

Fraser Valley Treaty Advisory Committee

First Nations Media Monitor - Excerpts

May 1, 2009

*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>

AROUND THE PROVINCE

First Nations Groups Seek Halt of Review

The Nlaka'pamux Nation Tribal Council, the Okanagan Nation Alliance, and the Upper Nicola Indian Band are asking the province to halt an environmental assessment of the proposed Interior-Lower Mainland transmission line project. In February, the B.C. Court of Appeal suspended a certificate of public convenience and necessity issued by the B.C. Utilities Commission for the project, but so far, the province and BC Hydro have refused to suspend the review. The First Nations groups are not convinced that the project is the best approach for meeting the regions growing power demands and say the government is ignoring the ruling, which states the First Nations must be consulted on the project.

(Kamloops Daily News, April 16)

Four Host First Nations Awarded VANOC Contracts

Over \$53-million in venue construction and \$1.2-million in non-venue contracts have been directly awarded to Aboriginal businesses by the Vancouver Olympic Organization Committee (VANOC). The contracts are part of an agreement negotiated with the Four Host First Nations. Resource Business Venture, a joint venture between the Lil'wat Nation and CRB Logging, was awarded a \$33-million contract to clear roads and trails at the site of the Olympic Nordic venue. The contract will provide 17 man-years of employment for Lil'wat members. A \$19-million contract to construct four buildings at Whistler Olympic Park was awarded to Newhaven Projects, a partnership between the Squamish Nation and Newhaven Construction Group that includes 18 First Nations employees. Newhaven also helped manage the construction of the Squamish Lil'wat Cultural Centre. A joint venture between the Tsleil-Waututh and Tsawwassen First Nations, SPAL General Construction, received a \$600,000 contract for paving work around the Olympic centre. An additional \$1.2-million in non-venue contracts for ancillary services such as catering, artwork, photography and translation services was awarded to various First Nations companies. All the contracts directly awarded to First Nations were on par with open market prices, said VANOC executive vice-president Dan Doyle.

(Vancouver Sun, April 11)

MOU Signed for Land Transfers to Maa-nulth Nations

Following the recent signing of the Maa-nulth Nations' final treaty agreement by the federal government, B.C. Aboriginal Relations and Reconciliation Minister Mike de Jong signed a memorandum of understanding (MOU) with each of the five Maa-nulth First Nations for early transfers of Crown land. The Huu-ay-aht First Nations will receive 31.5 hectares of waterfront land in Grappler Inlet. The Toquaht Nation will get a 19-hectare parcel near the entrance to Ucluelet Harbour. Approximately 55 hectares at Green Cove and Limestone Bay will go to the Uchucklesaht Tribe, which is currently the site of a store owned and operated by the band. The Ucluelet First Nation will receive 34 hectares adjacent to Pacific Rim National Park Reserve that they have identified as a key component to the band's economic development plans. Two parcels of land, 1.8 hectares at Fair Harbour and 35 hectares on Amos Island, will go to the Ka:'yu:k't'h'/Che:k'tles7et'h' First Nations, which currently leases the Fair Harbour property for its marina operation. *(Alberni Vanlley Times, April 14)*

Chiefs Work on Getting First Nations to Vote

New Democratic Party (NDP) incumbent Claire Trevena has angered the Klahoose First Nation with a pledge to impose a moratorium on new independent power projects. The Klahoose have signed a deal with Plutonic Power Corporation to develop a run-of-river power project at Toba Inlet and Trevena has suggested the band was “shortsighted” to sign on. In response, Chief Ken Brown is working on a strategy to get people to the polls on the May 12 provincial election to vote for the Liberal candidate and unseat the NDP. Trevena’s opponent in the North Island riding is former First Nation chief Marion Wright who notes that the NDP “have promised First Nations everything and delivered nothing.” However, in the Kootenay East riding Chief Cheryl Casimer of the St. Mary’s Indian Band is actively working to defeat the Liberal incumbent Bill Bennett. The NDP candidate in this riding is a member of the Ktunaxa Nation, which Casimer believes will help win support to defeat Bennett. Casimer said she is suspicious of the Liberal government’s commitment to change after Premier Gordon Campbell backed away from the Recognition and Reconciliation Act.

