagilh (Nekite) Valley and resources management planning, preparation for GNN self-governance, and Tsulquate lands evaluation.

There are approximately 1,085 GNN members. Many reside at the Tsulquate reserve where the community was relocated half a century ago. GNN traditional territory spans the BC mainland across from the northern tip of Vancouver Island. GNN has overlapping and/or shared territory with its First

The Gwa'sala-'Nakwaxda'xw Nations treaty table signed MOU on July 9, 2022.



Nation neighbours: Kwicksutaineuk, Kwawa-aineuk, Kwakiutl, 'Namgis, Tlatlasikwala, Tsawataineuk, and Wuikinuxv.

HOMALCO INDIAN BAND

The Homalco Indian Band (Homalco) treaty table is in Stage 4 negotiations. In 2021, Homalco successfully ratified its election code and completed a draft comprehensive community plan. Homalco ratified its land code in 2019. Homalco continued to make progress on: their traditional use study; data collection; research and development of their central archive; land selection package; and completion of the ITA lands transfer. This year, Homalco developed a communications strategy and workshop series assisting their members to better understand the treaty negotiations process. TRM funding helped support the Special Areas Identification Initiative research project. Homalco continues to engage with neighbouring First Nations on Nation-to-Nation protocols.

There are approximately 475 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.

HUL'QUMI'NUM TREATY GROUP

The Hul'qumi'num Treaty Group (Hul'qumi'num) 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*. This agreement sets out the basis for finalizing treaty negotiations with a four-year tripartite workplan, identifying priorities such as: land and forestry appraisals; completing ITAs; and core treaty chapter development. 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.

Over the past year, Hul'qumi'num negotiations focused on matters of eligibility and enrollment, childcare, and health. The Parties have created an internal technical working group to develop consensus on private land purchases. Lyackson and Halalt land appraisals for all Crown land in the territory has been concluded. Lyackson, Halalt and Lake Cowichan are in the process of negotiating land transfer ITAs. Looking toward the future, Hul'qumi'num wants to explore community engagement initiatives for members on and off reserve.

There are approximately 6,887 Hul'qumi'num members, with traditional territory spanning part of southern Vancouver Island, and sections of the Salish Sea. Hul'qumi'num represents five communities: Cowichan Tribes, Halalt, Lake Cowichan, Lyackson, and Penelakut. Hul'qumi'num 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 First Nation (K'ómoks) treaty table is in Stage 5 negotiations. This year, the Parties focused on finalizing outstanding treaty chapters. The table has advanced key areas of discussions on matters related to fisheries, self-government, lands, and wildlife. K'ómoks continues to make progress on developing a fish reconciliation agreement with four other Nations — Tlowitsis, We Wai Kai, Wei Wai Kum and Kwiakah First Nations — and the federal government. K'ómoks made significant progress on matters of eligibility and enrollment, taxation, and have engaged members through a variety of communication initiatives.

TRM funding supported forestry, governance, and post-treaty governance preparation. K'ómoks continues to strengthen relationships with neighboring Nations and local governments.

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 350 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.

KASKA DENA COUNCIL

The Kaska Dena Council (Kaska Dena) treaty table is in Stage 4 negotiations. Kaska Dena focused on internal governance work, ITA work, land management, community well-being, and youth engagement. Key progress has been made in areas such as woodland licenses, and a one-year extension of the current *Strategic Engagement Agreement* between BC and Kaska Dena. Kaska Dena worked with Treaty 8 Nations regarding the management of the Muskwa Kechika management area and the proposed Kaska Indigenous Protected and Conserved Area.

There are approximately 895 Kaska Dena members, with traditional territory spanning from north-central BC into Yukon and Northwest Territories. Kaska Dena represents three communities: Kwadacha, Daylu Dena Council, and Dease River First Nations. Kaska Dena 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 First Nation (Katzie) treaty table is in Stage 4 negotiations. The Parties are pursuing an incremental approach to treaty, and continue working to recognize, protect and exercise Katzie inherent rights and title. The Nation has worked steadily to

move forward with land and resource management work. Katzie has continued significant community engagement efforts focused on self-governance, strategic planning, and development of an election code, with special engagement sessions targeted toward elders and youth. The Nation continues to develop its relationship with local governments. TRM funding is supporting research on and development of capacity for fisheries interests. Following community ratification in 2017, Katzie has an operational land code.

