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On behalf of the British Columbia Treaty Commission, it is my pleasure to present the 2023 Annual Report.

Reflecting back to 1993, when the British Columbia Treaty Commission (BC Treaty Commission, Treaty Commission) opened operations and began accepting First Nations' Statements of Intent, the BC treaty negotiations process has continued to evolve with the changing legal and political landscape of Indigenous title and rights recognition. Fast forward 30 years, and the negotiations have transformed. Seemingly entrenched government mandates and approaches have shifted or completely reversed.

Cede, release, surrender—extinguishment—in form or result, is not part of modern-day Crown-Indigenous relations, negotiations, treaties, or reconciliation agreements. Full stop.

First Nations' negotiation debt burdens have been eliminated — First Nations should never have had to borrow money to advance their rights. New multi-year funding authorities have been established to enable stable, predictable, and flexible funding to support First Nations' negotiations needs. Section 87 (s.87) tax exemptions will continue under modern treaties, respecting First Nations rights to self-determination. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) is established in federal and provincial law, and both governments are enacting whole-of-government policies and directives making it clear that treaty negotiations and promises will be upheld.

These advancements and the Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia (Rights Recognition Policy), have reinvigorated the BC treaty negotiations process. These build on the original blueprint of the 19 recommendations of the Report of the British Columbia Claims Task Force (Task Force Report) and the strong foundation Modern Treaty Nations, Canada and British Columbia have established with the eight modern treaties in BC.

Cede, release, surrender—extinguishment—in form or result, is not part of modern-day Crown-Indigenous relations, negotiations, treaties, or reconciliation agreements. Full stop.

We are at a time now where several treaty negotiation tables are moving toward closing — K'ómoks, Kitselas, Kitsumkalum, and Te'mexw. These modern treaties will be the most innovative agreements to date, incorporating the significant policy developments that have been achieved in the last couple of years. This has taken tremendous work, and the BC Treaty Commission recognizes the efforts of the Principals (British Columbia, Canada, and the First Nations Summit), the Parties, and their staffs.

This year, the Principals renewed the Negotiation Support Funding Agreement for five years. This new agreement allows for multi-year funding for First Nations in the treaty negotiations process, and is the first of its kind for the Treaty Commission. This change, combined with the move to full contribution funding in 2018 and

loan forgiveness in 2019, demonstrates a strong commitment to the BC treaty negotiations process. We are grateful for the tremendous work by the representatives from British Columbia, Canada, the First Nation Summit, and the incredible team at the Treaty Commission for achieving these important funding changes.

Another long-awaited change was made to a controversial government tax policy position this year. The federal government announced that Modern Treaty Nations will no longer be required to give up their s.87 *Indian Act* tax exemption as a condition of entering self-governance agreements. We applaud both governments for making the necessary taxation policy changes, listening to First Nations on the challenges of the previous policy, and for expediting treaty amendments for modern treaty rights holders.



BC Treaty Commission and TFN representatives at Tsawwassen First Nation, May 31, 2023.

Both the federal and provincial governments have legislation and action plans to implement the UN Declaration. Modern treaties and tripartite reconciliation agreements are the most comprehensive forms of reconciliation, and can be effective mechanisms for implementation. The Treaty Commission has long held that modern treaties, fairly negotiated and honourably implemented, operationalize the UN Declaration.

We are waiting for two landmark decisions from the Supreme Court of Canada. Both cases are expected to change the legal landscape in the country. The Bill C-92 Reference Case is focused on the inherent right of Indigenous peoples to self-governance, and was addressed in the 2022 Annual Report. The Cindy Dickson v. Vuntut Gwitchin First Nation case goes right to the heart of First Nations self-determination and selfgovernance. The Court is tasked with balancing the collective self-government rights of a First Nation and the Charter rights of an individual. The Treaty Commission intervened at the Supreme Court of Canada to support a self-governing First Nation's right to self-determination.

Engaging and informing First Nation members, local government, regional districts, and the public is such an important aspect of treaty and reconciliation negotiations. The Treaty Commission was able to join several open houses to support public education and provide treaty negotiation updates. We want to thank the provincial government for commencing these important open houses to share information about upcoming treaties.

I take this opportunity to thank the Principals and First Nations for supporting my third reappointment as Chief Commissioner. I am deeply honoured to support these unique and important negotiations to advance Indigenous rights recognition and reconciliation through modern treaties and tripartite agreements.

The Treaty Commission acknowledges and thanks the Honourable Marc Miller for his dedication and commitment to advancing reconciliation through the BC treaty negotiations process while Minister of Crown-Indigenous Relations. We congratulate Minister Anandasangaree on his new appointment and extend congratulations the newly appointed members of the federal cabinet. We look forward to working with all federal and provincial ministries, departments, and agencies as we approach, for some tables, the conclusion of negotiations. We must seize the opportunity and utilize the full potential that arises from the political alignment of the federal and provincial governments. The Treaty Commission will continue advocating — making sure the sense of urgency to conclude negotiations remains a top priority in Ottawa and Victoria.

Recently, the Treaty Commission team was fortunate to spend time with Tsawwassen First Nation learning about its treaty and selfgovernment journey. The power of a modern treaty, to protect land and culture while building a prosperous future, was readily apparent. We hold our hands up to Tsawwassen for their ongoing leadership and willingness to share their knowledge.

In closing, on behalf of the Treaty Commission, I would like to take a moment to honour the late Jerry Lampert. With a wealth of experience, Jerry was the longest ever serving federal Commissioner. Widely respected, his support was critical as the Tla'amin Treaty was concluding. He is missed, and is remembered for his passion and dedication to the treaty negotiations process.

Hay čx^w qa | Thank you

Celeste Haldane

CHIEF COMMISSIONER





INNOVATIONS IN NEGOTIATIONS

The BC treaty negotiations process continues to evolve since its inception in the early 1990s, remaining innovative, flexible, and responsive to the changing legal and political landscape of Indigenous title and rights recognition, and self-determination. In the past few years, there has been considerable progress on longstanding policy issues, such as taxation, enforcement of laws, treaty implementation and the implementation of the UN Declaration. Together these initiatives signal foundational shifts in governmentto-government relationships between the Crown and Indigenous peoples. Notably, this progress also indicates a shift in the recognition and implementation of the Indigenous right to self-determination, and increased openness to the different frameworks and journeys that First Nations choose to take in asserting their inherent rights.

RESTORING TAX EXEMPTIONS IN MODERN TREATIES

"Since becoming minister, I have heard very clearly from across the country that the discontinuance of section 87 of the Indian Act and the removal of the federal tax exemption on First Nations' reserve lands is a significant disincentive to advancing self-government, a divisive issue within communities that have recently signed Modern Treaty arrangements, and a material barrier to entering into Modern *Treaties.*" — Former Crown-Indigenous Relations Minister, Marc Miller¹

In July 2022, the federal government announced a significant tax policy change to the application

1 Crown-Indigenous Relations and Northern Affairs Canada, "Canada's new approach to Indigenous tax policy," July 22, 2022, canada.ca/en/crownindigenous-relations-northern-affairs/news/2022/07/ canadas-new-approach-to-indigenous-tax-policy. html.

of s.87 of the *Indian Act* in self-government and modern treaty agreements. Modern Treaty Nations will not be forced to forfeit or phase out these exemptions post-effective date. In short, s.87 provides tax exemptions to bands and registered Indians under the *Indian Act* on reserve lands.² Until now, the Crown required that First Nations phase out their s.87 exemptions as a condition of modern treaty agreements.

These changes are relevant to First Nations implementing modern treaties and to First Nations currently in the negotiations process. The loss of tax exemptions has been a tremendous challenge for First Nations' successful ratification of modern treaties. In the past, the federal and provincial governments argued in favour of phasing out of s.87, stating that Modern Treaty Nations should strive for self-reliance, supported by selfgenerated revenue. In response, First Nations

^{2 &}quot;Indian" means a person who, pursuant to the Indian Act, is registered as an Indian or is entitled to be registered as an Indian.

argued that the former policy undermined their right to self-determination and infringed on their self-governance.

During 2023, all eight Modern Treaty Nations in BC have either reinstated or provided notice of the upcoming reinstatement of s.87 tax exemptions on their former reserve lands:

- On March 27, the Tsawwassen Treaty was amended to reinstate s.87 tax exemptions on for former reserve lands. and for their members registered under the Indian Act.
- On June 23, the Maa-nulth Treaty was amended to reinstate s. 87 tax exemptions for Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe, and Yuulu?il?ath Government on former reserves lands, and for their citizens who are registered under the *Indian Act*.
- On June 23, the Tla'amin Treaty was amended to continue exemptions for former Tla'amin reserve lands, and for their citizens who are registered under the *Indian Act*.
- Nisga'a Nation will be reinstating s.87 tax exemptions for all Nisga'a citizens who are registered Indians, and this will take effect on January 1, 2024. Decisions on Nisga'a GST and personal income tax on Nisga'a Lands will be determined at a later date.

Each Modern Treaty Nation may enter into an agreement with Canada and British Columbia to limit the application of tax exemptions on their former reserves, if they choose to do so in the future.

ENFORCEMENT OF FIRST NATION LAWS

"Enforcement of First Nations laws has been a serious gap in the implementation of modern treaties. The expanded laws that come with selfgovernment are meaningless if a nation cannot enforce them. This gap is now being seriously addressed in negotiations and we expect to see future treaties with specific provisions and commitments that will support enforcement of First Nation laws, giving proper respect to First Nations' self-governance." — Chief Commissioner Celeste Haldane

Laws are only as good as their enforcement. If Modern Treaty Nations cannot enforce their laws, then self-government is hollow. Enforcement of First Nations laws remains one of the biggest outstanding issues in treaty negotiations and treaty implementation, with some Modern Treaty Nations struggling with these issues for over a decade.

Even though modern treaties clearly define that it is the First Nation's responsibility to enforce their own laws, there are very few mechanisms or resources available to Modern Treaty Nations to support their enforcement. Yet on the other hand, Canada and British Columbia have unimpeded access to enforcement structures such as courts, prosecutors, police, bailiffs and sheriffs, and regulatory enforcement officers.

At minimum there should be a commitment in modern treaties that government will ensure that an accessible adjudicative process, and an effective level of policing and law enforcement is maintained on First Nation Lands

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Through collaborative discussions between First Nations in the negotiations process, BC, and Canada these enforcement gaps are becoming better understood by governments and their impacts on First Nations are becoming better understood. The solutions in these collaborative discussions have focused on access to justice for First Nation governments—not about creating a separate justice system or a separate police force.