(Globe and Mail, April 9)

NDP Endorses Aboriginal Recognition Act

New Democratic Party (NDP) leader Carole James’ election platform document formally commits the NDP to achieve “respect, recognition and accommodation of Aboriginal title and right in developing government agreements and treaties.” The statement is similar to, and essentially endorses the B.C. Liberal government’s proposed Recognition and Reconciliation Act. The NDP platform also pledges to press federal government support for the United Nations Declaration on the Rights of Indigenous Peoples and for greater independence for the B.C. Treaty Commission.

(Quesnel Cariboo Observer, April 15)

ACROSS THE NATION

Ottawa Should Provide Flood Protection for Aboriginal Communities

Phil Fontaine, National Chief of the Assembly of First Nations, says the federal government is being irresponsible and unfair by placing the onus of flood protection and repairs on Aboriginal communities across Canada. Indian Affairs have stated that First Nations receive funds each year from the federal government and it is up to them to decide how they spend it, but Fontaine notes the communities don’t have the resources or means to ensure protection from floods. Many Aboriginal reserves within the floodplain of the Red River in Manitoba do not have any kind of protection, unlike most Manitoba towns that are surrounded by permanent dikes. The province estimates approximately 500 houses have been damaged and about 300 of those are on the Peguis First Nation Reserve north of Winnipeg. Fontaine said the province has a duty to protect all its citizens, including those on the reserve, but long-term solutions should come from Ottawa.

(Globe and Mail, April 22)

Indigenous Peoples Gather to Discuss Climate Change

Approximately 200 to 300 delegates are expected to attend an international summit of Aboriginal peoples in Anchorage, Alaska. The Indigenous Peoples’ Global Summit on Climate Change is hosted by the Inuit Circumpolar Council and will include discussions on ways to preserve indigenous ways of life, said delegate Lance Nukon of the Vuntut Gwich’in First Nation in Old Crow, Yukon. The goal of the summit is to develop a global action plan to submit to the United Nations for consideration. *(CBC News, April 20)*

TREATIES

Tsawwassen Celebrates Treaty Effective Date

The Tsawwassen First Nation (TFN) held a ceremony to mark the TFN Treaty officially taking effect at midnight April 3. The treaty taking effect means the return of self-governance to the Tsawwassen people, a separation from the Corporation of Delta, and no longer being legislated by the federal Indian Act. TFN members ratified the treaty in July 2007 and it received final approval and royal ascent in the House of Commons last June. Along with self-governance, the treaty also expands the TFN land base by more than 400 hectares and includes cash transfers, fishery allocations, and a seat on the Metro Vancouver board. During the celebration Tsawwassen Chief Kim Baird revealed a new TFN logo and gifts were exchanged between the newly formed TFN government, B.C., and Canada.

(Delta Optimist, April 1 and 4)

Unity First Nations Discuss Treaty Issues

Members of the First Nations Unity Protocol Group (FNUPG), which represents more than 60 B.C. bands, gathered on April 24 to discuss the lack of progress in their treaty negotiations. The group is warning that there could be blockades and other acts of civil disobedience. Robert Morales, FNUPG chief negotiator, said senior levels of government had indicated a return to the Common Table with new strategies to “break the impasse” but they have yet to receive any notification from either the provincial or federal government. Following years of intermittent negotiations only a handful of First Nations have successfully concluded treaty negotiations and Morales notes that those agreements are not an acceptable template for the Unity Protocol First Nations treaty negotiations. Anita Boscarol, a negotiator with Indian and Northern Affairs Canada, acknowledged that senior levels of government are “less willing to be flexible” on some common “bottom line” issues regarding co-management of traditional territories and the constitutional status of treaty lands, but insists they don’t negotiate with a “pre-determined approach.” However, Morales wants all aspects of treaty negotiations to be open for discussion.

(Nanaimo Daily News, April 15 and 17)

FORESTS

Squamish, Lil’wat and Whistler Partner in Community Forest

The Squamish Nation, Lil’wat Nation and Resort Municipality of Whistler have signed a Community Forest partnership agreement to work together to manage the land in and around the resort community. The Whistler Community Forest, which includes 30,000 hectares with 6,500 hectares of timber harvesting land base within it, will be managed by a six-person executive consisting of two representatives from each of the partners. A public advisory committee will also be established that will make recommendations to the executive. Under the Community Forest agreement the partners are required to log a minimum of 20,000 cubic metres of timber for each of the first five years, which is expected to begin in 2010. The executive is working with Ecotrust Canada to develop an ecosystem-based management plan and will also manage the scenic, recreational, environmental, and cultural values of the land base.