There are approximately 640 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 First Nation (Klahoose) treaty table is currently in Stage 4 negotiations. In 2021, Klahoose finalized proposed TSL selections and BC made substantive progress on the associated technical lands review. In 2022, the Parties continued working to finalize AIP chapters and appendices. Engagement with community and with neighbouring First Nations on the AIP is ongoing. This year, advanced discussions continued between BC and Klahoose regarding the *Toba Collaborative Management Agreement*.

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.

KTUNAXA NATION

The Ktunaxa Nation (Ktunaxa), treaty table is in Stage 5 negotiations. The negotiations are currently on hold as the Nation is focusing on internal governance. The *Ktunaxa Nation Rights Recognition & Core Treaty Memorandum of Understanding* was signed in November 2018, setting out the basis for finalizing treaty negotiations.

There are approximately 1,210 Ktunaxa members, with traditional territory spanning the Kootenay, Flathead, and Columbia River watersheds, extending from the Arrow Lakes and Kinbasket Lake east to the Alberta border. Ktunaxa represents ʔakisq̓nuk (Columbia Lake), ʔaḡam (St. Mary's Indian Band), ʔakinkumtasnuḡtiʔit (Tobacco Plains Band) and Yaḡan 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.

NORTHERN SHUSWAP TRIBAL COUNCIL

The Northern Shuswap Tribal Council (Northern Secwepemc te Qelmucw or NStQ) treaty table is in Stage 5 negotiations. Tripartite discussions continued with the NStQ Children and Family Steering Committee regarding the reclamation of jurisdiction over children and families. The Parties advanced treaty language for land title, general provisions, ratification, education, and implementation chapters. Tripartite co-development of a 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, under which ownership of 1,574 hectares of ranch lands will become NStQ lands on effective date. In October 2021, Blue Lake ITA land was transferred to Xatśūll. NStQ continues community engagement work through community and urban treaty meetings, updates, and land tours. NStQ continued engagement efforts with neighbouring First Nations. TRM funding supported constitution work and the NStQ Archival Assessment and Implementation initiative.

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 2,820 NStQ members, with traditional territory spanning the central Cariboo, from Valemount and McBride in the northeast, to south of Clinton, and west of the Fraser River. Northern Shuswap Tribal Council is made up of four 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 First Nation (Pacheedaht) treaty table is in Stage 5 negotiations. The Parties have concentrated on building foundational frameworks pertaining to the co-management of non-TSL lands and shared decision-making. TRM funding supported community engagement and initiatives within Pacheedaht's marine territory. The Ditidaht and Pacheedaht AIP was signed on June 28, 2019, setting out the basis for finalizing treaty negotiations, with separate treaties for each nation. 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 First Nations (Samahquam and Skatin) treaty table is in Stage 5 negotiations. The First Nations continue to explore governance models, protocol agreements with neighbouring Nations, and amending their

constitutions to better reflect new governance structures. An AIP was signed in 2007.

There are approximately 795 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 its First Nation neighbours: Chehalis, Xa'xtsa (Douglas), Katzie, Lil'wat, Squamish, Stó:lō, and Tsleil-Waututh.

SNUNEYMUXW FIRST NATION

The 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 1,910 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.

STÓ:LŌ XWEXWILMEXW GOVERNMENT

The Stó:lō Xwexwilmexw Government (SXG) treaty table is in Stage 5 negotiations. The Stó:lō Xwexwilmexw Government was formed by referendum in late 2021, and SXG formally changed their name from Stó:lō Xwexwilmexw Treaty Association in April 2022. Leadership has assumed a direct negotiating role at the table. The table continued working on their core treaty by using an incremental approach, focusing on their self-governance structure and capacity building.



BCTC Agreement signing, September 21, 1992

Significant efforts have been made to support remaining communities' constitution ratification processes, leading to Leq'á:mel and Skawahlook ratifying the SXG constitution this past year. As of early 2022, Aitchelitz, Leq'á:mel, Skawahlook and Yakweakwioose have ratified the constitution. Engagement with neighbouring First Nations and local government continues. TRM funding is supporting early land transfer discussions.

The *Stó:lō Xwexwilmexw 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 1,570 SXG members, with traditional territory spanning the Lower Mainland around the upper Fraser and Chilliwack River Valleys, lower Harrison Lake, and the lower Fraser Canyon. SXG represents six communities: Aitchelitz, Leq'á:mel, Skowkale, Skawahlook, Tzeachten, and Yakweakwioose. SXG 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'ōwhámél, Soowahlie, Sumas, Skwah, Skway, Squamish, Squiala, Tsawwassen, Tsleil-Waututh, Union Bar, and Yale.

