

Fraser Valley Treaty Advisory Committee First Nations Media Monitor - Excerpts March 20, 2010

Summary of news events reported on First Nations, Aboriginal communities, and rights & title issues. This report can also be found on the FVTAC website at the following link:

<http://www.fvrd.com/AboutUs/FVTAC/Pages/Reports.aspx>

Treaty Talks Suspended Pending Salmon Inquiry

Fisheries Minister Gail Shea announced that the federal government would defer salmon fishery treaty negotiations until after an inquiry into declining salmon stocks produces its recommendations. Last November, B.C. Supreme Court Justice Bruce Cohen was named to lead the inquiry and is expected to produce an interim report by August and a final report by May 2011. Shea said the freeze would not affect negotiations that are already in the final stage such as the Yale First Nation, In-SHUCK-ch Nation, and Tla'Amin (Sliammon) First Nation treaties. However, it could hold up other treaty talks for almost two years. Clarence Pennier, president of the Sto:lo Tribal Council – which is opposed to the Yale treaty, said he believes the Yale negotiation was not deferred because of “political reasons.” The Tla'Amin treaty negotiators have now resumed talks with the federal government regarding fishery provisions, which is the only outstanding chapter in the band's final agreement. On February 25, Fisheries and Oceans Canada presented a proposal to Tla'Amin with numbers that fell “far short of meeting our community needs,” said Roy Francis, Tla'Amin chief negotiator. The band sent in a counter-proposal on March 2 and is waiting for a response from Canada. (*Canadian Press, March 2; Chilliwack Progress, March 9; Powell River Peak, March 10*)

Band's Blockade Delays Logging Plans

The Okanagan Indian Band's (OIB) defiance of a B.C. Supreme Court order to lift their five-month long blockade has caused Tolko Industries to miss the window for a winter harvest and therefore temporarily give up plans to log an area near Vernon, said Tolko's Mark Tamas. The company will try to log again after the snow melts, said Tamas. Chief Stewart Phillip, of the Okanagan Nation Alliance, said the break in logging gives the federal and provincial governments a good opportunity to negotiate a settlement. OIB is concerned about the effects logging will have on the watershed that feeds into the community and would like to see an integrated resource development management plan involving all parties. The band is seeking to revoke the enforcement order and both OIB and Tolko are scheduled to be back in court March 12. (*Kelowna Capital News, March 7; Penticton Herald, March 8*)

Lax Kw'alaams Lead the Way in Logging

The Lax Kw'alaams Band, through their wholly owned subsidiary Coast Tsimshian Resource (CTR), is leading the way to rebuilding the forest industry based on establishing clusters of manufacturers that utilize everything from wood chips to sawlogs. The community of 1,000 people control a logging business that earns an estimated \$30-million a year in revenues, which have helped pay for sidewalks, paved roads, a swimming pool, and new education initiatives.

Lax Kw'alaams began in 2004 with the purchase of the timber holdings of the old Skeena Cellulose pulp mill and soon became one of the top five tenure holders in B.C. with rights to more than 700,000 cubic metres of timber per year. CTR is now the largest forest licensee in a regional coalition working together to redevelop the forest industry. (*Vancouver Sun, March 12*)

Nation Unity Discussed at Fisheries Forum

A workshop on the implications of a divided nation was well received at the recent Fisheries Forum. A task force, put together by Unity Gatherings, the St'at'imc Gathering and Chiefs Council, is working on developing a national governance strategy for issues that affect all communities and places of shared title. Vulnerabilities identified by the workshop's discussion group included that the depletion of First Nations most basic food, salmon, creates hardship and poverty and forces community leaders to make decisions that compromise other important values. Workshop participants were told that a unified approach to protecting the salmon stocks would be a step toward protecting the ucwalmicw (people of the land). Other issues discussed were how disagreements between communities creates insecurity and uncertainty for members, the federal government hierarchy, individual rights take away from the collective rights of people, and that the ultimate threat of a divided nation is assimilation. (*St'at'imc Runner, March 2010*)

