



# **Hul'qumi'num Treaty Group Status of Negotiations**

*Annual Report to the British  
Columbia Treaty  
Commission*

April 1, 2007 - March 31, 2008

**HUL'QUMI'NUM  
TREATY GROUP**

Prepared for British Columbia  
Treaty Commission

# Hul'qumi'num Treaty Group Negotiations Status

## Activities of the Tripartite Working Group

The tripartite negotiations at Hul'qumi'num Treaty Group took a dramatic turn in the 2007-8 fiscal year, with Canada and British Columbia largely withdrawing their continued support for ongoing, intensive Agreement in Principle (AiP) chapter negotiations. Early in the fiscal year, we continued the intensive efforts of previous years to find common ground on chapter language, continuing to work through discussions on law making (family relations, wills and estates, social services and concurrent law model), and environmental assessment and protection. This occupied 4 negotiation days in April 2007, 4 days in May 2007, and 3 days in June. During these sessions at the table with Canada and British Columbia, HTG continued to articulate the vision of a treaty relationship with Canada and BC that is respectful to the vision of a strong self-government and an ongoing role in decision-making throughout the traditional territory, the "Getting to 100%" mandate we have discussed with the Chiefs, Elders and communities.

Though a great deal of time was spent negotiating the law-making provisions of the governance chapter, few law-making issues were brought to a conclusion. Central to the disagreement is a difference in vision of the nature and extent of governance powers. Also at odds are persistent issues around the legal mechanisms by which law-making powers should be reflected in the agreements, and in particular differences in understanding about the operation of the concurrent law model. The parties also consistently expressed disagreement about the extent of authority, influence, and power a post-treaty self-government would have over lands and resources throughout the traditional territory. Issues of shared decision-making and territorial governance were largely unresolved.

<b>Chapter</b>	<b># of Clauses Tabled</b>	<b># of Clauses Agreed</b>	<b>(% agreement)</b>
Amendment	13	0	(0%)
Heritage Sites & Repatriation	36	21	(58%)
Environmental Assessment & Protection	22	7	(31%)
Dispute Resolution	47	47	(100%)
Dispute Resolution Apx. 1-6	306	304	(99%)
Fiscal Relations	23	4	(17%)
Capital Transfer	21	19	(90%)
Taxation	27	0	(0%)
Fisheries	under 'concepts' development		
Forestry	51	19	(37%)
Governance	84	42	(50%)
Law-Making Provisions* (see next pg.)	214	45	(21%)
Eligibility & Enrolment	75	60	(80%)

<b>Chapter</b>	<b># of Clauses Tabled</b>	<b># of Clauses Agreed</b>	<b>(% agreement)</b>
Implementation	10	8	(80%)
<i>Indian Act</i> Transition	12	10	(83%)
Land	77	30	(39%)
Access	33	8	(24%)
Subsurface	45	1	(2%)
Land Use Planning	55	5	(10%)
Provincial Parks	33	11	(33%)
Federal Parks	30	27	(90%)
Ratification	21	18	(85%)
Approval	5	0	(0%)
Reconciliation	16	0	(0%)
Water	48	24	(50%)
Wildlife	88	10	(12%)
Migratory Birds	57	16	(28%)

<b>Law-Making Provisions</b>	<b># of Clauses Tabled</b>	<b># of Clauses Agreed</b>	<b>(% agreement)</b>
Education	29	2	(7%)
Health	20	0	(0%)
Child and Family	19	10	(53%)
Adoption	9	6	(67%)
Marriage	3	3	(100%)
Emergency Measures	5	4	(80%)
Traffic & Transportation	5	0	(0%)
Buildings & Structures	7	1	(14%)
Public Works	2	2	(100%)
Business Licencing	5	4	(80%)
Elections & Referenda	4	4	(100%)
Administration & Management of Hul'qumi'num Government	16	3	(19%)
Social Services	6	5	(83%)
Labour	6	0	(0%)
Wills & Estates	10	1	(10%)
Family Relations	15	0	(0%)
Justice (draft)	53	0	(0%)