TAKU RIVER TLINGIT FIRST NATION

The Taku River Tlingit First Nation (Taku River Tlingit) treaty table is in Stage 4 negotiations. This year, the Nation continued working toward an incremental treaty and reconciliation agreement. In 2021, Taku River Tlingit produced their five-year Strategic Plan, that will outline core themes such as community and citizen wellness, traditional governance, professional administration, intergovernmental relationships, and building relationships with the land. The First Nation has been engaging with neighbouring Nations. TRM funding supported the Taku River Tlingit Constitution update and oral histories archiving project.

There are approximately 445 Taku River Tlingit members, with traditional territory spanning northwest BC and southwest Yukon. Taku River Tlingit has overlapping and/or shared territory with its First Nation neighbours: Carcross/Tagish and Teslin Tlingit.

TE'MEXW TREATY ASSOCIATION

The Te'mexw Treaty Association (Te'mexw) treaty table is in Stage 5 negotiations. Te'mexw made progress in their land negotiations. Land and cash proposals for Songhees and Scia'new have advanced. T'Souke Nation has reached a MOU with the Province, and work continues toward the transfer of Mary Hill to Beecher Bay. Te'mexw has also worked closely with the federal Ministry of Environment and Climate Change on matters related to the environmental protection. Te'mexw focused on community engagement and made progress in fisheries, taxation, and shared territory negotiations. TRM funding supported: land title, data, information, and fisheries management; legislative planning; and identification of sites of cultural and historic significance.

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; and recognize harvesting and resource rights throughout its territory.

There are approximately 1,855 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.

TESLIN TLINGIT COUNCIL

Teslin Tlingit Council (Teslin Tlingit) negotiates together with Carcross/Tagish First Nation, and is in Stage 4 negotiations. Both Nations are self-governing 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. Negotiations have focused on governance, lands, resources and heritage, with additional working groups on legal, lands and fiscal matters. BC Capacity Initiative funding continues to support land-use planning work throughout Teslin Tlingit's traditional territory. Teslin Tlingit and Carcross/Tagish completed development of a water management concept paper. Work on the Nation Rebuilding project continues, including information sharing, community engagement and overlap/shared territories discussion. The objectives of the project are to unify and coordinate the Tlingit Nations, and to inform negotiations.

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

TLOWITSIS FIRST NATION

The Tlowitsis First Nation (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 continue to work on a bilateral partnership between Tlowitsis and BC in areas related to parks and recreation. In January 2022, the Parties completed a new tripartite communications plan. 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, community economic development planning, and lands and resource management.

Planning continues for Nenagwas, a new Tlowitsis community, through regular tripartite meetings. The establishment of Nenagwas is the result of ongoing extensive efforts by Tlowitsis, including their self-funded purchase of lands, to provide their members with a place to which they can return home. These lands were designated as Indian Reserve lands 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.

TSAY KEH DENE NATION

The Tsay Keh Dene Nation (Tsay Keh Dene) treaty table is in Stage 4 negotiations. In 2021, the Parties began implementing a framework previously agreed to for the co-development of mandates. The Parties continued their work on an incremental treaty reconciliation agreement, which will focus on key areas such as: economic development; socio-cultural support; revenue sharing; forestry; and governance. TRM funding supported community and elder constitution consultation, and forestry as a pillar of reconciliation and economic development. The table has been advancing work for an Indigenous protected area in the Ingenika watershed.

There are approximately 520 Tsay Keh Dene 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, Gitksan, McLeod Lake, Tahltan and Treaty 8.

TSIMSHIAN FIRST NATIONS

The five 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 3,910 members. Kitselas has approximately 720 members, and Kitsumkalum has approximately 820. Metlakatla has approximately 1,030. Gitga'at has approximately 840 members. Kitasoo/XaiXais has approximately 500. Their traditional territory spans the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations have overlapping and/or shared territories with their First Nation neighbours: Gitksan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

» Gitga'at First Nation

Gitga'at First Nation continues negotiations to advance its foundation framework agreement. The Nation has prioritized issues of fish and marine resources, and has continued to use research to strengthen boundary discussions. TRM funding supported a governance readiness scan and fisheries management.

» Kitasoo/XaiXais First Nation

Kitasoo/XaiXais First Nation re-engaged last year in tripartite discussions with Canada and BC, and is exploring a reconciliation table and a reconciliation framework agreement to address Kitasoo/XaiXais First Nation inherent rights.