(Whistler Question, April 16)

FISHERIES

Elders Seek Answers on Early Stuart Salmon

On March 25, several elders gathered for an Elders Meeting at Cayoose Band to hear a report on the fishery presented by the Northern St'at'imc Fisheries (NSF) and the Department of Fisheries and Oceans (DFO). Questions were raised on issues such as polluted waterways and how to get more Early Stuart salmon to spawning grounds upriver. The steady decline of the Early Stuart has long been a concern of to the St'at'imc people and although most have stopped fishing them over the past twenty years, elders are allowed and encouraged to take some of the prized fish because of their high nutritional value. DFO Aboriginal liaison Barry Huber told the elders at the meeting that an estimated 250,000 Early Stuart sockeye is expected to return this year and that St'at'imc fishers would be able to take an allotment. The DFO is planning to manage for an escapement of 105,000 to spawning grounds, said Huber. However, Grand Chief Saul Terry, NSF biologist Dr. David Levy and the elders rejected this proposition saying it made no biological sense. The average escapement of the cycle line is 285,000 and therefore all the fish should be allowed through to the spawning grounds, said Levy.

(St'at'imc Runner, April 2009)

First Nations Fisheries Exception to Suzuki's Call for Fishing Ban

During a recent presentation to the Campbell River Chamber of Commerce, Dr. David Suzuki, founder of the David Suzuki Foundation, called for a total shutdown of B.C.'s sports and commercial salmon fisheries with the only exception being the Aboriginal fisheries. Suzuki said both the federal and provincial governments have mishandled the coastal fisheries situation to the point that all fisheries should be at least temporarily shut down in order to help restore wild salmon stocks. However, Suzuki excludes First Nations from this ban citing that a cultural repository salmon lore might be lost "within a generation" if First Nations weren't permitted to fish.

(Business Examiner-Vancouver Island, April 3)

LOCAL GOVERNMENT

Band and Town Seek Funds to Cleanup Harbour

The Chemainus First Nation and the Town of Ladysmith are jointly seeking a portion of a \$1.8-million provincial fund to use towards their efforts to cleanup the Ladysmith Harbour. The provincial funding is available to projects aimed at stopping environmental damage in places marred by former industrial occupants and Ladysmith Harbour is one of three top contaminated areas being considered by the province for remediation. The waterfront overlaps the First Nation, Ladysmith, and Cowichan Valley Regional District boundaries.

(Ladysmith-Chemainus Chronicle, April 14)

EDITORIAL EDITS

Tri-City News, April 10 – Face to Face

Terry O'Neill wrote, in part:

"We can't say we haven't been warned. The front page of the March 27 edition of The Tri-City News carried a sobering headline: 'Cities fear fees from the Tsleil-Waututh.'

Consultation fee? A more accurate description would be shakedown fee, carrying the implicit threat that band

members will picket, protest or otherwise make a nuisance of themselves if Metro Vancouver communities don't cough up cash before proceeding with any new development.

But really, hasn't government itself, specifically the B.C. Liberals, been inviting exactly this sort of behaviour by our Aboriginal neighbours? The provincial government announced a few months ago that it intended to pass something called the Recognition and Reconciliation Act. The unprecedented bill would have recognized Aboriginal rights and title throughout the province, something critics quickly pointed out would give Aboriginals 'enormous power and control' over B.C.

Meantime, with the B.C. Liberals in full retreat on the Aboriginal-rights issue, it's no wonder that groups such as the Tsleil-Waututh are pressing their advantage."

Mary Woo Sims wrote, in part:

"I'd love to know what happened to Premier Gordon Campbell to turn him around on his approach to Aboriginal issues. From the premier who in his first term held the \$9-million racist treaty referendum to the premier who was to introduce the Recognition and Reconciliation Act which, if passed, would recognize Aboriginal rights and title, Campbell's conversion is nothing short of miraculous.

I'm sure some will be disappointed with the delay but I'm hopeful that the next government will introduce similar legislation. It is high time that the province continue to move forward in a positive manner with respect to the First People.