Aboriginal Fisheries Reports Potential Pollution Source

Ken Malloway, of the Fraser Valley Aboriginal Fisheries Society, recently sent a report to federal fisheries officials regarding a potential pollution source flowing into the river from the nearby Shxwha:y Village Landfill. Malloway was called down to the site when members of the Skway First Nation (Shxwha:y Village) noticed some dark-coloured runoff being pumped into a local slough and wanted him to find out the possible impacts on fish or fisheries habitat. A fishery officer told Malloway that he would look into the situation. The landfill, which is run by Hazco Environmental Services through a permit by Indian and Northern Affairs, accepts construction and land-clearing debris and has leachate collection systems in place. Hazco officials were informed of the situation and have said they will investigate to see if there is anything abnormal in the discharge. (*Chilliwack Progress, March 5*)

Stewardship Projects Presented at Workshops

The 6th Annual B.C. Stewardship Workshop, in Lillooet, included several presentations by local and visiting stewardship groups that are restoring damage to riparian zones and salmon populations by forming committees and finding funding sources for small projects on their own. All projects have to be approved by the Department of Fisheries and Oceans (DFO) and often include DFO partnerships, but the drive for these initiatives are coming from regular citizens and band fisheries programs. The Xwisten Fisheries has several restorations projects underway including the development of spawning grounds at Apple Springs on the Bridge River. Since 2002, Lil'wat has had funding from DFO for stock assessment on Chinook, sockeye and Coho in Birkenhead River and is currently in its second year of a Chinook residency study. Now in its third year, the Powerhouse Foreshore Restoration project, a partnership between Sek'wel'was and the Lillooet Naturalist Society, is restoring an area along Seton River. Stewardship activities also include participating in educating students about the interconnection between salmon and the St'at'imc culture. (*St'at'imc Runner, March 2010*)

Fraser River Fishing Altercation Subject of Film

An incident that occurred last August between Chehalis First Nation and sports fishers on the Fraser River has resulted in bringing First Nations and sport fishermen together to promote understanding and sharing. The incident involved a pair of sport fishermen refusing to move their boat out of a prime drift-net location, which escalated into an altercation and ended with Chief Willie Charlie being shot in the face with a pellet gun. The situation shocked First Nations and sport fishers so both groups agreed to come together at meetings facilitated by the Fraser River Salmon Table. The meetings have resulted in better understandings between the groups and a goal to avoid conflict and work together. To further this effort, cooperatively created pamphlets on "River Manners" have been distributed and a film re-creating the incident along with an example of positive engagement between First Nations and sports fishers is being produce, which will be posted on the Internet and shown in fishing tackle shops in the Fraser Valley. (*Chilliwack Times, March 9; Globe and Mail. March 11*)

Halalt Blockade Down During Talks

The Halalt First Nation agreed to remove their blockade of Chemainus Road in the wake of meetings between band leaders, Aboriginal Relations Minister George Abbott and District of North Cowichan (DNC) representatives. The roadblock went up on February 25 to protest DNC's plans to tap into an aquifer the runs under reserve land and into the Chemainus River. The municipality says the project is necessary to provide clean drinking water for Chemainus residents, but the Halalt say it could jeopardize their drinking water and threaten water levels and fish stocks. The initial meeting has "identified a potential road map for further discussions," said Abbott and both sides have agreed to a second meeting that will focus on a collaborative approach to water management and resources in Halalt territory and North Cowichan. Chief James Thomas said the band acted quickly and in good faith to remove the blockade but it will go back up if DNC doesn't move forward. (*Times Colonist, March 11 and 12*)

Penticton Band Close to Reacquiring Railway Lands

Chief Jonathan Kruger, of the Penticton Indian Band (PIB), says the band hopes to have the Kettle Valley Railway right-of-way lands through the reserve returned to them before the end of the year. PIB and the federal government are currently discussing crossings and encroachments with the Ministry of Transportation and the City of Penticton with the goal of securing tenure and public highway use. However some West Bench area residents are concerned about the future use of the 56 hectares along the corridor and the lack of public consultation on the issue. A 40-name petition was submitted to the Regional District of Okanagan- Similkameen (RDOS) requesting the route, which has mainly been used as a biking and walking path since the CP Rail removed the tracks in the 1980s, be retained as a public venue. In the early 1900s, the land was removed from the band's reserve for the construction of the Kettle Valley Railway and the band's primary goal right now is to reacquire the land, says Kruger. Following that, PIB will be willing to meet with RDOS to discuss the future use of the right-of-way, which could also include allowing waterlines along the corridor for proposed water system upgrades. (*Penticton Herald, February 25*)