While the matters listed below are still subject to negotiations and further discussions, there has been significant progress due to the ongoing efforts of First Nations, such as K'ómoks First Nation, leaders and negotiators, and federal and provincial representatives.

FIRST NATION COURTS

One of the most ground-breaking topics of discussion is the possibility of provisions that may detail the creation of First Nation Courts akin to Tribal Courts in the United States. If agreed to by the Parties, modern treaties would contain provisions to establish, maintain, and organize a First Nations Court for the effective administration of Modern Treaty Nation laws. A Modern Treaty Nation would have the ability to appoint a judge to their First Nations Court, and the judge would exercise the same powers afforded to a Provincial Court Judge. They will also be guided by the same rules and principles, allowing some adjustments for cultural norms, as a Provincial Court Judge, including hearing matters arising under the Canadian Charter of Rights and Freedoms.

POLICE SERVICES

The proposed language in future treaties will clearly state that the police have the authority to enforce First Nations laws. It will be crucial for police services to enter into agreements with Modern Treaty Nations to

Implement this principle. Representatives have discussed the need for modern treaties to contain clauses that enable the negotiation of agreements regarding the enforcement of First Nation laws by a police service.

ENFORCEMENT OFFICERS

To adequately and effectively enforce First Nation laws, First Nation enforcement officers should be recognized as "peace officers," with all the protections and immunities from liability at law.

Much of the enforcement responsibilities rest with fisheries officers, natural resource officers (which are similar to provincial conservation officers), and local government enforcement officers. It will be important that Modern Treaty Nations receive resources to ensure these officers receive adequate training, the same as other enforcement officers carrying out similar duties in BC.

CROSS DESIGNATION

Some of the collaborative discussions have focused on the enforcement of natural resource related laws, federal and provincial, and a First Nations law, in a First Nations territory.

The cross designation of First Nation enforcement officers with the ability to enforce federal and provincial laws has been identified as critical to ensuring greater efficiency of the legal system as a whole. Enforcement agreements could address matters such as training, scope of authority and jurisdiction, and increased cooperation between federal, provincial, and First Nations governments.

If a Modern Treaty Nation chooses not to draw down the jurisdictional authority to enforce their laws themselves, then measures must be taken to ensure that there are enforcement mechanisms in place. This includes provisions that allow for the negotiation of agreements for

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the enforcement of First Nation laws by federal and provincial fish, wildlife, and environment enforcement officers.

OFFENCES AND PROSECUTION

Conversations surrounding First Nation lawmaking authorities have made it clear that there must also be reference to a First Nation's power to define offences punishable on summary conviction, in which case the nation can provide for penalties or alternative measures. These penalties would not be any more than what is currently permitted for comparable offences under federal and provincial laws, and the Criminal Code, and avenues of appeal for offences established under the First Nation's laws would be available.

The governments of Modern Treaty Nations would be responsible for the prosecution of offences established under their laws. The prosecution of offences, as established under the nation's laws, could be conducted in a First Nation Court established through the treaty, or, in the Provincial Court of British Columbia. Regardless of the avenue of prosecution, the First Nation would establish laws to ensure that the prosecution of an offence is conducted in a manner consistent with the principle of prosecutorial independence.

ADJUDICATION AND LINKS WITH PROVINCIAL SYSTEM

Collaborative discussions have proposed a series of adjudication options to operationalize the enforcement and prosecution of Modern Treaty Nation laws, primarily by strengthening a First Nation's links with the provincial system:

- A First Nation could appoint a judge (Justice of the Peace) with the stated authority to adjudicate all First Nation laws;
- The option of a jointly appointed provincial court judge that would sit in provincial court, except when hearing matters arising from First Nations laws when they would sit in a First Nation court; and
- The appointment of adjudicators for administrative contraventions, in situations where there is no First Nation court established.

A key linkage with the provincial system would be that a filed order from a First Nation is treated as a provincial court order, with all the associated justice system processes and tools available to enforce it.

WHOLE-OF-GOVERNMENT **ACCOUNTABILITY**

Modern treaties, fairly negotiated and honourably implemented, are the greatest expression of reconciliation. The Treaty Commission has consistently expressed that the negotiation and implementation of modern treaties are crucial components to rebuilding Crown-Indigenous relationships for generations to come. To be successful, the Crown must commit to a whole-of-government approach, one which recognizes their collective responsibilities toward modern treaty obligations, and the commitments by all of governments — not just Crown-Indigenous Relations and Northern Affairs Canada—needed to advance negotiations. The Rights Recognition Policy expressly states that there must be a whole-ofgovernment approach to treaty negotiations.

This past year, several developments indicate that the federal government is formalizing its commitment to shifting its existing institutional culture. In February 2023, at the Land Claims Agreement Coalition conference, Canada shared its most substantial policy shift to date relating to the implementation of modern treaties — Canada's Collaborative Modern Treaty Implementation Policy (Implementation Policy) — which was co-developed with Modern Treaty Nations. It commits the federal government to "a broad, purposive approach to achieve the implementation of modern treaties in a way that fulfills the shared intention of the parties and upholds the honour of the Crown."3

The Implementation Policy acknowledges past implementation failures and the impacts on modern treaty rights holders of unfulfilled treaty promises, underscoring the importance of the detailed federal government directive. Implementation failures can also create doubt and hesitancy in First Nations deciding whether or not to move forward with a modern treaty. The institution-wide approach to accountability is clear—the Implementation Policy states that it is the duty of "federal public servants, including deputy heads" to "understand and meet their obligations, roles and responsibilities in fulfilling Canada's treaty obligations, advancing treaty objectives and strengthening intergovernmental relationships."4

Successfully implementing a modern treaty requires in-depth reviews and monitoring, not only of the legal responsibilities outlined in the treaty itself but also of the strength of the relationship between signatories. This is addressed in section 4.3 of the Implementation Policy, which states that "[m]odern treaty implementation requires a wholeof-government approach and the achievement of a number of shared broad objectives, including:

- a. Strengthened Indigenous governance by recognizing and supporting the role of intergovernmental relationships. jurisdictional responsibilities and authorities of Indigenous Modern Treaty Partners, and the development of Indigenous government institutions.
- b. Improved management of lands and resources by recognizing the rights of Indigenous Modern Treaty Partners in the management of land, wildlife and resources throughout their territories.
- c. Support for culture, language and heritage by revitalizing, preserving, promoting, protecting and enhancing Indigenous culture, traditional knowledge, language, identity and oral history.
- d. Fostering of economic development **opportunities** to promote Indigenous participation in the broader Canadian and international economy, enhance the

³ Crown-Indigenous Relations and Northern Affairs Canada, "Canada's Collaborative Modern Treaty Implementation Policy," July 2023, rcaanc-cirnac. gc.ca/eng/1672771319009/1672771475448.

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- economy of Indigenous peoples and achieve greater self-reliance.
- e. Improved social development by achieving better outcomes in health, education, housing and standards of living and achieving growth and stability in Indigenous Modern Treaty Partners' territories.
- f. Respect for the **environment** by collaboratively managing and protecting the land, air, water and ice and responding to environmental emergencies."

For First Nations concluding negotiations through the BC treaty negotiations process, the objectives and directives of the Implementation Policy signal major shifts within the federal government to uphold the honour of the Crown as a modern treaty partner.

This institutional approach is not only a matter of importance for the federal government but for the provincial government as well. In April 2023, British Columbia Premier Eby, Minister of Indigenous Relations and Reconciliation Rankin, Attorney General Sharma, and provincial senior officials met with Modern Treaty Nations leadership at the Alliance of BC Modern Treaty Nations (Alliance) — Premier's Forum. This forum builds on the co-developed Shared Priorities Framework that the Province and the Alliance completed in May 2022. The framework renewed a commitment to strengthen treaty partnerships and effectively advance bilateral implementation priorities, including establishing organizational and policy changes for a provincial whole-ofgovernment approach, fiscal arrangements to fulfil treaty rights and obligations, and meaningful

participation of Modern Treaty Nations in British Columbia's legislative and policy initiatives.

UN DECLARATION ON THE RIGHTS OF **INDIGENOUS PEOPLES**

Another significant change in the negotiations process is the explicit reference that the UN Declaration will guide the negotiations of treaties and agreements. This is set out in the Rights Recognition Policy and the Treaty Commission expects that specific provisions in future treaties will contain references to the UN Declaration, including mechanisms for "consent" in specific negotiated and agreed upon areas.

Implementation of the UN Declaration is a powerful mechanism for reconciliation. The Treaty Commission acknowledges and applauds British Columbia and Canada for prioritizing work to fulfill their commitments toward implementing the UN Declaration, including the development of respective action plans to guide successful implementation of the principles and rights in the UN Declaration.

Both British Columbia and Canada have implemented the UN Declaration into law:

- Declaration on the Rights of Indigenous Peoples Act (DRIPA or Declaration Act), Government of British Columbia 2019
- United Nations Declaration on the Rights of Indigenous Peoples Act, (UNDRIPA or UNDA), Government of Canada 2021

8. Canada and British Columbia endorse the United Nations Declaration on the Rights of Indigenous Peoples (2007) as a foundation of the British Columbia treaty negotiations framework.—Rights Recognition Policy



As required by their respective legislation, each government has created an action plan to guide and monitor implementation, and each government is required to produce annual reports on progress. In June 2023, following two years of engagement and consultation, Canada released the United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan 2023-2028. Also in June, British Columbia released its fourth annual report on DRIPA, which reported out for the first time on progress on the 89 actions set out in the provincial action plan.

The Rights Recognition Policy states that the negotiation of treaties, agreements and other constructive arrangements in BC will be guided by the UN Declaration, among other foundational documents. The policy explicitly states in article 18 that treaties, agreements and other constructive arrangements are the preferred method of achieving reconciliation between Crown title and the inherent title of Participating Indigenous Nations, and of the reconciliation between pre-existing Indigenous sovereignty and assumed Crown sovereignty.

In expressing this, the Rights Recognition Policy explicitly emphasizes that such agreements will provide for the implementation of the UN Declaration, including the rights to redress and free, prior and informed consent. Finally, the

Rights Recognition Policy recognizes that the inherent rights of Participating Indigenous Nations in BC are recognized and affirmed in section 35 of the Constitution Act. 1982, and reflected in the UN Declaration.

