

**Fraser Valley Treaty Advisory Committee
First Nations Media Monitor - Excerpts
April 3, 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

Two B.C. Bands Receive Federal Water Funds

The Kamloops First Nation (KFN) and the Tla-o-qui-aht First Nation are two of the 14 First Nations from across Canada to receive funding from the federal government for water and wastewater projects. The funding is part of \$165-million earmarked by Ottawa for such projects and previous spending from the fund has already reduced high-risk water systems in First Nations communities from 193 in 2006 to 58. KFN will use the funding to switch their business park from septic into a wastewater collection system. The Tla-o-qui-aht will get an updated water supply and new sewage-collection system for their reserves near Tofino and Long Beach. The project will help with plans to add 160 new homes to the reserves over the next four years and will provide the opportunity for some members to move back to the reserve.

(The Province, March 20)

Landfill Toxins Threaten First Nation's Drinking Water

A new study commissioned by the Nlaka'pamux Nation Tribal Council (NNTC) and funded by Health Canada shows the Cache Creek landfill is leaching toxic pollutants into the surrounding environment close to the Ashcroft Indian Reserve and has raised concerns about tainting the band's drinking water source. The researchers found traces of leachate in the Bonaparte River, in groundwater, in drinking-water wells and in almost everywhere they looked outside the dumpsite. The landfill was supposed to be designed to contain leachate for 200 years or more, but is already leaking heavy metals, hydrocarbons, phenols and other chemicals says the report. However, Metro Vancouver and the landfill operators say the report contradicts more than 20 years of environmental monitoring data that shows the operation is safe. Metro representative Bill Morrell called the findings "very speculative and preliminary" but noted the district would be conducting some independent monitoring beyond the scope of the existing monitoring program, which does not monitor private wells. The Cache Creek landfill is scheduled to close at the end of next year, but an environmental assessment application (EAA) is currently pending to double the size of the site. NNTC recently announced that it would be filing a legal challenge claiming they were not consulted about the expansion and have been excluded from the EAA process.

(Globe and Mail, March 20; Vancouver Sun, March 21)

Mount Currie Chief Re-Elected

Chief Leonard Andrew received 332 votes over closest challenger Lyle Leo's 169 to be re-elected as chief of the Mount Currie Indian Band of the Lil'wat Nation. Andrew said changing the band's governance system is on the top of the list for the Mount Currie council. The band currently governs according to an "outmoded" model set out in the federal Indian Act, said Andrew. Re-elected as band councillors is Bruce Edmonds, Lois Joseph, Maxine Joseph, Martina Pierre, Morgan Wells and Patricia Williams. Joining them on the council are newly elected Vaughn Gabriel, Joanne John, Felicite Nelson, Tara Smith, Rosemary Stager, and Christopher Wells.

(Pique News Magazine, March 12)

ACROSS THE NATION

INAC Prepares to Update Funding Programs

Documents leaked from Indian and Northern Affairs Canada (INAC) say Minister Chuck Strahl is recommending a “new program to foster more effective and accountable First Nations governance.” INAC currently provides money to band councils through five programs, which were designed 25 years ago and expire on March 31, 2010, that are out-dated and have not been changed to reflect or fund “new responsibilities facing First Nations.” Strahl notes in the document that discussions are underway with various Aboriginal organizations and groups, such as the Assembly of First Nations, to work out which reforms would best suit band councils across the country.

(Pique News Magazine, March 12)

TREATIES

In-SHUCK-ch and Province Sign Bilateral Agreement

On March 16, the In-SHUCK-ch Nation, consisting of the Douglas First Nation, Samahquam Nation and Skatin First Nation, signed a bilateral understanding with the provincial government, which formally concludes treaty negotiations between the two parties. The understanding is an interim step prior to a final treaty agreement between In-SHUCK-ch, the province, and the federal government. The proposed final agreement includes capital transfer funds, 1,284 hectares of existing reserve land, and approximately 14,976 hectares of provincial Crown land. However, the Chehalis Nation is protesting the agreement claiming part of the treaty land on the table is their territory. The Chehalis says the ancient Village of St’epsum, also known as 20 Mile Bay, belongs to them and that they were not consulted about the land encroachment issue. However, Gerard Peters, In-SHUCK-ch chief negotiator, disputes this claim saying his nation has interests of its own there. A representative from the B.C. Ministry of Aboriginal Relations and Reconciliation confirmed the area of dispute is included in the agreement but noted there is language in the agreement that could amend the final decision regarding 20 Mile Bay. The land dispute was left to the two First Nations to work out, but no agreement could be reached between the two parties.