### **HTG Table Negotiations Breakdown**

The Tripartite Working Group (Canada, BC, HTG) has not met as a table since June 14-15, 2007. HTG requested that the parties cancel the negotiations on June 28-29, July 4-6, Aug 8-10, Sep 6-7. The core rationale for the cancellations of negotiations on HTG's part was to allow senior staff time to focus on issues relating to the question of internal unity, and issues relating to the impending Tsawwassen Final Agreement. By early September, HTG had requested that we resume our scheduled discussions with a negotiation agenda that followed our previously-agreed-to calendar of dates:

- Sep 20-21: Law-making: Divorce, Wills & Estates, Housing, Labour
- Oct 11-12: Law-making: Justice, Cemeteries, Income Support, Gaming
- Oct 25-26: Law-making: Immunity & Liability, Appeal & Review, non-member representation
- Nov 8-9: Land chapter (legal drafting clean-up)

- Nov 21-22: BC Parks
- Dec 6-7: Local Gov't Relations
- Dec 14: General Provisions & Certainty

From the earlier tripartite workplan, HTG also had agreement from Canada and BC that early in 2008 we would schedule meetings for the following topics: General Provisions (3 days); Water/Local Gov't Relations (2 days); Eligibility and Enrollment (1 day); Crown Roads (1 day); Amendment/Work Planning (1 day).

BC & Canada cancelled the scheduled negotiations beginning Sep 20-21. Canada requested cancellation of the dates in September on the basis that British Columbia would not respond to requests to confirm the meeting date. British Columbia had notified HTG in early September that they would not be attending any negotiation sessions until BCTC confirmed the status of Cowichan at the HTG table. British Columbia agreed to "discuss how to recommence treaty negotiations," making no firm commitments to the rigorous work plan we had previously agreed to. British Columbia also refused to participate in any previously agreed to side-table processes (BC Parks, land selection, local government relations). No commitments were made by any of the parties to establish dates for the previously agreed on topics for 2008.

During this hiatus of negotiations at our local table, HTG continued to work in chapter development in the complex area of law-making, fisheries, and oceans management. The HTG vision for the family breakdown and wills & estates chapters were concluded, and a comprehensive draft of a justice chapter was composed. Community consultations on these chapters continued during this time, along with consultations around land selection. HTG also continued to work during this time on consulting the community regarding Eligibility and Enrolment criteria (circulating surveys, making presentations to various committees and at community meetings). We note that for this ongoing chapter preparation work, HTG has had some difficulty in maintaining a high level of community involvement. This is due, we believe, to the non-immanence of negotiations on these chapters. The membership of the chief-and-council appointed internal working groups for reviewing chapter drafts and interests has become ambiguous, and in most cases, we were unable to secure adequate attendance at meetings called.

### **Chief Negotiators discuss possible negotiation openings**

The HTG Chief Negotiator has met with negotiators from Canada and BC (no Federal or Provincial chief negotiators are currently assigned to the HTG table) on December 20, 2007 and January 30, 2008 to discuss renewing negotiations at the HTG table. HTG proposed several courses of action at these meetings, including working on outstanding AiP chapters, continuing with land selection technical work, re-igniting the local government relations side-table, finalizing and implementing the terms of reference for a BC Parks side-table or negotiating local implications of the issues being planned for discussion at the Common Table. Neither governments' negotiator were able to commit to a work plan at HTG. This discussion of potential negotiation openings is to continue early in the 2008-9 fiscal year.

### **Tsawwassen Final Agreement Overlap**

Early in the 2007-8 fiscal year, HTG began to concentrate efforts on the implications of the elements of the Tsawwassen Final Agreement that overlaps with the Hul'qumi'num core and marine statement of intent areas. HTG staff and legal counsel conducted an intensive review of the implications of the Tsawwassen Final Agreement, and worked to consult with member First Nation elders, chiefs and

councils, and community members on the issues. HTG hosted Canada and BC, and on one occasion the Tsawwassen First Nation treaty team, in discussions on this agreement in four day-long sessions in May through July 2007. At this point, the member HTG First Nations resolved to each undertake individual consultation processes in respect of the Tsawwassen Final Agreement. From time-to-time during the remainder of the 2007-8 fiscal year, HTG staff supported and advised the member First Nations on these discussions.