- 16. The negotiation of treaties, agreements and other constructive arrangements in British Columbia will be guided by the following, in no particular order: ...
 - b. United Nations Declaration on the Rights of Indigenous Peoples (2007)...
- 18. Treaties, agreements and other constructive arrangements are the preferred methods of achieving the reconciliation of Crown title and the inherent titles of Participating Indigenous Nations, and the reconciliation of pre-existing Indigenous sovereignty with assumed Crown sovereignty. They will: ...
 - h. provide for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (2007), including the rights to redress and "free, prior and informed consent.
- 47. The inherent titles of Participating Indigenous Nations in British Columbia are recognized and affirmed in section 35 of the Constitution Act, 1982 and are reflected in the United Nations Declaration on the Rights of Indigenous Peoples (2007).





MODERN TREATY NATIONS

The Treaty Commission holds its hands up to all First Nations that have taken the steps to advance their rights and title through constitutionally-protected modern treaties. These Modern Treaty Nations have led the way in reconciliation, building a better future for their citizens and generations to come, and now have a prominent place in the constitutional fabric of Canada.

The family of Modern Treaty Nations in BC is growing, as several First Nations are advancing toward completing negotiations. Across Canada there are 30 Modern Treaty Nations, and in BC there are eight Modern Treaty Nations, representing:

- Nisga'a Lisims Government, Nisga'a Final Agreement (Nisga'a Treaty), May 11, 2000;
- Tsawwassen First Nation, Tsawwassen Final Agreement (Tsawwassen Treaty), April 3, 2009;
- Huu-ay-aht First Nations, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011;
- Uchucklesaht Tribe Government, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011;

- Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011;
- Yuułu?ił?atḥ Government, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011;
- Toquaht Nation, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011; and
- Tla'amin Nation, Tla'amin Final Agreement (Tla'amin Treaty), April 5, 2016.

TSAWWASSEN TREATY JOURNEY

Modern treaties protect and promote the inherent rights to self-determination and self-government. Affirmed in articles 3, 4 and 5 of the UN Declaration, First Nations have the right to freely determine and pursue, maintain and strengthen their distinct political, social and cultural development and institutions.

On May 31, 2023, the Treaty Commission visited Tsawwassen First Nation ("Tsawwassen" or "TFN") where Tsawwassen representatives shared a presentation about their nation, their history, the impacts of colonialism, and their journey into implementing their modern treaty, self-governance and prosperity. BC Treaty Commissioners reflections on Tsawwassen are highlighted throughout this section.

"Tsawwassen has taken action to reinvigorate their self-government. They have separated themselves from colonial government ties and begun rebuilding their nation. They have embraced their First Nation powers and authorities by believing in themselves, taking planned, decisive action and forging their own future for their children's children, yet to be born. Talk about a powerhouse coming out of the gate." — Commissioner White

We are scəwaθn məsteyəxw (Tsawwassen People — 'People facing the sea'), descendants of our **kwθə syəwenełct** (ancestors) who exercised sovereign authority over təməxwct (our land) for thousands of years.1

For thousands of years, Tsawwassen people lived and thrived as a prosperous nation, with sophisticated governance and socioeconomic systems on the lands and waters of the southwest corner of what is now British Columbia. Like other First Nations and Indigenous peoples across Canada, Tsawwassen's way of life was disrupted by colonization.

Intent on restoring and protecting Tsawwassen self-governance and way of life, TFN entered the BC treaty negotiations process in 1993. After fourteen years of negotiations with Canada and British Columbia, and extensive community engagement, the Tsawwassen Treaty came into effect on April 3, 2009. The Tsawwassen Treaty was the first urban modern treaty in the province, and Tsawwassen was the first to conclude a treaty through the BC treaty negotiations process. For more information on Tsawwassen laws and transfers of lands, resources and powers that occurred on effective date, see page 30.

DECLARATION OF NATIONHOOD & IDENTITY

"Today, the Tsawwassen Government will enact a suite of contemporary laws that are fundamentally based on traditional laws and principles that have been carried through each generation. By enacting Tsawwassen Laws, we reaffirm these traditional principles and transmit them to subsequent generations in a manner that has relevance in modern society."2

TFN governance is grounded in Tsawwassen traditional laws and principles, operating in a contemporary manner determined by its members. The elected institutions that govern Tsawwassen are set out in the Tsawwassen Constitution

¹ Tsawwassen First Nation, "Declaration of Tsawwassen Identity & Nationhood," April 3, 2009, tsawwassenfirstnation.com/wp-content/ uploads/2019/07/Declaration of Tsawwassen Identity_and_Nationhood.pdf

² Ibid.

Act—including the Chief, the Tsawwassen Legislature, the Executive Council, and the Advisory Council.

The Tsawwassen Legislature is the highest body of the TFN Government, and is comprised of 14 elected officials—13 members and one Chief—each of whom serve a four-year term. The role of the Legislature is to enact and amend Tsawwassen laws. There are generally two legislative sessions held each year. The Legislature incorporates Tsawwassen cultural elements and Canadian parliamentary procedures.

The Executive Council consists of five elected leaders, including the Chief of the First Nation. The role of the Executive Council is to work with the Chief Administrative Officer to oversee TFN Government day-to-day operations, provide strategic direction, approve major decisions, and enact regulations and policies. TFN currently has a government staff of approximately 130 people.

Elected bodies provide for meaningful participation in TFN governance. TFN members, aged 13 years and up, are able to run for a seat on TFN's Advisory Council. The Advisory Council serves as a forum to raise questions and concerns on all policy and legislative directives. Non-members are represented through the Consultation Committee, which is made up of non-member leaseholders on Tsawwassen Lands.

"The thing that struck me
the most was the careful and
intentional planning that the
TFN government has done
to ensure a well-balanced
community with a variety of
uses."—Commissioner Wesley

Other statutory and elected bodies established through TFN legislation or the Executive Council include: a Natural Resources Advisory Committee; a Housing Advisory Committee; an Agricultural Advisory Committee; and a Longhouse Committee.

The Tsawwassen Government also includes several branches which operate on an appointed basis:

- A Judicial Council that hears appeals of administrative decisions and disputes related to Tsawwassen Laws:
- A Standing Committee on Language and Culture that works to develop and promote awareness, understanding, and protection of Tsawwassen culture and heritage;
- A Leaseholder Residents Advisory Committee;
- A Property Tax Authority that reviews and approves the tax rates and expenditures regarding residential property taxation;
- An Enrolment Committee that reviews applications for TFN membership; and
- A Trust Society governed by the
 Tsawwassen Trusts Act, that administers
 trusts established by Tsawwassen
 (e.g., Treaty Settlement Trust, Fisheries
 Stewardship Trust, Minors Trust, TFN
 Member Legacy Trust).

DEVELOPMENT FOR SUSTAINABLE PROSPERITY

Since effective date, TFN has become a major economic driver in the region and continues to experience unprecedented growth. Significant investments in infrastructure and in long-term social, community and environmental sustainability is evident and vibrant throughout Tsawwassen lands.



The Tsawwassen Treaty nearly doubled the TFN land base. TFN created a new land designation, Tsawwassen Fee Simple Interest (TFSI) lands which has enabled the development of a thriving lease economy. TFSI land developments balance Tsawwassen member land protections with economic development, by creating a land title system familiar to developers, attracting investment for critical housing and development needs. TFSI developments have increased both joint ventures and TFN-owned companies, which ultimately supports member businesses, education, and training.

Tsawwassen is leading the region in development, providing thousands of residential units at a time when housing is a crucial issue

across the country. Full development is expected to include around 8,000–10,000 leaseholder residences. TFN, British Columbia, and Canada each contributed to the significant infrastructure required to support this expansive development.

"Being here, witnessing first-hand what breaking the shackles of the *Indian Act* looks like—is incredibly heartwarming. Tsawwassen is prospering under their own governance, laws, and ways of life. The Treaty has been a tool for tremendous change and prosperity, not only for TFN, but for the entire region." — Chief Commissioner Haldane

Commissioner Forand's reflections:

LEADERSHIP: Everything we saw and heard pointed to the strong, consistent leadership that has enabled the nation to make the progress that it has. It spoke to the vision to which they have been true.

BALANCE: I was struck by the balanced approach that the nation has taken. Cultural, social, and economic interests and objectives were all considered through the measures that they've taken and the choices they've made, with a view to rebuilding a strong and healthy community and nation.

FORESIGHT: They are not resting on the successes they've achieved, but looking towards the future and the changing needs that will result from changing circumstances. As a result, for example, they are focusing on education tailored to the circumstances they are creating, by puzzling through the impact that the wealth they are creating today will have on the youth of tomorrow.

PRIDE: It was evident everywhere. In the faces and the stories and the care that people are taking with the future they are building. It was inspirational!

LEGACY BUILDING

This is evident in the extensive investments that have been prioritized. Instead of creating a central government building, TFN built the qa?is məstiməx wəwtx w (youth centre), which stands in the heart of the community. It is a place of learning, nurturing, and preparing Tsawwassen youth to become the next generation of leaders. TFN worked with the governments of Canada and British Columbia, as well the First Peoples' Cultural Council and various funds to make this dream a reality. The works of TFN artists are showcased throughout the youth centre and territory (and in this report).

In 2016, the Legislature enacted the Tsawwassen First Nation Member Legacy Trust. Approximately twenty per cent of income from leaseholds and businesses on TFN lands are invested annually into the trust for future generations.

TFN culture, language, and land are pillars of Tsawwassen identity. TFN is intentional about ensuring that these core components of identity are protected and preserved, through measures such as the creation of a new Language and Culture Department, and partnering with Simon Fraser University on a Language Certification program. Their next development will be the construction of an Elders Centre.

CHALLENGES AND **OPPORTUNITIES**

No treaty or agreement is perfect, and each process provides many challenges, opportunities, and lessons learned. Two key lessons learned that Tsawwassen has found and shared with the Treaty Commission is that there is continuous change management and building capacity to exercise jurisdiction takes time and resources. In addition, that Treaty implementation is challenging; this shared responsibility is critical for all levels of government and departments to build knowledge and understanding of the commitments and obligations of modern treaties.