» Kitselas First Nation

Kitselas First Nation (Kitselas) negotiates at a common treaty table with Kitsumkalum that continues to advance negotiations and close all outstanding issues. The table is incorporating a rights recognition approach to negotiations that will result in a treaty that can evolve after implementation. The Parties completed substantial technical work for individual land, capital transfer and fisheries proposals. 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 continues to engage community to develop its individual constitution, update its members on negotiations, and 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 AIP was signed on August 4, 2015 in a community celebration. It sets 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. The treaty will: recognize and protect Kitselas 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.

» Kitsumkalum First Nation

Kitsumkalum First Nation (Kitsumkalum) negotiates at a common treaty table with Kitselas First Nation that continues to advance negotiations and close all outstanding issues. The table is incorporating a rights recognition approach to negotiations that will result in a treaty that can evolve after implementation. The Parties 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.

Kitsumkalum continues to engage community to develop its constitution, update members on Stage 5 negotiations, and 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 Kitsumkalum AIP was signed on August 4, 2015 at a community celebration, setting out the basis for finalizing treaty negotiations. Kitsumkalum will have ownership of over 45,406 hectares of land, including former reserves, and a capital transfer of \$44.2 million. The treaty 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 First Nation

The Metlakatla First Nation (Metlakatla) treaty table began its fourth 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 *United Nations Declaration on the Rights of Indigenous Peoples*. A foreshore working group involving several federal and provincial departments and Metlakatla has been meeting regularly to codevelop a way to address Metlakatla's interests in the foreshore and the complex jurisdictional issues of the Parties to these areas. Negotiations 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, compliance and enforcement.

WE WAI KAI TREATY SOCIETY

Wei Wai Kai Treaty Society (WTS) treaty table is in Stage 5 negotiations. Formerly known as the Laich-Kwil-Tach Treaty Society, WTS officially changed its name in March 2022. WTS has focused much of its efforts on community engagement and has initiated a wide array of communication tools. WTS continues to work in collaboration with four other Nations—K'ómoks, Tlowitsis, Wei Wai Kum, and Kwiahkah First Nations—to develop a fish reconciliation agreement between the Nations and federal government. TRM funding supported capacity building and governance structure development.

The *Tripartite Commitment Agreement: We Wai Kai Transition to Stage 5 Negotiations Under the BC Treaty Process* 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. WTS and BC also signed the bilateral *We Wai Kai Incremental Treaty Agreement* in 2019.

There are approximately 1,210 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, Kwiahkah, Mamalilikulla-Qwe'Qwa'Sot'Em, 'Namgis, Snaw-naw-as, Qualicum, Tla'amin, Tlowitsis, Snuneymuxw, and Wei Wai Kum.

WEI WAI KUM/KWIAKAH FIRST NATIONS

The Wei Wai Kum/Kwiahkah (WWKK) treaty table is in Stage 5 negotiations. In July 2019, the Parties signed the *Wei Wai Kum/Kwiahkah Transition to Stage 5 and Treaty Revitalization Agreement* (WWKK Transition Agreement). This year, Wei Wai Kum First Nation signed an ITA with the provincial government that will transfer 2,276 hectares of territorial lands back to Wei Wai Kum, helping boost the Nation's economic activities.

The Parties have made progress related to a range of matters at technical working groups. Work has progressed on TSL selection, implementation and self-government work, and other substantive issues. TRM funding supported the development of natural resources management plan.

WWKK continued to work at a fish common table with three other Nations—We Wai Kai, K'ómoks, Tlowitsis—and the federal government. WWKK has also continued work with the Nanwakolas Council on protected areas.

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 Kwiahkah 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 920 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 Nation (Wuikinuxv) treaty table is in Stage 5 negotiations. Over the past year, the Wuikinuxv table focused on fish, economic development, shared decision making, and certainty. The Parties maintain ongoing discussions around taxation and fiscal matters.

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.

YEKOOCHE FIRST NATION

The Yekooche First Nation (Yekooche) treaty table is in Stage 5 negotiations. The Parties have prioritized key areas for ongoing discussions over the next few years, which include internal governance, community engagement, as well as social and wellness initiatives. Yekooche continues to work on fisheries and engaged with neighboring Nations to address 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 225 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.

ABOUT THE BC TREATY COMMISSION





ABOUT THE BC TREATY COMMISSION AND NEGOTIATIONS »

THE BC 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 overcoming impasses;
- Allocating negotiation support funding to enable First Nations to participate in negotiations; and
- Educating the public and providing information about treaties, the negotiations process, and relevant legislation and policies.