### **HTG Member First Nations Internal Review**

In May and June 2007, the then chief of Cowichan Tribes made media releases announcing a plan to establish a parallel Cowichan Treaty Table independent of the Hul'qumi'num Treaty Group. These media announcements prompted the leadership of the HTG to conduct an intense internal review around long standing issues around governance and management of the society and communications with member First Nations chiefs and councils and general membership. By early 2008 a new chief and council at Cowichan, having consulted with their general membership, expressed explicit support for continuing to conduct treaty negotiations through the HTG. The HTG executive and Board of Directors continue to work to implement changes to ensure that the concerns of all member First Nations are being addressed.

### **Unity Protocol and the Common Table**

On October 28, 2006, HTG became a founding member of the Unity Protocol, an agreement amongst First Nations that six of the major issues which treaty tables are working on must be negotiated at a higher-level with Governments. The six issues include (1) constitutional status of treaty settlement lands, (2) nature and operation of the concurrent law model, (3) co-management and shared decision-making, (4) own-source revenue and taxation, (5) certainty and extinguishment, (6) fish rights, allocation and management. Following a 'canoe blessing' ceremony that took place on the water near the Departure Bay ferry terminal, the Unity Protocol First Nations petitioned the First Nations Summit to engage Canada and BC in Common Table negotiations on these topics. A Common Table was agreed to by Canada and BC early in 2008 and several multi-First Nation preparation sessions were held in early in 2008 to establish a terms of reference for engagement in the 2008-9 fiscal year. This is a major initiative for HTG in 2008-9.

### **Prioritizing HTG efforts to meet the challenges presented by the 'major gaps'**

HTG is committed to vigorously pursuing our goal of a comprehensive Agreement-in-Principle. Acknowledging the major gaps that have been identified in the chapter drafting exercise, we have re-configured our efforts to apply ourselves in ways that will efficiently reach this goal. We have taken a leadership role in the Unity Protocol process, which is seeking more effective ways to engage Federal and Provincial mandates on the major gap issues. We have put significant energy into policy development to build the link between the New Relationship policy and the treaty talks in areas of shared decision-making which, we hope, will provide the substantive basis for resolution of many if not most of the issues related to territorial jurisdictions for First Nations in treaty. We are investing important internal time and resources to find creative solutions for the resolution of outstanding issues arising from privatization of most of HTG territory in 1884 for the E&N railway. We have worked on developing the governance capacity of the member First Nations through the implementation of a shared decision-making board, a referrals technical working group, ongoing joint participation in the management and planning of the Gulf Islands National Parks Reserve, and the development of computerized archaeological potential mapping. We have undertaken comprehensive community consultation processes regarding eligibility and enrollment, land selection and a Hul'qumi'num Government constitution. These activities have helped

put HTG in a good position to overcome the major gaps presented at the treaty table, and to continue to implement the principles of self-government.

## Hul'qumi'num Treaty Group Negotiations Activities

Significant projects were undertaken in 2007-8 to prepare for substantially engaging the issues at the table, to conduct strategic activities that assist in building internal governance capacity, and to communicate with member First Nations and the general public about the options being developed and the issues being discussed. The following section outlines the specific activities undertaken by HTG staff.

### Chief Negotiator

Chief Negotiator Robert Morales has continued his central role in leading the tripartite negotiations. He has conducted strategic legal analysis, in concert with the negotiation staff and managers, of positions being taken at the treaty table. He has also continued to personally participate to a high degree in community consultations, including regularly meeting with:

- chiefs and councils,
- the HTG Board of Directors,
- HTG Elders Advisory Board,
- member First Nations Elders Advisory Committees,
- general community meetings, and
- youth forums.

He has exercised leadership in providing strategic direction on the negotiations and related activities to the HTG managers and executive director.

In addition to the work related to the chapter negotiations at the treaty table and community consultations, HTG's chief negotiator has been involved with consultation meetings and shared territory meeting.

In an attempt to find solutions to break the deadlock on the 'major gap' issues at the treaty table, Robert Morales has also engaged with high-level political leadership from Canada and BC. He has met with several Federal and Provincial Ministers, and numerous senior bureaucrats regarding changing government mandates on treaty issues.

In his role as chair of the Chief Negotiators of the First Nations Summit, and as a founding member of the Unity Protocol, Robert has also participated in numerous policy development and political forums, including the Leadership Council, First Nations Summit Task Group, the New Relationships Working Group, AFN, and the so-called "RFING" Committee. These meetings have led to the formation of the Common Table for the discussion of key topics between Canada, HTG and over 60 participating First Nations.