TFN shared that although keeping up with the ever-changing legal and policy landscape can be a challenge, in their view this is also an opportunity. TFN's prominence as a self-governing, prosperous Modern Treaty Nation is providing new opportunities. which were rare or out of reach when TFN was under the confines of the *Indian Act*



OVERVIEW

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

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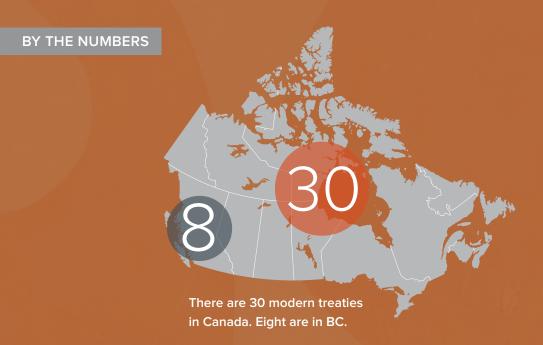
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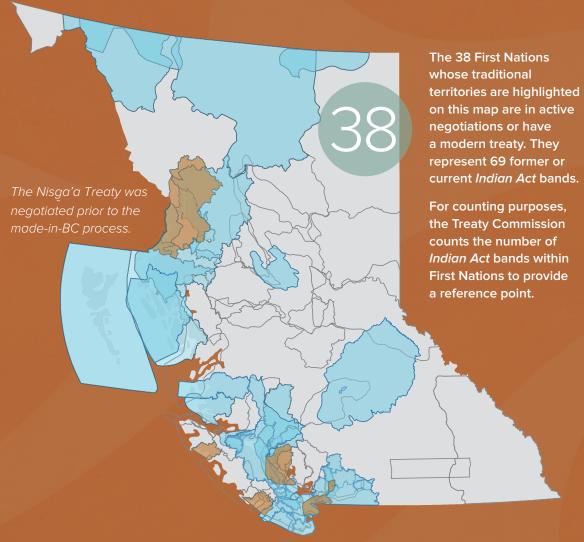
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*Tsimshian is counted as one First Nation. with communities in various stages.

NOT CURRENTLY NEGOTIATING (28) / page 46





A MAP OF PROGRESS

The 38 First Nations whose traditional territories are highlighted on the map represent eight* Indigenous governments implementing modern treaties, and 30 First Nations in active tripartite negotiations.

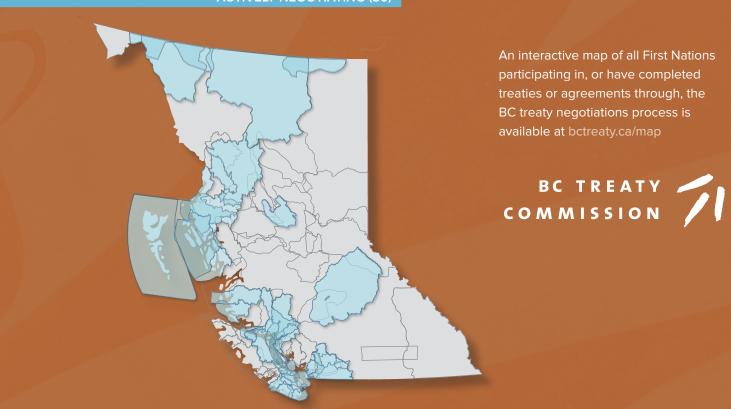
In total, this map represents 69 current and former *Indian Act* bands.



IMPLEMENTING MODERN TREATIES (7)



ACTIVELY NEGOTIATING (30)





ABOUT THE STATUS REPORTS

- A "First Nation" in the BC treaty negotiations process is a self-defined governing body with traditional territory in BC, established and mandated by its people to enter into treaty negotiations with Canada and British Columbia. The BCTC Agreement and legislation affirms this principle of self-definition and nationhood.
- For statistical counting, the Treaty Commission counts the number of *Indian* Act bands within First Nations to provide a reference point.

- The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents.
- Approximate population numbers are from the First Nations Community Profiles: fnp-ppn.aadnc-aandc.gc.ca

ACRONYMS

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



This year, Huu-ay-aht, Ka:'yu:'k't'h'/ Che:k'tles7et'h', Toquaht, Uchucklesaht, and Yuułu?ił?ath First Nations (known collectively as the Maa-nulth First Nations), Canada, and British Columbia celebrated the 12th treaty anniversary of the Maa-nulth First Nations Final Agreement (Maa-nulth Treaty). The Maa-nulth Treaty came into effect on April 1, 2011, and is being implemented individually by each of the First Nations. The Maa-nulth First Nations continue to work collaboratively on common interests, including through roundtable discussions on issues such as taxation. 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 Maa-nulth Treaty provides a basis for reconciliation and a new government-to-government relationship.

The Maa-nulth Treaty recognizes the First Nations' rights and jurisdiction throughout their traditional territories, including ownership of 24,550 hectares of land. It provided 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.

On July 22, 2022, Canada announced changes to its requirement that modern treaties phase out section 87 tax exemptions of the *Indian* Act. Amendments to the Maa-nulth Treaty came into effect on June 23, 2023, reinstating the tax exemptions on the former reserve lands of each Maa-nulth First Nations and for Maa-nulth Treaty beneficiaries who are registered under the *Indian Act* on all other reserves in Canada. British Columbia also reinstated exemptions to provincial sales tax.

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 Yuulu?il?ath has approximately 670 citizens. Their traditional lands and waters 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 improving community well-being and advancing infrastructure investments. In May 2022, the First 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-ayaht. In April 2022, Huu-ay-aht marked their 10-year anniversary as full voting members of the Alberni-Clayoquot Regional District Board, and their member representative is currently the Chair. Huu-ay-aht continues to work with the Alliance of BC Modern Treaty Nations codeveloping the *Shared Priorities Framework* with the Government of British Columbia, advancing treaty implementation.

In November 2022, Huu-ay-aht First Nations and the Province of British Columbia partnered to create the Oomiigsu (Aboriginal Mother Centre). This centre will include housing, support, and childcare opportunities, that will help Indigenous women and children on the west coast of Vancouver Island. In August 2022, Huu-ay-aht and Western Forest Products Inc. unveiled a shared vision and path forward for C'awak ?qin Forestry (formerly Tree Farm Licence 44). The new name means "we are one" in Nuu-chahnulth. Huu-ay-aht has drawn down its lawmaking 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 owns and operates three tourism ventures in Kyuquot Sound: Walters Cove Resort; Fair Harbour Marina and

Campground; and the Purple Palace Hostel. In addition to tourism, KCFN is pursuing forestry and fisheries ventures. In December 2021, in partnership with New Relationship Trust, Pacific Economic Development Canada and the BC Indigenous Clean Energy Initiative, KCFN was awarded grant funding to assist with the replacement of the existing above-ground power lines and infrastructure with an underground distribution line to improve energy efficiency. Since effective date, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations has drawn down its law-making authority to enact KCFN laws.

» Toquaht Nation

Toquaht continued working toward the goals outlined in its 2021–2024 Strategic Plan. The First Nation undertook work to improve its infrastructure with their Active Transportation Network Plan and Implementation Strategy that focused on Macoah and Secret Beach, which included a \$350,000 funding grant to construct the Secret Beach Coastal Trail. Capital projects are ongoing, including planning for a new government building at Secret Beach. Toquaht is updating their 2016 Official Community Plan (OCP) that will address land use planning, including future housing, economic development and infrastructure needs, and set out development guidelines and standards. Community engagement on the draft plan was conducted in May 2023 and Toquaht plans to finalize the OCP by November 2023. Since effective date, Toquaht has drawn down its lawmaking authority to enact Toquaht laws. Toquaht joined the Alberni-Clayoquot Regional District Board in 2016.

» Uchucklesaht Tribe Government

The Uchucklesaht Tribe Government (Uchucklesaht) spent the year working on economic development and community services projects. In February 2023, Uchucklesaht

announced the completion of their new Wellness Centre, which is located in the village of Ehthlateese. The centre includes a gym, offices, areas for gathering, and computer centres for staff. During Uchucklesaht's People's Assembly in March 2023, they announced their new 5-Year Economic Development Plan. The plan cites four main goals: village development; meaningful employment opportunities; revenue generation; and above average education attainment. Uchucklesaht continues to support cultural development—in 2022, the First Nation carved a 35-foot community canoe for journeys, training exercises and tourism promotion. 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.

» Yuułu?ił?ath Government

In 2022–2023, Yuulu?il?ath Government (Yuułu?ił?ath) worked on sustainable initiatives that protect the environment and support economic development, introduced a new solid waste management system, and has undertaken the ?apsčiik ťašii Multi-Use Trail Project to improve pedestrian infrastructure and reduce reliance on carbon-emitting vehicles. The First Nation has also offered community and cultural programming for their citizens, including language classes and youth-oriented workshops.

This past year, the First Nation has been working to develop a climate action plan that will assist in emergency preparedness for climate related emergencies. In 2023, Yuułu?ił?ath undertook a referendum process to update their constitution, to better reflect Yuułu?ił?ath identity and values and clarifications about their government processes. The vote was held in May 2023, though voter turn out did not meet the 50 per cent required threshold. As of late 2022, Yuułu?il?ath Government holds a voting seat on the Tourism Ucluelet Board of Directors.

Yuulu?il?ath 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. Yuulu?il?ath currently owns and operates Wya Point Resort, Wya Welcome Centre and the Thornton Motel.

Since effective date, Yuulu?il?ath has drawn down its law-making authority to enact Yuulu?il?ath laws. Yuulu?il?ath 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 seventh 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 government-togovernment relationship.

Tla'amin continues to advance governance and enhance services to improve the well-being of all citizens. One of these initiatives has been the introduction of language classes. Tla'amin First Nation and Powell River Energy Inc. have entered into a Memorandum of Understanding to enhance collaboration and communication, and to advance innovative and mutually beneficial activities in the Tla'amin territory. In October 2022, Tla'amin First Nation and the Province of British Columbia reached agreement on a long-standing treaty commitment to share forest tenure benefits with the First Nation. The Forest Tenures Opportunity Agreement provides Tla'amin with a license to manage 280,000 cubic metres of tenure in the Sunshine Coast timber supply area within Tla'amin's territory, with an annual allowable cut of 28,000 cubic metres. In 2023, Tla'amin First Nation launched their

təms kwunəmen Our Vision: Tla'amin's 2023-2028 Comprehensive Nation Plan, which was developed over a two-year community planning process and in collaborative planning with Tla'amin Executive Council and staff.