In 2018, its mandate was expanded to include supporting negotiating Parties in implementing the UN Declaration, the Truth and Reconciliation

Commission of Canada's (TRC) 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 and its work continues to be guided by the *Report of the British Columbia Claims Task Force*, 1991 (Task Force Report) and its 19 recommendations.

The Treaty Commission is comprised of a Chief Commissioner, four Commissioners, and 10 staff members. The operations of the Treaty Commission 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 2021/22 fiscal year, operating funding was approximately \$3.05 million.

INDEPENDENCE AND LEGISLATION

The BC Treaty Commission is 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) which along with subsequent federal and provincial legislation, established the Treaty Commission.

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

The negotiations process is voluntary and open to all First Nations in BC. 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’ confirmed their responsibilities by endorsing and committing to: the 19 Recommendations of the Task Force Report; the *Principals’ Accord on Transforming Treaty Negotiations in British Columbia* (Principals’ Accord); and 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 strong foundations for strengthening rights recognition and negotiations. Both unequivocally state that extinguishment and surrender of Indigenous rights have no place in modern-day Crown-Indigenous relations, treaty negotiations, 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 94 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 role of Treaty Commission to assist in the fulfilment of this constitutional imperative is critical.

THE PUBLIC

Reconciliation is the collective responsibility of all Canadians. Everyone has a role in rights recognition and reconciliation, including the public. Initiating change requires the will and support of communities, 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 negotiations process and reconciliation. Each of us has 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 94 Calls to Action and the UN Declaration provide powerful guidance and are strong steps forward for individuals and institutions.

Learning about the BC 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 the governments of British Columbia and Canada. Municipalities and Regional Districts officials may also attend with BC government officials to observe negotiations.

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

FACILITATING TREATY NEGOTIATIONS

The BCTC Agreement and associated legislation state that the primary role of the Treaty Commission is to assist the Parties and the Principals as an independent facilitator of the negotiations. The Treaty Commission is not a party to treaty negotiations; it facilitates negotiations.

The Treaty Commission's independence is protected by its legal foundation consisting of a CEO and chair, or Chief Commissioner, and four independent Commissioners — two elected by the First Nations Summit, one appointed by Canada, and one by BC.

In fulfilling its role, the Treaty Commission:

- Assists the Parties in developing solutions and resolving impasses;
- Encourages timely negotiations and progress toward milestones;
- Assists the Parties in developing tripartite workplans to reach milestones;
- Ensures fair, effective, and impartial negotiations;
- Assists First Nations with engaging and resolving overlapping/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 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.

With the establishment of the Principals' Accord, Rights Recognition Policy, and commitments to implement the UN Declaration at the federal and provincial levels, the BC Treaty Commission continues to assist the Parties in implementing these commitments.

INDEPENDENT FUNDING AUTHORITY

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.

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



and treaty tables for their participation in tripartite negotiations. This includes:

- Receiving and considering funding requests from First Nations;
- Approving First Nations' budgets to support their workplans and the table tripartite workplan activities;
- Allocating funding to First Nations in accordance with funding criteria agreed to by the Principals;
- Reviewing annual audit reports and other accounting reports from First Nations that receive negotiation support funding; and
- Obtaining First Nations' approval to accept the negotiations support funding from Canada and BC.

FUNDING FOR FIRST NATIONS

First Nations funding for negotiations is 100 per cent contribution-only, meaning funding is non-repayable, similar to grants. This funding, commonly referred to as negotiation support funding (NSF), is provided by the federal and provincial governments. As an independent body, the Treaty Commission allocates NSF to First Nations to carry out negotiations with Canada and BC. The Treaty Commission's independent allocations ensures impartiality and fairness of funding for First Nations.

NSF supports First Nations' treaty offices and staff participation in negotiations and related 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.

EVOLUTION OF NEGOTIATION SUPPORT FUNDING

Previously, the funding arrangement consisted of part repayable loan (80 per cent) and part contribution funding (20 per cent). After decades of advocacy, significant steps were taken to align negotiations funding with the recognition of rights.

Today, First Nations are no longer required to obtain loans to continue treaty negotiations. The Treaty Commission recognizes the federal government and First Nations for their tremendous leadership in resolving this longstanding issue.

The advancement to contribution-only funding is an important achievement and marks a significant milestone towards reconciliation. In the 2021/2022 fiscal year, the Treaty Commission allocated more than \$32 million in 100 per cent contribution-only funding to First Nations for negotiations.