Robert Morales has become a sought-out personality in the media, providing critical comment on treaty issues in numerous radio interviews, newspaper articles, and local and Provincial television broadcasts. He has reached out to the non-Native community through continuing public presentations.

## **Negotiations Management, Support and Projects**

Early this fiscal year, HTG's negotiation support staff (Brian Thom and Lea Joe, supported by Environment consultant Brian Olding and Project Coordinator Jess Rogers) continued to focus most of their efforts on activities related to chapter development and the negotiations of the tripartite working group. This involved conducting research and chapter drafting, meeting with community representative to discuss the core elements of the chapters, engaging the tripartite negotiations, and doing the follow-up work required (revisions to chapters, development of new options for outstanding issues) after the negotiation session completed. This work continued at an intense pace until the end of June 2007 when local table activities were suspended.

HTG Negotiations support staff have worked to develop scenarios for consideration by the HTG leadership for new opportunities for negotiation 'wins' through the out-of-treaty developments that have come as a result of the emerging New Relationship agreements between First Nations and the Province. HTG Negotiation support staff have engaged in a number of these areas, as detailed in the sections below (shared decision-making, cooperative management, archaeology/heritage management, language revitalization).

The Negotiation support staff have completed the consultation phase of the Eligibility Criteria project. Meetings concerning Eligibility Criteria in the 2007-8 year included, a membership, chief and council, and team meeting. Presentations were made to various community elders meetings. A summary report has been drafted for review by HTG Chief Negotiator. This largely concludes a 2-year long project in which the community members were sought for input into the eligibility criteria for treaty. The next step will be to revise the draft HTG Eligibility criteria based on the feedback of the HTG Chief Negotiator, the Board of Directors, and the Elders.

Communications has been an important ongoing component of the Negotiation support staff work, including drafting newsletter articles and media releases, publishing the *Call to Action* booklet, providing updates to the HTG website, and giving community presentations to the general membership, the HTG Elders Advisory Board and the HTG Elders Advisory Committees.

Administratively, the Senior Negotiations Support staff has continued to be involved in management duties, providing oversight and guidance to the HTG Language Revitalization project being done in partnership with the University of Victoria, and on request of the HTG Chiefs, facilitating the organizational review of HTG during the summer/fall of 2007.

## **Legal Counsel**

This year Renee Racette provided a broad range of legal service to Hul'qumi'num Treaty Group. She assisted in administrative legal research, treaty negotiation preparations and actual negotiations, negotiations with Tsawwassen First Nations and related legal research, evidence preparation for the HTG's petition to the Organization of American States, and other legal tasks as required.

This past year Renee researched and prepared language to be used for tripartite negotiations intended to represent the Hul'qumi'num Mustimuhw vision of Wills and Estates, Labour, Family Relations (divorce and relationship breakdown) and Justice. Renee began preliminary research on a treaty chapter for Cemeteries and Funerals. HTG offered a series of options, with the intention of meeting Canada and BC's interests, by providing a very new approach to the Family Relations chapter. This work, although not

accepted by the other parties, proved to broadened discussions on Canada and BC's positions and perhaps interests. Renee participated in the negotiation of chapters on Wills and Estates and Family Relations (divorce and relationship breakdown); she provided legal advice relating to the language by providing HTG's Chief Negotiator with supplementary research as needed during negotiations.

Alongside this work, Renee supported internal HTG research and communications with the six member First Nations respecting the ratification of the Tsawwassen First Nations Final Agreement. Renee was part of the team conducting an analysis to review the impacts of the Tsawwassen Final Agreement on Hul'qumi'num Treaty Group's negotiations. Many of the communities expressed distress respecting certain provisions of the Agreement which they felt were counter to their rights and interests. The Treaty office responded by conducting a wide variety of review and consultation. As a result Renee researched the options available to the communities and the possibility of entering into litigation on this matter. She was also part of the team that met with Canada, BC, and Tsawwassen First Nation to disclose HTG concerns and discuss the potential for accommodations. Renee prepared a legal opinion for the communities on the litigation options.

Renee, in partnership with Jess Rogers, worked on a Law Foundation Grant application. The application sought to attain moneys to pay for an in-depth legal opinion on the legal authority the Provincial government exercises over resources in BC, in particular private forest lands. This research was also intended to fully investigate land-use planning instruments done on a local and regional basis and the levels in which they can safeguard lands or resources.