Housing was prioritized both on Tla'amin lands and in the surrounding area, that has led to wide-scale health and safety restorations for Tla'amin homes. Another crucial program provided temporary housing in response to soaring property values and housing shortages in the region. Tla'amin has also partnered with the City of Powell River to develop a 24-unit rental complex for families and seniors. Initial funding was provided by British Columbia, 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.

The Tla'amin Treaty recognizes Tla'amin rights and jurisdiction throughout its traditional territory, including ownership of 8,323 hectares of land. It included a one-time capital transfer payment of approximately \$31.1 million over 10 years, 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.

On July 22, 2022, Canada announced a change to its requirement that modern treaties phase out section 87 tax exemptions of the *Indian* Act. Amendments to the Tla'amin Treaty came into effect on June 23, 2023, continuing tax exemptions on the former Tla'amin reserve lands and for Tla'amin Treaty beneficiaries who are registered under the *Indian Act* on all other reserves in Canada. British Columbia will continue exemptions to provincial sales tax.

There are approximately 1,200 Tla'amin citizens, with traditional lands and waters 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 14th 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 government-to-government relationship. The treaty does not extinguish Tsawwassen rights.

Over the last year, Tsawwassen focused on community priorities, particularly on policy and intergovernmental affairs, economic development, resource management, and construction. On October 15, 2022, Tsawwassen held a general election and welcomed a newly elected Executive Council. In November of the same year, Tsawwassen established a new Treaty Rights and Title Department, which will advance the First Nation's strategic interests with other external partners and governments. In December 2022, Tsawwassen finalized a landmark \$51 million agreement with the Beedie Group. The agreement sets out terms for a 60-year lease of Tsawwassen's industrial lands and will bring a number of benefits to members. These include opportunities for training and employment, opportunities for members to bid on contracts, and financial contributions to Tsawwassen's community projects. Work on the Elders Centre

has been underway since the fall of 2022 and completion is anticipated by July 2024. Work on a 36-unit family housing development is ongoing with the first 12 housing units anticipated by the fall of 2024.

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. Since effective date, Tsawwassen has drawn down its law-making authority to enact Tsawwassen laws. Tsawwassen joined the Metro Vancouver Regional District in 2009.

On July 22, 2022, Canada announced a change to its requirement that modern treaties phase out section 87 tax exemptions of the *Indian Act*. Amendments to the Tsawwassen Treaty came into effect on March 27, 2023, reinstating the tax exemptions on former Tsawwassen reserve lands and for Tsawwassen Treaty beneficiaries who are registered under the *Indian Act* on all other reserves in Canada. British Columbia also reinstated exemptions to provincial sales tax.

There are approximately 520 Tsawwassen members, with traditional lands and waters 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 eight 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 governmentto-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-togovernment relations, the provincial 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 Yuulu?il?ath 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 Nations in BC.



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

There are approximately 725 ADK members, with traditional lands and waters spanning three jurisdictions: BC, Yukon, and the 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, Ross River Dena, and Fort Nelson.

ALLIED TRIBES OF LAX KW'ALAAMS

The Allied Tribes of Lax Kw'alaams (Lax Kw'alaams) table is pursuing tripartite reconciliation negotiations. The Parties are engaging on a reconciliation framework agreement. There are approximately 4,100 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, Gitxaała, 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 First Nations are selfgoverning in the Yukon, with traditional territory in BC. In the past year, the table focused on land and water use planning, governance work, and treaty chapter language. Carcross/ Tagish continues to engage with neighbouring First Nations on overlap/shared territory matters.

There are approximately 720 Carcross/Tagish members, with traditional lands 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. On May 9, 2023, the Government of British Columbia passed the Haida Nation Recognition Act, recognizing that Haida Nation has inherent rights of governance and self-determination. 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 *TII 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 British Columbia. The GayGahlda Agreement describes a path forward based on a series of milestones that build on each other over time, all with the objective to implement Haida title and rights.

There are approximately 4,960 Haida members, 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 and continues to make significant progress in their negotiations. This includes protecting and securing the ecological integrity and biodiversity of Ditidaht lands, as well as their rights, culture and way of life through shared decision-making arrangements. The Parties are also concentrating on reviewing draft treaty chapters to update the AIP that was signed together with Pacheedaht First Nation in June 2019.

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 inherent Ditidaht 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, capital transfer, and governance provisions of the treaty.

There are approximately 770 Ditidaht members, with traditional lands and waters 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, negotiations have focused on rights and title recognition, governance, and economic interests. Gitanyow has continued to engage with neighbouring First Nations on overlap and shared territory matters.

On September 28, 2022, Gitanyow and British Columbia celebrated the 10-year anniversary of the Gitanyow Lax'yip Land Use Plan. 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). In December 2020, Gitanyow launched the Pilot Project for its Wilp Sustainability Assessment Process; Skeena Resources' Eskay Creek Revitalization Project

became the first to enter the assessment process in January 2023.

There are approximately 860 Gitanyow members, with traditional lands and waters 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.

GITXAAŁA NATION

The Gitxaała Nation (Gitxaała) treaty table is pursuing tripartite reconciliation. During the past year, Gitxaała celebrated the return of the Grizzly Bear Pts'aan (Totem Pole), the first cultural belonging to be returned through Gitxaała's repatriation project. Gitxaała is working toward construction of a longhouse and cultural centre, advocating for their rights and title, and has pursued economic opportunities by acquiring the Crest Hotel in Prince Rupert.

There are approximately 2,095 Gitxaała members, with traditional lands and waters spanning the northwest coast, including the Prince Rupert area. Gitxaała 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 are exploring a relationship agreement on how the Gitxsan Huwilp Government interacts and coexists with the governments of Canada and British Columbia. On June 20, 2022, the Parties signed a twoyear tripartite workplan focused on governance, fisheries, and jurisdiction over watersheds.

There are approximately 7,245 Gitxsan members. The Gitxsan Hereditary Chiefs represent the majority of Gitxsan house groups and membership. Gitxsan traditional lands and waters span 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. In 2022, the Parties signed the Gwa'sala-'Nakwaxda'xw Nations Transition to Stage 5 and Treaty Revitalization Agreement. This agreement sets out the basis for finalizing treaty negotiations and identifies priorities such as: the development of a new GNN community plan; collaborative management with respect to key lands and waters; fisheries and aquaculture; forestry tenure negotiations; completing ITAs; and other matters as agreed to by the Parties.

Throughout the course of the year, GNN has continued to make significant progress on their Gukwdzi (Bighouse) project and on the future construction of homes in Port Hardy. GNN continues to advance community engagement efforts with community open houses and potlatches. GNN embarked on 10 'Return to Homeland' trips with community members. Key negotiations priorities include fisheries, housing, forestry, artifact repatriation, language and culture initiatives, and technical lands work. Progress has been made on treaty chapter language. TRM funding supported marine resources and selfgovernment work.

There are approximately 1,095 GNN members. Many reside at the Tsulquate reserve where the community was relocated in 1964. GNN traditional lands and waters span the BC mainland across



from the northern tip of Vancouver Island. GNN has overlapping and/or shared territory with its First Nation neighbours: Kwicksutaineuk. Kwawa-aineuk, Kwakiutl, 'Namgis, Tlatlasikwala, Tsawataineuk, and Wuikinuxv.

HOMALCO INDIAN BAND

The Homalco 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 developed a communications strategy and workshop series to assist their members with information on their treaty negotiations process. Also in 2022, Homalco First Nation celebrated a historic land transfer agreement, returning a 47-acre property on Read Island to the Nation. 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 lands and waters spanning from Phillips Arm, west of the mouth of Bute Inlet, to Raza Passage and Quantum River, 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 inherent Hul'qumi'num 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, capital transfer, and governance provisions.

Over the past year, Hul'qumi'num has continued to work internally on private land purchases, and the Parties have focused efforts on the General Provisions chapter of the treaty.

There are approximately 7,060 Hul'qumi'num members, with traditional lands and waters 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'elxweyegw, 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 discussions on matters related to fisheries, self-government, lands, and wildlife. K'ómoks has made significant progress on land and capital transfer components of a treaty: forestry; harvesting; surface and groundwater; subsurface resources; and taxation. Public communication initiatives have included numerous engagement events and local government updates, as well as open houses to provide information on the treaty.

TRM funding supported change management strategy planning, citizen engagement on constitution ratification, and post-treaty governance preparation. K'ómoks continues to strengthen relationships with neighbouring First 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 inherent K'ómoks 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, capital transfer, and governance provisions of the treaty.

There are approximately 350 K'ómoks members. with traditional lands and waters 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. Over the past year, Kaska Dena focused on internal governance work, community well-being and youth and Elder engagement.

There are approximately 900 Kaska Dena members, with traditional lands and waters spanning from north-central BC into Yukon and the 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 proactively to recognize, protect and exercise inherent Katzie rights and title. Over the past reporting period, the Parties focused on land and resource management work, self-governance, and worked to identify and support economic opportunities. Katzie increased government-togovernment engagement efforts, and continues to work toward an updated election code. TRM funding continues to support research on and development of capacity for fisheries interests. Following community ratification in 2017, Katzie has an operational land code.

There are approximately 650 Katzie members, with traditional lands and waters spanning Pitt Meadows, Maple Ridge, Coquitlam, Surrey, Langley, and New Westminster. Katzie has overlapping and/or shared territory with its First Nation neighbours: Samahguam and Skatin, Kwikwetlem, Kwantlen, Musqueam, Squamish, Stó:lō, Tsawwassen, Hul'gumi'num, and Tsleil-Waututh.

KLAHOOSE FIRST NATION

The Klahoose First Nation (Klahoose) treaty table is currently in Stage 4 negotiations. This year, the Parties continued working to finalize AIP chapters and appendices. Engagement with community and with neighbouring First Nations on the AIP is ongoing. The Parties have continued working on language for the Environmental Assessment chapter in their treaty. In 2021, Klahoose finalized proposed TSL selections and British Columbia made substantive progress on the associated technical lands review.

There are approximately 445 Klahoose members, with traditional lands 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.

NORTHERN SHUSWAP TRIBAL COUNCIL

The Northern Shuswap Tribal Council (Northern Secwepemc te Qelmucw or NStQ) treaty table is in Stage 5 negotiations. This past year, 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. In December 2022, Stswecem'c Xget'tem First Nation (SXFN) signed the Stswecem'c Xget'tem First Nation Umbrella Agreement, which saw the transfer of nearly 7,800 hectares of ranch land to SXFN, up to \$2.25 million for current livestock and equipment, grant funding of \$750,000 for the first year's operating costs, and \$600,000 in additional ranching assets. In October 2021, Blue Lake ITA land was transferred to Xatśūll. 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 treaty effective date. NStQ continues community engagement through citizen's assemblies, community and urban treaty meetings, and land tours.