Since moving to contribution-only funding, the Treaty Commission strengthened its financial accountability measures. BCTC requests that funding be directed toward key priorities and issues in negotiations. To date, the Treaty Commission continues to ensure First Nations focus on citizen engagement and information sharing, overlapping/shared territory engagements, capacity building, and preparations for self-government. BCTC also requests that treaty tables have tripartite workplans, and actively

facilitates the development of these workplans at each negotiating table. All these measures support transparency and accountability, with the objective of supporting the negotiations tables making progress toward their shared goals.

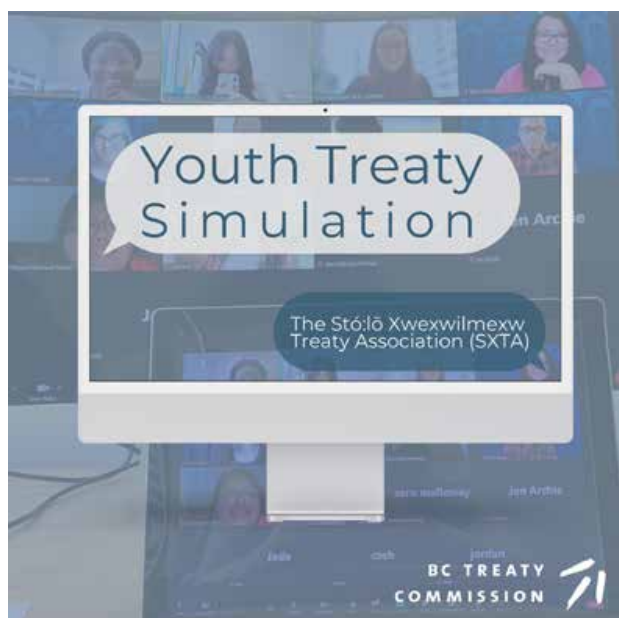
PUBLIC ENGAGEMENT

The Treaty Commission provides public information and education on treaty and tripartite reconciliation negotiations, forms of public engagements, and policy developments. 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 have a responsibility to provide specific information on the progress of their negotiations.

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 negotiations;
- Reports on the status of negotiations throughout the year through online, print, and in-person engagements, including 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, including negotiations and treaty implementation simulations;
- Meets with federal and provincial departments to advocate for the importance of treaty negotiations in fulfilling both Canada's and BC's constitutional obligations and commitments to implement the UN Declaration;
- Engages with local and municipal governments, including Regional Districts to share information;
- Creates and distributes publications and resources to share best practices with First Nations and the public;
- 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

The Treaty Commission commits to and is mandated to support the implementation of the TRC's 94 Calls to Action, through the negotiation of treaties and agreements, and raising public awareness.

In September 2021, the National Centre for Truth and Reconciliation (NCTR) launched its inaugural Truth and Reconciliation Week, a national program with the goal of educating and promoting conversations about First Nations Treaties, Métis and Inuit Land Claims, and the ongoing legacy of the residential school system. The five-day program focused on a different topic each day: Lands and Treaties; Languages and Culture; Truth and Reconciliation: Orange Shirt Day; and Elder-Youth Knowledge Transfer. The BC Treaty Commission collaborated with the NCTR to raise awareness of the week-long programming. BCTC also presented on modern treaties, the negotiations process, and ways in which everyone can honour and uphold treaties.

Continuing the work of years past, the Treaty Commission hosted an educational campaign in honour of National Indigenous History Month in June, across its social media platforms. Information was shared about modern treaties, the UN Declaration, including both provincial and federal legislations, and related key policies. The *Indigenous Rights Recognition in BC* handbook was updated to include the recent federal UN Declaration legislation, that was enacted on June 21, 2021, on National Indigenous Peoples Day. All these materials remain available on our social media and on our website.

Both of these education campaigns support the goals of TRC Call to Action #62 to develop and provide age-appropriate materials to involve students in the reconciliation process.

PRESENTATIONS AND CONFERENCES

The Treaty Commission presents at and participates in virtual and in-person gatherings of First Nations, industry, universities, youth, government, and legal professionals. Through these engagements, the Treaty Commission connects with First Nations, governments, and the public to share information on the negotiations process, progress of negotiations tables, the UN Declaration, and other work of the Treaty Commission.