Cowichan News-Leader Pictorial, March 3 – Editorial, in part:

“While we appreciate the frustration and helplessness that has led members of the Halalt First Nation to block Chemainus Road, their blockade is a mistake. It’s not going to prevent completion of the Chemainus wells project, or encourage North Cowichan to put the band’s hand on the tap. What many non-Natives see is a group of people unlawfully preventing them from getting to work, or the ferry, or to see friends. And they will conclude the only reason the blockade hasn’t been shut down is because the protestors are Native. What many Natives see are angry reactions from drivers clearly unsympathetic to their cause, and not-at-all understanding of the reasoning behind their actions. Frustration leads to anger and rash words lead to the ripping of old wounds. Accusations of racism should surprise no one. When you break it down, this is simply a local development issue, little different than battles over Paldi or the Cliffs Over Maple Bay. Local government has decided on a course of action despite the objections of a vocal segment of the community. Like it or not, local government ultimately has that authority. And the proper avenue for challenging that authority is in the courts. Just a few weeks after Halalt councillor Tyler George told the News Leader Pictorial this water dispute is not about ‘us and them,’ the blockade has made it exactly that.”

Cowichan News-Leader Pictorial, March 10 – Doug Routley wrote, in part:

“The Halalt are concerned about their own water supply, the health of the Chemainus River and the potential impact that future development plans will have on that resource. The Halalt have said that they want a ‘hand on the tap’ that would protect their own water supply from the impacts of future development plans. Based on lofty language of the ‘new relationship’ offered by the B.C. Liberals, the Halalt, and other First Nations, have come to expect a different level of consultation and consideration. Gordon Campbell’s B.C. Liberal government approved the Chemainus wells project without ensuring adequate consultation would occur. Now, the municipality is stuck between a rock and a hard place, having to complete the project or lose funding. I asked the Minister of Aboriginal Relations, George Abbott, if he would commit to consultation and meetings with the Halalt. The chief, a councillor and many members of Halalt were present in the legislature to hear Mr. Abbott refuse this meeting and hide behind the fact the matter is before the courts in order to evade his responsibility to provide leadership to the issue. So, the fact that the court has yet to hear the issue is enough excuse for the government to side step their leadership role but not enough to slow down the project in order for consultations to occur. Instead, Mr. Abbott failed to take the opportunity to begin making those lofty words of reconciliation, respect and new relationship become something more than a political slogan.”

Vancouver Sun, March 11 – Barbara Yaffe wrote, in part:

“Canadians and their political leaders are ignoring all the signs of a looming Aboriginal insurrection in their midst, warns a prominent military analyst. Douglas Bland, a former lieutenant colonel in Canada’s Armed Forces who chairs defence management studies at Queen’s University in Kingston, Ont., says conditions are ripe for a major uprising by First Nations people. In a speech titled, ‘Where Are Aboriginal Affairs in Canada Headed?’, Bland [says] Canada is particularly ‘vulnerable to a national disturbance, given its economic dependence on the export of oil, gas, natural gas, hydro power and other commodities to the U.S.’ ‘Aboriginal communities are sitting on those supply chains. At any moment they can turn that system off, which would pose a danger to the economy and to Canadian sovereignty.’ Another problem, says Bland, is that the Aboriginals who graduate from universities most often

don't return to reserves where they could improve governance and economic prospects. A community with a sense of grievance needs only a particular economic or political condition to aggravate it, along with a unifying leader able to mobilize the group to trigger an insurrection. Because Aboriginals reside in areas adjacent to Canada's resource bounty and these sometimes remote and expansive tracts of land are largely undefendable, the feasibility of a major conflict is that much greater. While past Liberal governments in Ottawa have deployed a strategy of big spending to alleviate unacceptable on-reserve living conditions, the Harper government has taken a different approach. Conservatives have focused more on urban-dwelling Aboriginals and, of course, given a formal apology and financial redress for historic injustices at First Nations schools. With only five of 308 sitting MP's (and six senators) reflecting Métis, Inuit or First Nations ethnicity, Parliament would be better equipped to respond to Aboriginal challenges if more First Nations people were to become engaged in national political processes."