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 inherent NStQ 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, capital transfer, and governance provisions of the treaty.

There are approximately 2,860 NStQ members, with traditional lands and waters 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. Over the past year, the Parties have continued work on federal and provincial parks co-management, marine governance, fisheries, forestry, and environmental assessment. Pacheedaht held a number of community engagement meetings to provide updates on the status of negotiations.

The Ditidaht and Pacheedaht AIP was signed on June 28, 2019, setting out the basis for finalizing treaty negotiations, with separate treaties for each First Nation. Pacheedaht will have ownership of approximately 1,897 hectares of land, including former reserves, and a capital transfer of approximately \$19.7 million. The treaty will: recognize and protect inherent Pacheedaht 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, capital transfer, and governance provisions of the treaty.

There are approximately 295 Pacheedaht members, with traditional lands and waters 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. Samahquam and Skatin continue to explore governance models, protocol agreements with neighbouring nations, and amending their constitutions to better reflect their new governance structures. The Parties are negotiating an MOU on how to move forward in Stage 5 negotiations. The First Nations signed their AIP in 2007, then referred to as the In-SHUCK-ch Nation AIP.

There are approximately 795 Samahquam and Skatin members, with traditional lands and waters located between the middle point of Harrison Lake, northward to the middle point of Lillooet Lake. Samahguam and Skatin have overlapping and/or shared territories with their 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 British Columbia 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 signed a bilateral Letter of Understanding with Canada in August 2019,



and two bilateral framework agreements with the province in September 2020. The Parties continue working toward these commitments.

There are approximately 1,930 Snuneymuxw members, with traditional lands 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-chahnulth, and Stz'uminus.

STÓ:LŌ XWEXWILMEXW GOVERNMENT

The Stó:lō Xwexwilmexw Government (SXG) treaty table is in Stage 5 negotiations. Over

the last year, the First Nation has focused on internal self-governance work and community engagement efforts.

SXG leadership assumed a direct negotiating role at the table in 2021. Four of the six SXG communities, Aitchelitz, Leq'á:mel, Skawahlook and Yakweakwioose, have ratified a constitution. 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 inherent Stó:lō 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,

capital transfer, and governance provisions of the treaty. To support community understanding of treaty and the negotiations process, over the years Stó:lō Xwexwilmexw Government have developed a series of treaty education videos to reach their membership and provide information and updates on the negotiations process.

There are approximately 1,605 SXG members, with traditional lands and waters 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, Kwaw-kwaw-a-pilt, 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 First Nation continued working toward an incremental treaty and reconciliation agreement. In 2021, Taku River Tlingit produced their five-year Strategic Plan, outlining core themes such as community and citizen wellness, traditional governance, professional administration, and intergovernmental relationships. Taku River Tlingit has also successfully initiated a Joint Visioning Process (JVP) which will continue to help Taku River Tlingit engage and communicate with the wider community. In 2022, Taku River Tlingit declared the Tlatsini Indigenous Protected and Conserved Area (TIPCA) that will encompass 60 per cent of the Taku River system; work continues for planned community

engagement to develop a Taku River Tlingit vision for lands related to the TIPCA. TRM funding supported research into Taku River Tlingit history of traditional clan governance, territorial boundaries, consensus building, and conflict resolution. The First Nation has been engaging with neighbouring First Nations.

There are approximately 445 Taku River Tlingit members, with traditional lands and waters 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 represents five First Nations in treaty negotiations: Scia'new, Malahat, Snaw-naw-as, Songhees, and T'Sou-ke. This year, the Te'mexw table continued to advance negotiations to close all outstanding issues. In 2022-2023, Te'mexw made significant progress on developing a consensus approach to species at risk, shared access and rights recognition on Goldstream Indian Reserve, taxation, and fiscal discussions. TRM funding supported: transition planning; land use planning; ground and surface water governance; and fisheries workshops.

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 inherent Te'mexw title and rights; establish how the First Nations' laws interact with federal and provincial laws; and recognize harvesting and resource rights throughout their territory.

There are approximately 1,890 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 lands and waters is located in two main areas: on southern Vancouver Island in the Greater Victoria area and on the east coast of Vancouver Island around Nanoose Bay. Te'mexw has overlapping and/or shared territory with its First Nation neighbours: Esquimalt, K'ómoks, Saanich, Sechelt, Qualicum, Snuneymuxw, Pacheedaht, We Wai Kai, Wei Wai Kum, Kwiakah, Tla'amin, and some of the Nuu-chah-nulth and Hul'qumi'num First Nations.

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. During the past year, the Parties discussed governance, lands, shared territories, and land and water management. The provincial government provided funding for a Game Guardian program in the BC portion of Teslin Tlingit's traditional territory.

There are approximately 615 Teslin Tlingit members, with traditional lands 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 British Columbia 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 First Nations and the federal government. TRM funding supported lands and resource management assessments, information management research, and lands-based economic development exploration.

Planning continues for Nenagwas, a new Tlowitsis community, through regular tripartite meetings. Associated lands were designated as Indian Reserve lands through a federal Order in Council in December 2017. 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. Some of the initiatives for Nenagwas will include the construction of housing for the nation, as well as the construction of a Bighouse.

There are approximately 450 Tlowitsis members. with traditional lands and waters 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. The Parties continued their work on an incremental treaty reconciliation agreement, which will focus on key areas such as: economic development; sociocultural support; revenue sharing; forestry; and governance. In 2022, Tsay Keh Dene signed a Forest & Range Consultation and Revenue

Sharing Agreement (FCRSA), which provides forestry revenue sharing payments to Tsay Keh Dene over several years. Under the FCRSA, revenue sharing will increase from three per cent to 10 per cent. TRM funding supported a multi-year governance and constitution development initiative.

There are approximately 525 Tsay Keh Dene members, with traditional lands and waters spanning Mount Trace in the north, South Pass Peak in the west, Nation River in the south, and Mount Laurier in the east. Tsay Keh Dene has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani, Gitxsan, McLeod Lake, Tahltan, and Treaty 8.

TSIMSHIAN FIRST NATIONS

The five Tsimshian First Nations are in various 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/ Xai'xais is in tripartite reconciliation negotiations.

The five Tsimshian First Nations total approximately 4,015 members. Kitselas has approximately 750 members, and Kitsumkalum has approximately 850. Metlakatla has approximately 1,060. Gitga'at has approximately 860 members. Kitasoo/Xai'xais has approximately 500. Their traditional lands and waters span 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: Gitxsan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaała, Nisga'a, and Wet'suwet'en.

» Gitga'at First Nation

Over the past year, Gitga'at First Nation (Gitga'at) has continued to negotiate its Reconciliation Framework Agreement. Gitga'at has prioritized issues of fisheries, marine resources, and good faith measures. The Parties are also working to create a Framework Agreement implementation workplan.

» Kitasoo/Xai'xais First Nation

Kitasoo/Xai'xais First Nation is in tripartite discussions with Canada and British Columbia, and is exploring a reconciliation table and a reconciliation framework agreement to address inherent Kitasoo/Xai'xais rights and title.

» Kitselas First Nation

Kitselas First Nation (Kitselas) negotiates at a common treaty table with Kitsumkalum and continues to advance negotiations to close all outstanding issues. The table is incorporating a rights recognition approach to negotiations that will result in a treaty that can evolve over time. Negotiations are coming to a close. Over the past year, the Parties have hosted public engagements and open houses to provide information on the treaty. The Parties completed substantial technical work for 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 constitution, update its members on negotiations, and build relationships with neighbouring local governments. TRM funding supported: community information sharing in preparation for treaty ratification; land use planning; taxation; and enforcement.

The Kitselas AIP was signed on August 4, 2015, in a community celebration, setting 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 inherent Kitselas 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, capital transfer, and governance provisions of the treaty.

» Kitsumkalum First Nation

Kitsumkalum First Nation (Kitsumkalum) negotiates at a common treaty table with Kitselas First Nation and continues to advance negotiations to close all outstanding issues. The table is incorporating a rights recognition approach to negotiations that will result in a treaty that can evolve over time. Negotiations are coming to a close. Over the past year, the Parties have hosted public engagements and open houses to provide information on the treaty. The Parties completed substantial technical work for 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 supported: community information sharing in preparation for treaty ratification; implementation work planning; implementation preparedness studies; infrastructure assessments; taxation; and enforcement.

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 inherent Kitselas and Kitsumkalum 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, capital transfer, and governance provisions of the treaty.

» Metlakatla First Nation

The Metlakatla First Nation (Metlakatla) treaty table is in Stage 5 negotiations. The Parties signed the Metlakatla Transition to Stage 5 and Treaty Revitalization Agreement (Metlakatla Transition Agreement) on February 14, 2019. The Metlakatla Transition Agreement is clear in its rejection of extinguishment policies, commits the Parties to negotiations based on recognition of Metlakatla title and rights, and affirms that the Parties will be guided by the *United Nations* Declaration on the Rights of Indigenous Peoples. A foreshore working group involving Metlakatla and several federal and provincial departments has met 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. The Parties also focused on fisheries matters and related food security interests of Metlakatla.

WE WAI KAI TREATY SOCIETY

The We Wai Kai Treaty Society (WTS) treaty table is in Stage 5 negotiations. WTS represents We Wai Kai Nation. Formerly known as the Laich-Kwil-Tach Treaty Society, WTS officially changed its name in March 2022.

Over the past year, WTS has focused efforts on fisheries, eligibility and enrolment, and technical lands work. TRM funding supported potential TSL tenure data acquisition and review.

On February 27, 2023, WTS, along with Wei Wai Kum First Nation, signed an Impact Benefit Agreement (IBA) with Myra Falls Mine Ltd. The IBA outlines the mutual responsibility of the Parties to maintain an open, respectful, and collaborative relationship through the mines' last years of underground operation. WTS continues to work in collaboration with four other nations—K'ómoks, Tlowitsis, Wei Wai Kum, and Kwiakah First Nations—to develop a fish reconciliation agreement between the nations and the federal government.

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 inherent We Wai Kai 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, capital transfer, and governance provisions of the treaty. WTS and British Columbia also signed the bilateral We Wai Kai Incremental Treaty Agreement in 2019.

