

Fraser Valley Treaty Advisory Committee

First Nations Media Monitor - Excerpts

May 29, 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

Aboriginal Issues are Premier's Priority

The day after Premier Gordon Campbell was re-elected for a third term, he announced his intention to move forward on his plan to formally recognize Aboriginal rights and title. Campbell said Aboriginal issues were among his top priorities, including closing the health and educational gaps between Aboriginals and non-Aboriginals through reconciliation and recognition. However, he acknowledged the concerns regarding the controversial Aboriginal Relations and Reconciliation Act and said his staff would continue to work with business representatives and that he is willing to accept input on the plan. Provincial Conservative leader Wilf Hanni says his party will continue to support a citizen initiative to force the Liberal government to hold a referendum on the proposed Act. Hanni is opposed to the legislation, which he says will give Aboriginal people 100 per cent control over British Columbia's entire land base. "What I would like to see is a final settlement, preferably in cash...and I'd like to see Aboriginals receive all the benefits and accept all the responsibilities" that non-Aboriginals have, said Hanni.

(Globe and Mail, May 14; Vancouver 24 Hours, May 14; CFX 1070 News, May 17)

TREATIES

K'omoks Reject Treaty Offer

The K'omoks First Nation has rejected a treaty offer made by the provincial and federal government that included \$8.75-million in cash and approximately 1,000 hectares of land. Several items the K'omoks considered as non-negotiable, such as access to Goose Spit and fisheries access issues, were not included in the offer.

(Times Colonist, May 21)

Haisla Votes Against Incremental Treaty Agreement

Members of the Haisla Nation voted against an incremental treaty agreement (ITA) that would have transferred three parcels of land to the band. Out of a total of almost 1,000 eligible Haisla Nation voters, only 165 members cast ballots and 103 of those voted against the ITA. The incremental treaty agreement was recommended last year in a report produced by the Treaty Commission as a way to move treaty negotiations forward and was accepted by all parties. Haisla negotiators say crucial mistakes were made in the ratification process resulting in the low voter response. The process is currently being reviewed to avoid similar mistakes in the future.

(Treaty Commission Update, May 2009)

ITA Provides Tla-o-qui-aht with Five Parcels of Land

Five parcels of land totalling 63 hectares within the District of Tofino will be transferred to the Tla-o-qui-aht First Nation over the next four years through an incremental treaty agreement (ITA) between the band and the provincial government. The first parcel of 16.3 hectares will be transferred immediately. The next transfer will occur when an agreement in principle is reached, then another on its first anniversary; the fourth one when a final agreement is initialed and the last parcel will be transferred when the final agreement is signed. The land is being transferred as fee simple land to a designated company controlled by the band and will eventually become part of the Tla-o-qui-aht final treaty agreement.

(Treaty Commission Update, May 2009)

Tsawwassen and Tribes Reach Resource Agreement

The Tsawwassen First Nation (TFN) and Cowichan Tribes have reached an agreement to establish an ongoing framework for resolving issues on harvesting rights, conservation and management of resources. Cowichan Tribes took issue with harvesting rights set out in the Tsawwassen Final Treaty Agreement and as an alternative to court action agreed to negotiations. The agreement will provide TFN with harvesting rights in the Gulf Islands, as set out in their treaty agreement, but subject to conditions. These include consultation and information sharing by the Tsawwassen and if a resource becomes scarce, Cowichan Tribes will have priority access within its traditional territory.

(Treaty Commission Update, May 2009)

LOCAL GOVERNMENT

TNG and Western Biomass Seek Support From City Council

The 50/50 partnership of the Tsilhqot'in National Government (TNG) and Western Biomass Power Corp. presented their proposal to build a \$260-million power generation facility in the Cariboo Chilcotin to the Williams Lake city council to obtain their support. The partners plan to build wood-fired plants using Mountain Pine Beetle killed trees. The project would cost \$40-million to build the 230-kilovolt transmission line and \$250-million to build the 60-megawatt power plant. Presenters told city council members that the project would be beneficial to First Nations and other licensees in the area, and would help to maintain a healthy forest. The company was unsuccessful with their bid under phase one of BC Hydro's Bioenergy Call last year, but have re-submitted a second proposal under phase two, which was launched by BC Hydro in March. Deputy Mayor Surinderpal Rathor motioned for the council to prepare a letter of support for the proposal to be brought forward and finalized at the next city council meeting.

(Williams Lake Tribune, May 21)

EDITORIAL EDITS

Kelowna Daily Courier, May 11 – Mischa Popoff wrote, in part:

“With Gordon Campbell’s closed-door negotiation of the Recognition and Reconciliation Act with Chiefs Stewart Phillip and Edward Johns, a new brand of anti-private-property militancy is about to grip this province. This Act marks the beginning of the end of property rights as we know them, all for the supposed benefit of less than three per cent of the provincial population. This population is represented by federally and provincially backed ‘chiefs’ who preach a gospel of helping their people even though the majority of First Nations people have

yet to directly benefit from deals their leaders have brokered.