Renee provided administrative support to HTG on a divergence of matters such as review of contracts HTG might enter into; research the law respecting CPP for "Indian" employees; employment matters and so on. Renee also helped research and draft correspondence to deal with legal matters as needed. She assisted with the day to day administrative, legal questions that arise.

Responses to referrals are timely and consuming work that Renee has supported at a lower level. Renee has helped brainstorm around the legal issues and review correspondence. She was sometimes consulted upon for direction with specific referrals and attended meetings to support Kathleen Johnnie's work.

Renee supported the Chief Negotiator's Petition to the Organization of American States. She provided legal support by helping gather evidence for the submissions to the Commission. This included identifying and interviewing witnesses. She, along with other HTG staff, conducted an array of interviews to find the best evidence givers and then draft affidavits based on the strongest and best evidence. The resultant series of affidavits were lead as evidence to have the HTG petition accepted by the Inter-American Commission on Human Rights. After this, Renee continued to provide legal support to the HTG's application by further gathering and preparing evidence for future use on HTG's petition. Renee spent time familiarizing herself with the Commission's process to better ensure her legal assistance in this process.

Renee participated in the Summit Strategizing meeting in November 2007. She attended the gathering and participated in follow up meetings respecting how First Nations might facilitate the implementation of the Tsilhqot'in case to assist in securing a final agreement which reflects their needs and aspirations. This work with other First Nations has proved helpful to share ideas and technical work rather than duplicating research and analysis. Part of this technical work has been advocating, planning, and strategizing for the Common Table work to happen spring 2008.

In 2007, the Chief Negotiator required legal research on issues to respond to his lobbying work being

done. He required information on option and models for treaty certainty, First Nations Agreements, meaning of Good Faith, and case briefs on recent court findings.

Renee has contributed to consultations with the Hul'qumi'num Mustimuhw by presenting at elders meetings, for the referrals technical group and writing briefs for the Treaty Talk newsletter and monthly reports for the HTG Board of Directors.

### **Fisheries Negotiations Support**

In the 2007-08 fiscal year the tripartite parties did not return to the table to negotiate the Fish Chapter. Significant barriers to negotiating fisheries in Treaty exist between the tripartite parties. For this reason, fish is one of the six primary topics to be negotiated at the Common Table in the next fiscal year. The Natural Resource Manager and the Fisheries Manager completed a variety of tasks this year primarily related to the fisheries and ocean chapters and pre-treaty fisheries or oceans related issues including the following:

- detailed analysis of the Tsawwassen Final Agreement and the Yale Agreement-in-Principle
- providing technical support on fisheries issues to the Common Table process
- the review and analysis of DFO Fisheries Reform initiatives including Crab Reform and the Pacific Integrated Commercial Fisheries Initiative
- participating in the re-development of the BC Aboriginal Fisheries as the First Nations Fisheries Council
- leading the Aboriginal Fisheries Strategy negotiations with DFO and Fishing Protocol development with other Fraser River First Nations
- developing fishing plans within the Hul'qumi'num member First Nations
- reviewing of the National Marine Conservation Area Feasibility Study project and participation on the Project Team.
- exploring and developing an Aboriginal Aquatic Resource and Ocean Management (AAROM) proposal.
- participating in the BC Marine Conservation Assessment initiative as an observer
- preparation and technical discussion to support the Common Table negotiations on fish. This will include the development of a First Nation collaborative technical background document for the negotiators.

### **HTG Shared Decision-Making Policy**

In the spring of 2008, the HTG Shared Decision-Making team (Jess Rogers, Brian Olding and Brian Thom) put out a new publication from HTG called *A Call to Action: Shared Decision Making, A New Model of Reconciliation of First Nations Natural Resource Jurisdiction*. The *Call to Action* booklet was developed out of several years of policy development and research at the HTG. It was developed in response to the 'Getting to 100%' mandate, which is to find ways to have First Nations authorities guaranteed to Aboriginal title lands that may not have been secured at treaty.

This booklet is a stinging critique of the current government approach to treaty negotiations around resource management. It highlights how the approach being pushed by governments in treaties contradicts their own 'New Relationships' policy and the direction for government-to-government relationships that the court have been insisting on. It establishes how the governments current approach to treaty negotiations is fundamentally at odds with the values that First Nations bring to the treaty table

about their ongoing authorities in their territories.