There are approximately 1,230 We Wai Kai members, with traditional lands and waters spanning the area around Campbell River, Quadra Island, and surrounding inlets. We Wai Kai has overlapping and/or shared territory with its First Nation neighbours: Da'naxda'xw/ Awaetlala, Homalco, Klahoose, K'ómoks, Kwiakah, Mamalilikulla-Qwe'Qwa'Sot'Em, 'Namgis, Snaw-naw-as, Qualicum, Tla'amin, Tlowitsis, Snuneymuxw, and Wei Wai Kum.

WEI WAI KUM/KWIAKAH FIRST NATIONS

The Wei Wai Kum/Kwiakah (WWKK) treaty table is in Stage 5 negotiations. In July 2019, the parties signed the Wei Wai Kum/Kwiakah Transition to Stage 5 and Treaty Revitalization Agreement. The Parties have continued making progress on issues of compliance and enforcement, eligibility and enrolment, and hereditary governance. Alongside We Wai Kai Nation, WWKK signed an Impact Benefit Agreement (IBA) with Myra Falls Mine Ltd. The IBA outlines the mutual responsibility of the Parties to maintain an open, respectful, and collaborative relationship through the mines' last years of underground operation. Wei Wai Kum also achieved an updated lease agreement relating to the Discovery Terminal, that provides an opportunity for the First Nation to co-develop a shared decision-making protocol for socially and environmentally responsible mining. WWKK continues 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. TRM funding supported lands work.

The WWKK Transition Agreement was finalized on July 28, 2019, setting out the basis for finalizing treaty negotiations. The treaty will: recognize and protect inherent Wei Wai Kum and Kwiakah 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, capital transfer, and governance provisions of the treaty.

There are approximately 960 Wei Wai Kum/ Kwiakah members, with traditional lands and waters spanning the east-central area of Vancouver Island and mainland coastal watersheds. WWKK represents two First Nations: 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.

WUIKINUXV NATION

The Wuikinuxv Nation (Wuikinuxv) treaty table is in Stage 5 negotiations. Over the past year, the Wuikinuxv table has focused on internal governance, specific claims, and fisheries. Wuikinuxy continues to engage their citizens on the negotiations at Treaty Annual General Meetings. TRM funding supported governance work.

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 inherent Wuikinuxv 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, capital transfer, and governance provisions of the treaty.

There are approximately 290 Wuikinuxv members, with traditional lands and waters 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.

Over the past year, Yekooche has focused on social and wellness initiatives, community engagement and internal governance. Yekooche continues to work with neighbouring First Nations to address shared territory interests and on fisheries.

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 inherent Yekooche 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, capital transfer, and governance provisions of the treaty.

There are approximately 225 Yekooche members, with traditional lands and waters spanning Stuart Lake, Cunningham Lake, and Lake Babine. Yekooche has overlapping and/or shared territory with its First Nation neighbours: Lake Babine, Burns Lake, Nadleh Whut'en, Nak'azdli, Stellat'en, Takla, Tl'azt'en, and Treaty 8.

STATUS REPORTS

NOT CURRENTLY NEGOTIATING (28)

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

- 'Namgis Nation
- Carrier Sekani Tribal Council
- Champagne and Aishihik First Nations
- Cheslatta Carrier Nation
- Da'naxda'xw/Awaetlala Nation
- Esk'etemc First Nation
- Haisla Nation
- Heiltsuk Nation
- Hupacasath First Nation
- Ktunaxa Nation
- Kwakiutl Nation
- Lake Babine Nation
- Lheidli T'enneh First Nation
- Liard First Nation

- Mcleod Lake Indian Band
- Musqueam Nation
- Nazko First Nation
- Nuu-Chah-Nulth Tribal Council
- Quatsino First Nation
- Ross River Dena Council
- Sechelt Indian Band
- Squamish Nation
- Tla-o-qui-aht First Nation
- Tlatlasikwala Nation
- Tsleil-Waututh Nation
- Westbank First Nation
- Wet'suwet'en Hereditary Chiefs
- Yale First Nation





MANDATE

The Treaty Commission has three main functions:

- Facilitating treaty negotiations, including assisting the Parties in finding solutions and overcoming impasses;
- Allocating negotiation support funding enabling First Nations to participate in negotiations; and
- Educating the public and providing information about modern treaties and tripartite reconciliation agreements, the negotiations process, and relevant legislation and policies.

In 2018, the mandate was expanded to include supporting the 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, and by the Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia, 2019 (Rights Recognition Policy). The Rights Recognition Policy is the first co-developed tripartite public policy for the recognition and protection of Indigenous rights in British Columbia.

The Treaty Commission is comprised of a Chief Commissioner, four Commissioners, and 11 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 2022/23 fiscal year, operations funding was approximately \$3.05 million.

INDEPENDENCE AND LEGISLATION

The independence of 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 1992 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

The Principals (Canada, British Columbia, and the First Nations Summit) 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), signed in December, 2018; and the Rights Recognition Policy.

The Principals' Accord and the Rights Recognition Policy set a strong foundation 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 will 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's 94 Calls to Action.

The evolution of case law in Canada has further clarified that negotiations are a constitutional imperative mandated by section 35 of the Canadian Constitution. It is an essential role of Treaty Commission to assist in the fulfilment of this constitutional imperative.

THE PUBLIC

Treaty-making is an important part of the fabric of our country. Reconciliation is the collective responsibility of all who live in Canada. The public has a role in rights recognition and reconciliation. Learning about the BC negotiations process and Indigenous rights — becoming informed about important local issues and our shared history—is a collective responsibility.

Initiating change requires community will and support for moving forward together in a new relationship based on respect and rights recognition. The BC negotiations process is based on mutual respect and shared responsibility. Although it is the three Parties that conduct negotiations, the public also has an important role in supporting the BC negotiations process. Everyone 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 history and lasting impacts of colonization and the Canadian residential school system. The 94 Calls to Action and the UN Declaration provide powerful guidance, and their implementation are strong steps forward for individuals and institutions.

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 negotiations teams to observe negotiations.

Extinguishment and surrender of Indigenous rights have no place in modern-day Crown-Indigenous relations, treaty negotiations, or agreements.

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 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 support negotiations;
- 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;
- Brings together First Nations to share best practices and support capacity development;
- 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;
- Providing increased support arising from tripartite workplans;
- Providing increased support for the implementation of the UN Declaration;
- Completion of treaty negotiations and First Nations ratification requirements;
- 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.

The BC Treaty Commission continues to assist the Parties in implementing commitments made through the Principals' Accord and Rights Recognition Policy, and their commitments to implement the UN Declaration at the federal and provincial levels.

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. The Treaty Commission allocates and monitors First Nations and treaty table funding for 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
- Reviewing year end reporting on milestones and tripartite negotiation activity.

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 allocation process 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

For a long time, the NSF arrangement was part repayable loan (80 per cent) and part contribution funding (20 per cent). However, after decades of advocacy, significant steps were taken to align negotiations funding with the recognition of rights, and First Nations are no longer required take loans to undertake treaty or reconciliation negotiations. The Treaty Commission recognizes both the federal and provincial 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 2022/2023 fiscal year, the Treaty Commission allocated more than \$33.5 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. The Treaty Commission requests that funding be directed toward key priorities and issues in negotiations. 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. The Treaty Commission 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 progress toward the negotiations tables' shared goals.

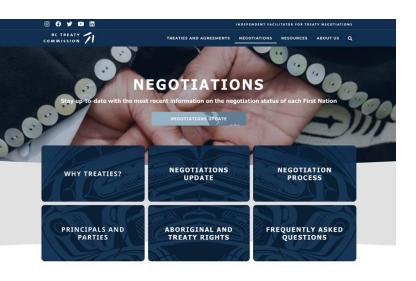
PUBLIC ENGAGEMENT

The Treaty Commission provides public information and education on treaty and tripartite reconciliation negotiations, public engagements, and policy developments.

In May 2023, following months of internal preparation, the BC Treaty Commission launched its new, restructured website. The website refresh serves to modernize the presentation of information about the BC treaty negotiations process, treaties and agreements, and the mandate and work of the Treaty Commission. Improving the user experience, key pages and documents, and frequently used tools, such as the Interactive Map, are readily accessible. As negotiations progress, and policy and legislation evolves, the BC Treaty Commission website will continue to be updated to reflect the latest milestones and innovations in the negotiations process.

To fulfill this part of its mandate, the BC 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, and consolidates this information in its annual report;
- Engages the public on negotiations at conferences, tradeshows, special events, community forums, meetings, and schools;
- Educates and engages youth and emerging Indigenous leaders on reconciliation and negotiations through social media, school presentations, and treaty negotiation workshops;
- Meets with federal and provincial departments and agencies to advocate for the importance of treaty and reconciliation negotiations in fulfilling both Canada's and British Columbia's constitutional obligations and commitments to implement the UN Declaration;
- Engages with local and municipal governments, including regional districts;
- 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 Modern Treaty Nations;
- Maintains a website with current and historical information on treaty negotiations and 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 TRC 94 Calls to Action continue to be a foundational framework guiding governments, industry, businesses, educational institutions, and the public on best practices to support the shared understanding of the history of Canada and impact of Indian Residential Schools. Working together to advance the Calls to Action promotes reconciliation for a strong shared future.

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 through raising public awareness.

The BC Treaty Commission continues highlighting the TRC's 94 Calls to Action and the Task Force Report recommendations, distributing updated Indigenous Rights Recognition in BC handbooks, and promoting awareness of truth and reconciliation work across its social media accounts.

PRESENTATIONS AND CONFERENCES

The Treaty Commission presents at and participates in a variety of gatherings of First Nations, industry, universities, youth, governments, 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 its implementation; and other work of the Treaty Commission.

From October 2022 to September 2023, the Treaty Commission gave numerous presentations throughout the province and in Ottawa, sharing key messaging on advancing reconciliation through modern treaties and tripartite reconciliation agreements. Presentations were made to: Northern Secwēpemc te Qelmūcw Citizens' Assembly; Nisga'a Lisims Government; the federal Deputy

Ministers' Committee on Reconciliation; Crown-Indigenous Relations and Northern Affairs Canada — TAG-NW; Greater Vancouver Board of Trade Indigenous Opportunities Forum; Metro Vancouver Regional District's Indigenous Relations Committee; the Indigenous Bar Association; Indigenous Legal Order Conference; the Continuing Legal Education Society of British Columbia; Union of BC Municipalities Convention; British Consulate-General; Consulate General of France; the University of British Columbia; and King David High School.