(Ministry of Aboriginal Relations and Reconciliation, - News Release, March 16; Mission City Record, March 19; Pique News Magazine, March 19)

UN Requests Report on B.C. Treaty Process

Fatimata-Binta Victoire Dah, chairperson of the United Nations (UN) Committee for the Elimination of Racial Discrimination (CERD), told Canada’s ambassador to the UN that the country must cooperate with the UN investigation into complaints about the B.C. treaty process. Dah notes that Canada signed an international agreement to eliminate all forms of racism that gives CERD the power to demand a report when the issue involves “encroachment on the traditional lands of indigenous peoples.” Bertha Williams, from the Tsawwassen First Nation, and Arthur Manuel, of the Neskonalith Indian Band, went to Geneva in February saying that new treaties with their bands threatens the existing form of their individual Aboriginal title and has asked the UN to intervene. Canada has been given until July 31 to respond to the UN. *(Cowichan Daily News Leader, March 23)*

Sto:lo Tribal Council Considers Treaty Talks

Grand Chief Doug Kelly says the Sto:lo Tribal Council (STC) may look at joining treaty talks if the proposed Recognition and Reconciliation Act is approved by the provincial legislature. The proposed Aboriginal title and rights legislation would involve the creation of a commission to resolve overlapping claims, which is a issue of concern with STC and the Sto:lo Nation. The two groups split in 2004 following a political dispute. STC vice president Tyrone McNeil said the federal government must also change its treaty mandate before the tribal council would be willing to come to the treaty table. *(ChilliwackProgress, March 13)*

LOCAL GOVERNMENT

Tsleil-Waututh Stewardship Policy Aims Levy at Cities

The Tsleil-Waututh Nation (TWN) has released a “Stewardship Policy” stating that they intend to levy fees on projects within the band’s defined area, which TWN says local governments must pay as part of their duty to consult with First Nations. Belcarra Mayor Ralph Drew, chairman of the Lower Mainland Treaty Advisory Committee (LMTAC), said regional municipal leaders were “stunned” and are concerned the policy could mean delays for construction projects, add new layers of cost, and give the band veto power that “trumps local and regional plans.” TWN’s new policy defines an area of traditional territory of 413,000 hectares, which is more than twice as large as previously defined and includes the North Shore, Vancouver, Burnaby, New Westminster, Richmond, Delta, South Surrey, White Rock, Southern Langley, Bowen Island, and the Sea-to-Sky Corridor. Federal and provincial governments have a duty to consult and accommodate First Nations when Aboriginal interests may be infringed and the Tsleil-Waututh believe the same rule should apply to municipal governments. However, LMTAC has gone to the province to determine whether cities must abide by the policy and what would happen if they choose not to. (*Tri-City News, March 30*)

City Seeks Financial Assistance from Kitselas

The City of Terrace is considering asking the Kitselas First Nation for help in raising money for an industrial park project on Kitselas traditional territory at the airport. In 2007, Terrace and Kitselas signed a Memorandum of Understanding that outlined the industrial park as a “joint land development project” and Mayor Dave Pernarowski would like to work on defining what that means. The city has put \$68,000 into this year’s budget and \$120,000 each year thereafter until they reach \$700,000, but requires an additional \$700,000 commitment to match a federal and provincial \$1.4-million grant supplied under the Building Canada program. (*Terrace Standard, March 11*)