From October 2021 to September 2022, the Treaty Commission provided numerous presentations throughout the province. Presentations were made to: Northern Secwépemc te Qelmūcw (NStQ) Citizens' Assembly; NStQ Inaugural Youth & Elder Assembly; K'ómoks Public Open House; Greater Vancouver Board of Trade Indigenous Opportunities Forum; Metro Vancouver Regional District's Indigenous Relations Committee and Municipal Technical Advisory Committee on Indigenous Relations; the federal Deputy Ministers' Committee on Reconciliation; the Ministry of the Attorney General; the Consular Corps of B.C.; the British Consulate-General; the Columbia Basin Trust; Immigrant Service Society BC; the Pacific Salmon Commission; and the Continuing Legal Education Society of British Columbia. Information was shared on the topics of treaties, negotiations, the UN Declaration, Indigenous rights, federal and provincial legislation and policy, and the work of the Treaty Commission.

The Treaty Commission also participated in the Vancouver Island Economic Alliance Summit, the Association of Mineral Exploration Roundup, the Prospectors & Developers Association of Canada Convention, the Council of Forest Industries, and presented at the Infonex Virtual Conference focusing on capacity development in First Nations communities.

FORUMS AND ROUNDTABLES

Over the years, the Treaty Commission has hosted and co-hosted forums and roundtables to support the development of strong networks amongst First Nations treaty negotiations teams. Roundtables provide opportunities to share ideas, experiences, best practices, and tools.

In late September 2021, the Treaty Commission co-hosted the S. 87 Tax Gathering with Hul'qumi'num Treaty Group. The gathering provided an opportunity for First Nations to share information related to the phasing out of s. 87. On July 22, 2022, the federal government announced that Canada would change its approach to the phasing out of s. 87. The tax exemption will be able to continue on Indigenous governments' former reserves and on other First Nation reserves for prospective and existing Modern Treaty Nations. The mandatory phase out of s. 87 has been a longstanding challenge to the advancement

and ratification of treaties and other agreements. First Nations should be able to determine if and when to exercise their tax jurisdiction and the Treaty Commission commends Canada for engaging with First Nations to make this important change to tax policy.

In February 2022, the Treaty Commission co-hosted the Governance for Multi-First Nation Treaty Tables Roundtable with Northern Secwépemc te Qelmūcw. Attendees came together to share their governance journeys, explore different governance models, and discuss governance capacity building.

In April 2022, the Treaty Commission participated in the Coalition for the Human Rights of Indigenous Peoples' UN Declaration and Sustainable Development: Indigenous Peoples' Human Rights and Ecological Knowledge Expert Symposium. The UN Sustainable Development Goals (SDGs), launched in 2015, aim to combat inequalities and discrimination. The Treaty Commission attended the symposium to discuss how the SDGs connect with and can support the goals of the provincial *Declaration on the Rights of Indigenous Peoples Act* (2019) Action Plan.

EMPOWERING EMERGING LEADERS

The Treaty Commission continued engaging youth on the subject of treaties and agreements, and the negotiations process, delivering two treaty workshops to First Nations youth in 2022. In February, the Treaty Commission virtually delivered a negotiations workshop to the Stó:lō Xwexwilmexw Government youth group, engaging young leaders from communities inside and outside of the treaty negotiations process. In July, the Treaty Commission travelled to Kitselas First Nation territory to deliver a workshop in-person at the Kitselas Youth Culture Camp. Youth Treaty Simulations provide an opportunity for youth to experience hands-on learning about the negotiations process, and engage with their Nations' treaty teams and leadership to learn about the work being done to support treaty and self-governance in their communities.

The Treaty Commission also presented to students at the University of British Columbia and King George Secondary School on treaties and the negotiations process. Collaboration with the Gordon Foundation and partners to support the continued development of the Understanding Our Treaties website is ongoing.

In July, the Treaty Commission travelled to Kitselas First Nation territory to deliver a workshop at the Kitselas Youth Culture Camp. Youth Treaty Simulations provide hands-on experience to learn about the negotiations process. CARMEN WATSON





PEOPLE OF THE BC TREATY COMMISSION

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 Commissioner and was first appointed in April 2017. She 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 Legal Member of the Mental Health Review Board and a Director at Legal Aid BC. Previously, she served on the Brain Canada Foundation, 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 the Government of Canada appointed Commissioner. She is serving her first term as Commissioner and was initially appointed 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 (ADM) 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 a First Nations Summit elected Commissioner. He is serving his fourth term and was first elected by the First Nations Summit Chiefs in Assembly in 2015. Francis is from Tla-o-qui-aht First Nation, on the west coast of Vancouver Island, and is an elected Councillor.