The Treaty Commission made appearances before the federal Standing Committee on Indigenous and Northern Affairs, and the Australian Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs. In these appearance, the Treaty Commission gave evidence of the successes and challenges of modern treaties, negotiations, implementation of the UN Declaration, Indigenous rights, federal and provincial legislation and policy, the sharing of sovereignty, and updates on the work of the Treaty Commission.

This September, at the Union of BC Municipalities Convention 2023, the Treaty Commission hosted a panel discussion called "Shared Path of Reconciliation: Treaty Updates and Opportunities for Local Governments." K'ómoks Councillor Coral Mackay, Uchucklesaht Tribe Councillor and Director of the Alberni-Clayoquot Regional District Wilfred Cootes, and Deputy Minister Tom McCarthy from the Ministry of Indigenous Relations and Reconciliation all joined to share their insights on building strong relationships and shared understandings with local government.

The Treaty Commission participated in the Land Claims Agreement Coalition Conference, 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 Gathering Our Voices.

Over last year and half, there has been a strong push for public open houses on upcoming modern treaties. As negotiations between Parties come to a close, the public is invited to attend open houses where they can learn more about the treaty, ask questions and share their thoughts. The BC Treaty Commission participated at open houses for the K'ómoks, Kitselas, Kitsumkalum, and Te'mexw negotiation tables. We recognize the First Nations, Canada and British Columbia for their leadership in collaborating on these important public engagements to share information and foster shared understandings on upcoming modern treaties in BC.

FORUMS AND ROUNDTABLES

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

On August 28, 2023, the Treaty Commission hosted the Enrolment and Eligibility (E&E) Roundtable, bringing together First Nations undertaking E&E work as they approach key ratification processes leading up to treaty, and governments and First Nations treaty and ratifications experts. Previous forums include: the Governance for Multi-First Nation Treaty Tables Roundtable, co-hosted with Northern Secwēpemc te Qelmūcw in February 2022; the s.87 Tax Gathering, co-hosted with Hul'qumi'num Treaty Group in September 2021; and Enforcement of Indigenous Laws, co-hosted with K'ómoks First Nation in February 2021.

In April, the BC Treaty Commission spoke before the United Nations Permanent Forum on Indigenous Issues, and in July spoke before the Expert Mechanism on the Rights of Indigenous Peoples, sharing recommendations including calling on UN Member States to: support enhanced participation of Indigenous peoples throughout the United Nations; support consent-based agreements and arrangements; recognize and enforce treaties, recognizing their respective nation-to-nation treaty relationships and take distinct-based approaches with Indigenous peoples; and continue implementing the UN Declaration, including through legislative and policy changes co-developed with Modern Treaty Nations.

EMPOWERING EMERGING LEADERS

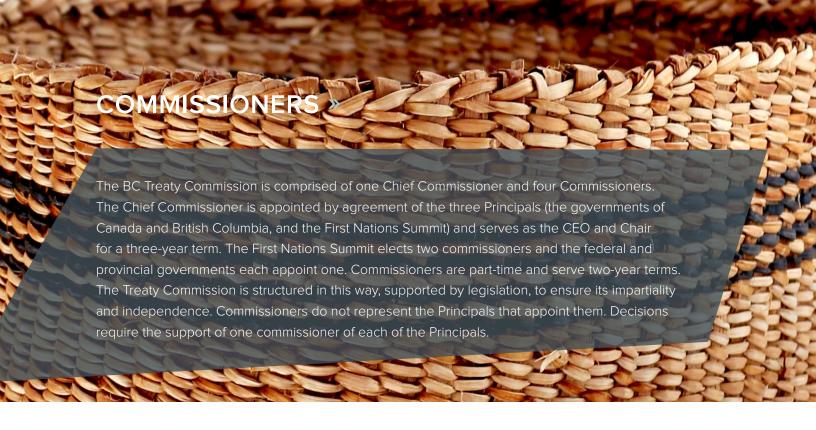
Understanding modern treaties and negotiations is important and possible for individuals of all ages. The Treaty Commission continues to prioritize and engage youth and emerging leaders.

This March, the Treaty Commission was part of Gathering Our Voices (GOV): Indigenous Youth Leadership Training, which is an annual event that offers ceremonies, workshops, and engaging educational experiences. The 2023 event was held over four days in Vancouver and brought together over 1,200 youth delegates between the ages of 14 and 24 from across the province and Canada. The Treaty Commission held a treaty negotiations workshop and had a booth at the Career and Education Fair.

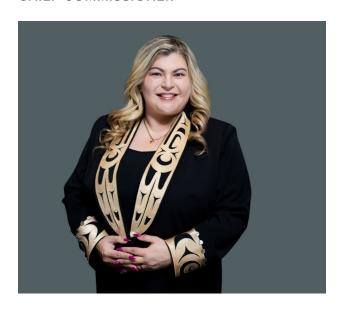
In July, the Treaty Commission went to Kitselas First Nation to facilitate a second treaty negotiations workshop to the Kitselas Youth Culture Camp. This workshop gave an opportunity for youth to experience hands-on learning about the negotiations process, to engage with their Nations' treaty teams and leadership, and to learn about the work being done to support treaty and self-governance in their communities.

The Treaty Commission gave presentations to post-secondary students at the University of British Columbia and to high school students at King David High School on modern treaties and the negotiations process.





Celeste Haldane, KC **CHIEF COMMISSIONER**



CHIEF COMMISSIONER CELESTE HALDANE

is serving her third term and was first appointed in April 2017. Celeste is Musqueam (Coast Salish) and Metlakatla (Tsimshian) from the Sparrow and Haldane families and has European ancestry.

Celeste is a practising lawyer and was appointed King's Counsel in 2019. Drawing from over 25 years' of experience, her specializations are in Indigenous law, 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. She earned a Bachelor of Laws and Bachelor of Arts (Anthropology) from the University of British Columbia. Celeste is currently serving as a volunteer member of the Advisory Council on Diversity to the Commander Joint Task Force Pacific. Previously, she served on the Hamber Foundation, UBC Board of Governors, the Brain Canada Foundation, Legal Aid BC, the Musqueam Capital Corporation, and the Indigenous Bar Association. She 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



COMMISSIONER LISEANNE FORAND is the Government of Canada appointed Commissioner. She is serving her second term as Commissioner and was initially appointed in 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 in both the DFO and the Department of Indian and Northern Affairs. Liseanne was also Senior Associate Deputy Minister 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 (Honours) from Concordia University. She has also served on a number of boards, including Vice Chairperson of the Board of Polar Knowledge Canada, and 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**



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

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

Angela Wesley **COMMISSIONER**



COMMISSIONER ANGELA WESLEY is the Province of British Columbia appointed commissioner. She is serving her third term and was first appointed by the 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.

Angela has worked with First Nations throughout BC for over 30 years providing advice and facilitation focused on strategic planning, community development and engagement, communications, and governance capacity building. She was an active contributor throughout negotiations and ratification of the Maa-nulth treaty and the Huu-ayaht Constitution and remains active in the implementing the treaty and rebuilding her self-governing nation. Angela serves as Speaker for the Huu-ay-aht First Nations Legislature and Annual People's Assemblies, and served as Board Chair/President for the Huu-ay-aht

Group of Businesses for eight years. She represents the five Maa-nulth First Nations on the tripartite treaty implementation committee and has served and continues to serve as a director on several First Nations, post-secondary and corporate boards and trusts. Angela is actively involved in international discussions on Indigenous governance and leadership. She resides in her husband Gerald's traditional territory of Kitsumkalum in Terrace and enjoys the company and teachings of her grandson.

Clifford White COMMISSIONER



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 Gitxaała Nation, is a hereditary leader and former elected Chief Councillor

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

Clifford also serves on various boards, including Chair of the First Nations Advisory Committee of BC, Board Chairman of the Northern Nations Cooperative, and Director with the Prince Rupert Indigenous Housing Society, the New Relationship Trust Foundation, and the First

Nations LNG Alliance. He is passionate about commercially sustainable environmental management and continues to work with the Industry Training Authority, private industries, union and non-union trades on Indigenous workforce developments.

Clifford is a proud husband to Lynn, father to three children, grandfather to four, and has two rez dogs.

The 2023 Annual Report features photographs taken at Tsawwassen First Nation. We thank the artists and cultural ambassadors whose artworks are prominent throughout this report.

STONE AND POLE RAISING CEREMONY

On March 8, 2019 Tsawwassen First Nation held a stone ceremony that was an integral first step before the territory marker or pole raising ceremony that happened on April 3, 2019 which is celebrated as Treaty Day every year by TFN.

The stone ceremony is a very important piece because, as respected Elder Joe Norris explained, these blessed stones are what protects the land. The stones were placed with the utmost

care after being blessed by Joe Norris. Placed in the ground marked with sacred medicine and on cedar bows, while some Tsawwassen members sang and drummed their traditional songs. Three youth were chosen to witness the work so they may pass down this knowledge and retell the story to other nations and the generations to

Starting at the same location at the mouth of Canoe Pass, speaker lan Campbell welcomed everyone in the traditional language and so eloquently explained the significance of the ceremony that was about to commence. Again, youth were chosen to bear witness to each territory marker raising and four TFN women were chosen to bless each pole with water and cedar bows after they were unveiled.

At each location TFN drummers and singers were given the opportunity to sing and drum while the pole was being blessed and each artist also was given the opportunity to speak about their work and what it meant to them.



The pole at Canoe Pass was carved by local artist Clifford Gurniak. The pole depicts a beautiful owl and frog. Next the pole at 28th and 52nd street was done by well known artist Karl Morgan; the TFN eagle with outspread wings is displayed in a majestic manner.

The remaining three poles, carved by former Chief Bryce Williams, are located at Tsawwassen Mills Mall and along Tsatu's shoreline. Two being depictions of human figures, one being a woman in front of the mall and the other a man on Tsatsu beach, with their hands in a position of welcoming in Coast Salish tradition.

These poles all have different meanings to the artists. But the Territory Markers are placed at the farthest points of Tsawwassen First Nation Lands to ensure the lands and people of Tsawwassen First Nation are protected. While these markers are beautiful to look at, they have great cultural significance to the Tsawwassen First Nation people and their land.