Tribes Plans Utility Company

Cowichan Tribes has plans for a band-owned and operated water/wastewater utility company, which is consistent with the Tribe’s working agreement with Duncan and North Cowichan for an environmentally friendly and technologically advanced system to replace the valley’s current lagoon system. Cowichan Tribes requires an estimated \$17-million in water and wastewater infrastructure to service the existing homes and planned new homes on reserve. The proposed Cowichan Tribes-owned company would be the first time in Canada that a band has provided water and sewer infrastructure through its own utility corporation and could be used as a pilot project for other First Nations in B.C. and across the country, said Chief Lydia Hwitsum. Developing their own company will also enable the band to move forward on development projects without waiting for capital funding from Indian and Northern Affairs Canada, which can take from six to 11 years. A full business plan for the project is expected to be complete by 2010 and Tribes is hosting several community information sessions to build support and awareness.

(*Cowichan News-Leader Pictorial, March 18*)

Some Neskonlith Members Oppose District Project

The Thompson-Nicola Regional District (TNRD) is moving forward with plans to develop a recycling centre and solid waste transfer station eco-depot for the Village of Chase on the Neskonlith Indian Band reserve. The Neskonlith band has approved the plan through a referendum and the chief and council are interested in developing an industrial park with TNRD as a tenant. However, a group of Neskonlith members are opposed to the project and warned TNRD directors during a board meeting last June “we’ve already had a roadblock and it will happen again.” Chase Mayor Harry Danyluk, who favours the Neskonlith site, said the band council is very supportive of the project and that it is just a small group that “doesn’t recognize the decisions of the elected council” that is protesting. TNRD is also looking at another possible location on the Adams Lake Indian Band reserve, said Danyluk.

(*Kamloops Daily News, March 14*)

EDITORIAL EDITS

Kamloops Daily News, March 12 – Editorial, in part:

“A report out of Ottawa from the Assembly of First Nations shows natives have made significant improvements in education and employment in the last decade, especially those who live in urban areas. The number of adult Aboriginals in urban areas with a high school degree jumped to 59.9 per cent. The number with a university degree went to 6.8 per cent from 4.2 per cent. Admittedly, statistics for reserve natives continue to point to big challenges, with high unemployment rates and low median incomes. Perhaps best of all, these trends create a sense of hope and optimism that will inspire us all to cooperate and reach for ever greater goals.”

The Province, March 17 – Michael Smyth wrote, in part:

“Premier Gordon Campbell’s decision to back away from a proposed ‘seismic’ power-sharing law with B.C. First Nations was triggered by behind-the-scenes opposition from business groups and growing alarm within his own Liberal Party ranks. All British Columbians deserve openness and transparency on such a fundamentally important issue. Cooking this up in secret and threatening to ram it through the legislature flies in the face of everything Campbell promised. Don’t forget this is the same man who once said title over Crown land in B.C. would always rest with the Crown and no one else. He’s the same man who demanded full consultation, public hearings, and a referendum over treaties with individual First Nations, never mind sharing decision-making authority over almost the entire province with Aboriginal governments. It’s time for him to remember his promises to all the people, native and non-native alike.”

Vancouver Sun, March 18 – Vaughn Palmer wrote, in part:

“When Premier Gordon Campbell gave his first tentative commitment to recognizing Aboriginal rights and title in legislation, he emphasized that ‘we need to take the time to get it right.’ The first public indication of where the government was headed came on Feb. 26, when the Vancouver Sun and the Globe and Mail published summaries of the discussion paper. Two days later, Campbell briefed business leaders, giving rise to immediate concerns about the implications for access to Crown land and resources. Not satisfied by what they’d heard in follow-up briefings with provincial officials, business leaders commissioned a legal opinion that challenged many of the assumptions in the discussion paper. It warned about ‘enormous and potentially unintended consequences’ for management of provincial land, resources, and the economy. The March 9 opinion began to find its way into the hands of B.C. Liberal ministers and backbenchers, raising concerns that the poorly understood proposal could undercut support for the governing party in resource-dependent communities and with right-of-centre voters. By Thursday, the drive to fast-track the legislation had run out of gas. The formal announcement went out the next morning in a joint statement from the [First Nations Leadership] Council and the office of the premier. ‘Over the past few weeks, many important issues, concerns and questions have been raised,’ it acknowledged. ‘As the parties to the discussion paper, we need to take the time for consultation and further discussions before tabling this bill.’ One year after the initial commitment, one month after the provincial negotiating team endorsed the discussion paper, the proposal to recognize Aboriginal rights and title in legislation still wasn’t ready for public consumption.”