Prior to joining the Treaty Commission, he has served his community in leadership roles, including Chief Councillor for 14 years, negotiator for over 10 years, and band administrator for six years. Francis has extensive negotiation experience in Indigenous title and rights, including fisheries, and is currently the Tla-o-qui-aht First Nations lead negotiator as part of the T'aaq-wiihak Fisheries negotiations. 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 of four grandchildren.

Angela Wesley
COMMISSIONER



ANGELA WESLEY is the Government of British Columbia appointed Commissioner. She is serving a two-year term and was first appointed 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 on the west coast of Vancouver Island.

She remains active in her Nation's self-governance journey, having been involved throughout all stages of negotiations, ratification, and now implementation. Angela serves as Speaker for the Huu-ay-aht First Nations Legislature and Annual People's Assemblies and is the representative on the Maa-nulth tripartite treaty implementation committee. She served as Board Chair/President for the Huu-ay-aht Group of Businesses for eight years and serves on numerous boards, including the Board of Directors of the Land Title and Survey Authority of BC, Coast Funds, Technical Safety BC, and Squiala Holdings Board.

For over 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 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 a First Nations Summit elected Commissioner. He is serving his second term as Commissioner and was first 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 over 10 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, and Director roles with BC Housing, Prince Rupert Indigenous Housing Society, New Relationship Trust Foundation, First Nations LNG Alliance, and BC Infrastructure Benefits

Board of Directors. 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.

BCTC STAFF »

BCTC thanks Dan Gill and Nancy Wong for all their dedication and hard work to ensure that First Nations received funding every year to engage in negotiations and advance their rights and title. This year both Dan and Nancy retired after more than 20 years of service.



Back row:

Mark Smith, General Counsel
and Director of Process
Dean Seskin, Process Analyst
Vincent Leung, Funding Analyst

Front row:

Carmen Lee, Funding Analyst
Neelam Kassam, Accountant
Stephanie Gustin, Senior Research
Analyst and ATIP Lead
Sashia Leung, Director of Communications
and International Relations
Carmen Watson, Communications Advisor
Tenisha Williams, Office Manager
Danni Olusanya, Process Analyst
Kiki Dimakis, Office Assistant

Not shown:

Dan Gill, Director of Funding
Nancy Wong, Funding Analyst
Lindy Provost, Funding Assistant
Angel Grenkie, Reception

THE ARTISTS »

The 2022 Annual Report features artwork created for the 30th anniversary celebration year of the signing of the BC Treaty Commission Agreement.



MICHELLE STONEY is a Gitksan and Cree artist, specializing in acrylics, jewellery, sculptures, and murals. Michelle was raised in Gitksan territory, in the house of Delgamuukw. She follows in her late grandfather Victor Mowat's footsteps teaching art to local communities.

The BC Treaty Commission's 30th Anniversary logo was designed by Michelle. The artwork inlayed in the logo signifies the foundations of self-government: community, representing intergenerational leadership and connection; rich and sacred land and waters resources; and strong governance systems.

ROSS HENDERSON is a Kwakwaka'wakw artist based in Fort Rupert, BC who specializes in carving totem poles, paddles, rattles, and masks. He began carving at a young age watching his grandfather, Chief Sam Henderson, a world-renowned carver.

Ross carved the paddles photographed in this publication, which were gifted to Treaty Nations, the First Nations Summit, Canada, and British Columbia. These represent working and paddling together for a better collective future – in partnership and mutual respect. The four formlines on the paddle shaft represent “balance” and are symbolic of the three Treaty partners and the Treaty Commission.



ALANO EDZERZA is a Tahltan artist and entrepreneur. He owns Edzerza Gallery, Edzerza Artworks, and Edzerza Sports. He specializes in multimedia art including: carvings, glass, graphics and apparel. Alano designed the original artwork of the cover pages.

SHAIN JACKSON is a shíshálh artist, lawyer, and entrepreneur. He is the owner of Spirit Works, an Indigenous owned, operated and staffed company focused on design, production and distribution of authentic Indigenous artwork. The cedar and abalone paddle pins given to guests at the event were designed with Spirit Works. The directional trigons represent “where we have come from, where we are today, and our collective vision for the future.”



Belt (p. 61) by Vuntut Gwitchin beader Marie Statnyk (@mariestatnyk)

The 1992 archival photos are courtesy the First Nations Summit | Celebration photos by Josh Berson

Additional photography by Sashia Leung and Pete Tuepah

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