Aboriginal peoples also have serious questions to ask of themselves as well. The current 203 separate groups or nations in B.C. would have been 'reconstituted' into 30 'indigenous nations' under the act. How will this be done? What would the leadership structure look like? How would territories currently under dispute by different nations be dealt with?

We've come a long way from the racist treaty referendum of 2002."

Alberni Valley Times, April 14 – Editorial, in part:

"The fact that it is 2009 and British Columbia is still signing treaties is a disgrace.

This process should have been completed long ago. What is worse is that there are still people in this province, and this community, who believe Aboriginal people do not deserve what is being offered when treaties are signed.

On Thursday while people celebrated at the Athletic Hall the treaty signing was the talk of town. Unfortunately, even in the 21st century people are ignorant when it comes to the importance of this process. The belief that the Aboriginal community was 'taking our land and money' and 'claiming what is not theirs' was being whispered around Port Alberni.

The reality is we owe this, and much more, to the original owners of this land. We came and took what was theirs, now we should give them something back. They are not asking for more than they deserve. They want what we all want – opportunities. By signing this treaty, the Maa-nulth Nations have received help and the possibility of a better future."

Bridge River-Lillooet News, April 15 – Jane Carrico wrote, in part:

"This 'seismic' legislation [Recognition and Reconciliation Act] would turn B.C.'s existing 203 Indian bands into 30 tribal governments whose leaders would form a 'Council of Indigenous Nations' and henceforth deal with the B.C. government as an equal.

A taste of what might come is evident in a letter the Western Canada Wilderness Committee recently received from the Klahoose and Shishalh First Nations after they had the impertinence to oppose some of the massive private power projects planned for coastal watersheds.

From now on, the WCWC must ask permission before they enter indigenous territories, 'abide by the ultimate decision of the First Nations with respect to such projects' and 'cease perpetuating myths and falsehoods about run-of-river developments.'

Asking for permission to enter any given traditional territory ceases to be a ritual if that permission is denied. Demanding obedience to financially-rooted decisions made by individuals unelected by 95 per cent of the populace amounts to race-based fascism. In an open and democratic society, one person's 'myths and falsehoods' are

another's scientific research.

So far, Wilf Hanni's Conservatives are the party to come out and oppose this legislation, quite rightly predicting that giving away our watersheds to foreign interest/First Nation partnerships will do tremendous harm to B.C.

The editorial board predicts that the Conservatives will vastly increase their support in rural B.C. this upcoming election."

Vancouver Sun, April 27 – John Cummins wrote, in part:

"In March 1991, the British Columbia Supreme Court in its Delgamuukw decision rejected a claim of Aboriginal title to 22,000 square miles of northern British Columbia.

That should have been the end of the debate, but between the time the B.C. Supreme Court rendered its decision in Delgamuukw and the appeal of the decision to the B.C. Court of Appeal, the NDP government of Mike Harcourt came to power.

To that end the Harcourt government dismissed the legal team that had won the decisive victory in the B.C. Supreme Court, appointed a new legal team sympathetic to the native cause and directed it to concede the key elements of the case the province had won at trial.

The Harcourt government asked the Supreme Court to recognize an Aboriginal right or interest in land and to base such recognition on an acknowledgement that there had not been a blanket extinguishment of Aboriginal rights in land.

Harcourt's concession of Aboriginal title was again rejected. The Supreme Court of Canada did not grant a declaration of Aboriginal title.

The [Premier Gordon] Campbell government in February 2009 did the unthinkable and 'pulled a Harcourt,' declaring that it was now a believer and it would recognize Aboriginal title throughout British Columbia without any requirement for claimants to title to provide any evidence or proof that they indeed qualified for Aboriginal title.

The promise by the Campbell government to recognize Aboriginal title to land throughout British Columbia has encouraged those native leaders who already believe that natives hold title to all lands in the province and that the rest of us are at best tenants and at worst trespassers on their land.

Recognition of Aboriginal title would transfer control of 95 per cent of British Columbia to native leaders who represent little more than three per cent of the population. If you own it, control it and have title to it, it follows that revenues which flow from the land such as stumpage fees, mining royalties, rents and access fees for recreational and sporting activities that you impose will be yours.

How the provincial treasury, robbed of these revenues, would maintain its obligations to all British Columbians, including roads, medical and education services, is not addressed by Campbell's recognition and reconciliation proposal."