No development has gone forward in this province in my lifetime without being subject to stringent review to ensure native land claims, along with environmental and local community concerns, were being fully respected. This well-functioning system will now be replaced by a new bureaucracy of unelected First Nations representatives. The result will be stagnation and, in some cases, the loss of control over property that British Columbians have legitimately paid for. All land claims must be settled, but not like this.”

Globe and Mail, May 15 – Patrick Brethour wrote, in part:

“The business community is, quite rightly, relieved that the Liberals won Tuesday’s vote, avoiding the sting of the 1980s-vintage ideas of the NDP and its near-pathological dislike of private capital. Yet there is cause for even greater nervousness as the supposedly business-friendly Mr. Campbell turns his third-term sights back to the reconciliation act.

First broached in March, the legislation was put on hold after a mini-revolt by business leaders, aghast that the Liberals hadn’t bothered to consult the business community beforehand.

The day after his win, Mr. Campbell was promising to both listen to the concerns of business and adjust course accordingly. It’s an eminently sensible thought, but for the small matter that it might not be possible to bridge the positions of Aboriginal bands and business.

Take the issue of royalties (and assume that it’s shorthand for fees paid for the extraction of natural resources). The Aboriginal position is straightforward: Bands deserve a portion of that cash, and royalties could rise to allow that to happen.

To put it mildly, the idea of increased levies in the midst of a crash in commodity prices is far from a popular idea. The other possibility, that the money comes out of the government’s pockets rather than those of business, would hardly be welcome news for Mr. Campbell as he pushes to eliminate the provincial deficit.

Regional Chief Shawn Atleo of the B.C. Assembly of First Nations makes the reasonable point that business could very well benefit, even with higher fees, if projects that faced lawsuits instead received relatively quick approval under new regulatory regimes that included Aboriginal bands.

True enough – if Aboriginal bands were willing to limit or even forgo the ability to tie projects up in court.

Ultimately, the unbroken string of Aboriginal legal victories means that the province has little choice but to proceed. The key to winning over business leaders will be to ensure that the new rules, whatever they might be, are accepted by all and consistently applied.”

Vancouver Sun, May 28 – Derek Andrew wrote, in part:

“Currently, the federal government imposes an own-source revenue claw-back on First Nations; each extra dollar of revenue generated by a First Nations government reduces its federal transfers by 50 cents. First Nations leaders view the claw-back provision as a major barrier to introducing taxation and detrimental to economic development on reserves.

The current own-source revenue claw-back discourages First Nations from exploring the potential of expanding into the income tax domain.

I examined the fiscal situations of the Squamish, Musqueam, Tsleil-Waututh and Tsawwassen First Nations. I determined that significant revenue potential exists through First Nations acquisition of taxation powers over members and lessees living on reserve lands.

My analysis finds that the tax exemption should be phased out and replaced with income tax collection by First Nations in conjunction with Revenue Canada or by an expanded First Nations Tax Commission.

This approach has worked smoothly with the Yukon First Nations income taxes operating for more than a decade.

Eliminating the on-reserve income tax exemption by mutual agreement with individual First Nations combined with temporary suspension of their transfer claw-backs would produce more accountable band governments, increase funds for infrastructure, and yield healthier, wealthier, and wiser Aboriginal communities.”

QUOTES

From a letter to Indian and Northern Affairs Canada Minister Chuck Strahl from Kerry Coast, Publisher of the St'at'imc Runner – May 22:

“As an inquiry for the Lillooet Tribal Council publication, The St'at'imc Runner newspaper, I would like to find out what your position is in regards to the provincial Liberals' and First Nations Leadership Council's endeavours to legislate Aboriginal recognition of crown title on unceded aboriginal title lands through the so-called recognition and reconciliation legislation, nearly tabled before the election this spring.

It is my understanding that the provinces are not endowed with the authority to legislate on Aboriginal title land, nor to negotiate land issues that respect "Indians or lands reserved for Indians." I am aware of section 109, and that the province's interests are subject to the indigenous interest. I am aware that section 35 recognizes and affirms existing Aboriginal and treaty rights, and wonder what a provincial act could possibly add to that? I am wondering why this First Nations Leadership Council, a product of the current B.C. government, is being placed in a public position of authority to represent and bargain for all First Nations in B.C. in matters of title, which they cannot; indeed a great many First Nations have no affiliation with this Council?

I am wondering what do you see as your role in all of this, as the appointed overseer of Indian Affairs, the federal and therefore competent agency to address this sort of matter? I think a comment from your office is past due, and wait impatiently to receive it.”

Kerry Coast, Publisher – The St'at'imc Runner newspaper