The book offers some suggestions for how governments could realign the way they approach treaty negotiations, offering some suggestions for a model which could be used throughout BC to promote the idea of ‘shared decision-making’. At heart of the idea of shared decision-making is the notion that Aboriginal people are true governments with recognized and protected decision-making powers regarding natural resource management issues in their territories, and that these authorities stand beside Provincial and Federal authorities, not underneath them.

The booklet suggests that a process of ‘shared decision-making’ should be outlined in treaties and implemented through treaty-protected agreements and side-agreements so that First Nations decisions and views regarding land and resource management is given its full, constitutionally-protected weight as recognized and respected governments. To do this requires a new approach to the certainty model in treaties (one that does not extinguish what governments call “off-TSL” law-making authorities), new treaty chapter language which provides guidance for how the co-existing First Nations, Provincial and Federal authorities will interact, and a framework of side-agreements to operationally implement and institutionalize shared-decision making throughout BC. The booklet finally offers some views as to how First Nations can work together at the local, regional and Provincial levels to effectively exercise their authorities, to respect each others territories and jurisdictions, and to appreciate the economies of scale when working on problems that effect everyone.

The booklet is written for officials, negotiators, and policy analysis from First Nations in the treaty process, as well as those from the Provincial and Federal Government. HTG has had a mailing campaign to circulate the book to governments and other First Nations, as well as providing copies of the book on the HTG website.

### **Shared Decision-Making: developing the HTG SDM Committee**

Since the beginning of the fiscal year we have been working on structures and policies for the member Nations to work together on common natural resource issues and engage the Province in formal shared decision-making. The goal is to bring shared decision making into Treaty so that the member Nation's retain their jurisdiction over their entire traditional territory. In order to reach these goals, Jess Rogers has focussed her internal-shared decision making work on creating operating principles and guidelines for the internal Shared Decision-Making Body, and developing an overall structure for shared decision making that shows a clear articulation between First Nation decision-makers and current government process.

HTG has also hosted a number of training workshops for the HTG Shared Decision Making Board. From these workshops it was determined that in order for the Body to be effective decision makers, they need to have a State of the Environment Report for the HTG traditional territory, access to a completed and analysed HTG Traditional Use Study final report, and to develop in-depth consultation processes with the community to build a comprehensive and detailed territorial land use plan. All three of these decision-making tools are essential for the Shared Decision Making Board’s work; however HTG does not have the funding at the moment to support it. We are looking into outside funding and grants to support these projects, but in the meantime this work is on hold.

### **Archaeology, Culture & Heritage**

Negotiations on Culture and Heritage at the HTG treaty table, like many other chapters which touches on

the entire traditional territory, are at an impasse. HTG has worked on several fronts to attempt to make changes. Through HTG's consultant Eric McLay, we have worked with the First Nations Leadership Council Heritage Conservation Working Group to negotiate with high-level Provincial officials for significant policy change that would give First Nations a much more full and complete voice in heritage management in their territories. Though we did not achieve our objectives of creating mandate change in the 2007-8 fiscal year, we plan to continue and intensify our efforts into the new fiscal year.

While the treaty table has not been able to reach territory-wide solutions for heritage sites and ancestral remains, steps were taken in a pre-treaty context to partially address this important issue outside the treaty table itself. In June 2007 the chiefs of the HTG signed a Memorandum of Understanding (MoU) with Stan Hagan, Minister responsible for Small Business, Tourism and Culture. The 'Archaeology Branch MoU', as it is called, helps improve communications and build cooperative working relations on Provincial heritage conservation throughout Hul'qumi'num traditional territory in a pre-treaty context. The MoU provides an avenue for HTG to have more communication about Provincial permit processes, particularly, having clarified time frames during which HTG and the member First Nations can review and comment on applications to government to impact or destroy archaeological sites. A key part of this MoU involves the implementation of HTG's sophisticated archaeological potential computer model for the traditional territory as a strategic tool for heritage conservation.