Times Colonist, March 22 – Editorial, in part:

“A generation of Aboriginal leaders and white politicians has grown old at the bargaining table. But the premier’s solution is striking. The purpose is to remove, at a stroke, some long-standing obstacles to progress. The act establishes a new Indigenous Nations Commission, with the power to mediate between bands. In effect, the government is saying to Aboriginal leaders: ‘It’s your problem. You fix it.’ The government proposes to solve this problem in a dramatic manner. Instead of negotiating with individual bands, it wants to deal at a higher level. The legislation proposes a new system of Aboriginal governance, based on tribal boundaries. Since there are only 23 of these Indigenous Nations in B.C., compared with several hundred bands, the negotiating process will be simplified. An entire layer of native government – the band system – is being shunted aside. So what about the problems? First, the act promises these new Indigenous Nations far-reaching rights of consultation in land-use planning. It also offers them a share of natural resource revenues. These provisions, so far poorly spelled out, have alarmed the business community. Mining and forestry are already subject to complex regulations. If these are made even more cumbersome, resource companies are entitled to be concerned.”

Times Colonist, March 25 – Les Leyne wrote, in part:

“When the new relationship with B.C. First Nations took shape in 2005, one of the things government officials were excited about was that all the native leaders were sitting at the table together. Today there is delicate work underway to further the new relationship by introducing legislation that explicitly recognizes Aboriginal rights and title. And the same concept of unifying the First Nations side in the negotiations is encouraging government officials anew. In fact, it’s a central part of the deal. B.C. now has about 200 Indian bands. Doing any kind of over-arching deal with natives involves getting some form of buy-in from most of them. The B.C. Liberals, in a move that was unthinkable a decade ago, will recognize Aboriginal title. But in return, the native leadership will work on reconstituting Aboriginal governance and the bands will evolve into about 30 Indigenous Nations. Provincial officials say it holds the potential to reduce or eliminate boundary overlaps and streamline the multiplicity of views on various issues. It doesn’t mean natives have uncontested title to the land, in the modern sense of legal ownership. It means government recognizes Aboriginal title and rights, in the sense that they have an ancient claim to the land that must be honoured in all dealings.”

Vancouver Sun, March 27 – Jeffrey Rustand wrote, in part:

“Premier Gordon Campbell wishes to perform an experiment, to accomplish a politico-legal makeover unparalleled in Canada’s history which will, in the words of a government official, be a ‘seismic shift’ for us all. The proposed bill may have started as a pragmatic effort to regularize the Crown’s duty to consult with Aboriginal people when Aboriginal rights might be impacted. Then it jumped track and transmogrified. When the distracting chaff of government PR is brushed aside this is Campbell’s plan: B.C. will be carved into about 30 territories, each territory belonging to a ‘reconstituted’ indigenous nation. Each indigenous nation will be recognized to have Aboriginal title throughout its territory, including rights to natural resources. By law, Aboriginal title carries with it a right of exclusive occupation, management and use. Recognition of Aboriginal title over all of B.C. will, by law, give the new indigenous nations the right of veto over future use and development of all land in the province, and the right to extract rents. Did any of the premier’s advisers think this through? Indigenous nations will be recognized to already have their own ‘laws, governments, political structures, territories and rights.’ Where are these governments? What are these laws? Economic activity in this province, certainly all activity concerning natural resources, will be, to an unknown degree, subject to the consent of the indigenous nation(s) affected. Law and government would be divided among 30 indigenous governments plus the province, and governance would be weighed down by never-ending consultations and bartering among these players. In sum, the proposed bill, if it conforms to the discussion paper, can only be described as foolhardy, divisive, and astronomically expensive.”