Also following the recommendations of the 2004 tripartite Inter-Governmental Relations Working Group (a tripartite HTG side-table that also included local government representatives) HTG undertook intensive negotiations with the Islands Trust to implement important innovations in heritage management and land use planning at the local government level. With monthly negotiations from November to the end of February, HTG concluded a draft Protocol Agreement that was ratified in principle by the Islands Trust council. On direction from the HTG Board of Directors, HTG staff has worked to seek ratification by Band Council Resolution of each member Chief and Council. The signing ceremony planned for the end of March 2008 (which had been funded by the Union of BC Municipalities) was cancelled because we had not yet received approval for sign-off by the board of directors (who directed that individual chiefs and council provide explicit support for signing the Protocol Agreement first). The grant received by the Union of BC Municipalities was returned in full.

In anticipation of the signing of the Protocol Agreement, the Islands Trust requested a workshop be developed for archaeology in the Gulf Islands, identification of readily available tools, with a focus on the importance to First Nations. This workshop was successfully delivered by Kathleen Johnnie, Eric McLay and Brian Thom, with support from HTG staff and elders from Cowichan Tribes, at the Quw'u'tsun' Cultural Centre in February 2008.

### **Referral Coordination Office**

Referrals are letters of notification the governments exchange between departments, ministries and agencies when someone has a proposal for a land-use or development. When governments receive a development proposal they have to arrange a consultation process with affected First Nations and Treaty organizations to discuss accommodation of the impacted Aboriginal title, rights and interests.

HTG has a mandate for processing referrals for the following three reasons:

1. To respond to issues that impact treaty negotiations;
2. To respond to the Board of Directors resolution that directed HTG to take the lead in co-ordinating the technical review of a referral that affects more than one member First Nation;

3. When requested by a Member Nation(s) to assist or provide technical support in a specific referral response time.

HTG co-ordinates the technical review only of referrals that impact more than one of the Hul'qumi'num Member First Nations (HMFN). If requested or directed, we can also facilitate a consultation process. However, we are always clear with government that their duty is with our individual member First Nations and often the Hul'qumi'num Mustimuhw, the rights holders.

The Hul'qumi'num Referrals Technical Working Group (HRTWG) meets informally on the fourth Wednesday of each month, except July and December, to review major projects that affect most, if not all of the HMFN.

HTG Referrals Office conducted several major projects during the 2007-8 fiscal year, including:

- Crofton Advisory Forum - CAF -- Pollution Prevention Sub-Committee activities
- Southern Strait of Georgia National Marine Conservation Area Reserve Feasibility Study (NMCA)

In addition, the HTG Referrals Office worked to educate and communicate with government and public representatives at the following forums:

- North Cowichan Municipal District
- UVIC Forestry Students
- Integrated Land Management Bureau - Fireside Chat
- Islands Trust Archaeology Workshop

The HTG Referrals Office engaged in ongoing activities to support the efforts of the HTG:

- Gulf Islands National Parks Reserve Environmental Assessments (ongoing 2007-8)
- First Nations Leadership Council - Energy Summit (April 2007)
- Hul'qumi'num Shared Decision-Making Body (April - May 2007)
- Environmental Assessment Treaty Negotiations (May through June 2007)
- Referrals Workshop Prince George (September 2007)
- Leadership Council 5-day Strategic Planning Session (November 2007)
- OAS support (November 2007)
- Islands Trust Protocol Agreement (January 2008)
- Referrals Project Assistant orientation (January/February 2008)

The 2007-8 fiscal year has seen an increased interest from the HMFN in working more closely with HTG and HTG's Referrals department on issues affecting their communities individually. HTG looks forward to working collaboratively with the HMFN and providing what technical support we may to protect and further the re-establishment of Hul'qumi'num title, rights and jurisdiction.

### **Geographic Information System Team**

The Geographic Information Systems department has continued to provide support for the various operations of the HTG. This support includes the production of maps, graphics, reports and statistics for reference, analysis and presentation. As needed, the GIS department also examines policies, acts, or agreements as they apply to different spatial or resource management questions. The products of the HTG GIS Department are useful for negotiations related issues, pre-treaty issues, shared territory issues and to help deal effectively with referrals. Projects worked on by the GIS department in the 2007-8 fiscal year

include the following:

Negotiations related projects:

- Maintained and updated Chief Negotiators maps of core HTG interests - addition of Lower Fraser portion of HTG core territory
- Completed analysis and maps of overlap areas of BC First Nations
- Maps and spatial analysis of Xeni Gwet'in court case decision
- Analysis of hypothetical treaty settlement land package in HTG core territory
- Completed map and compilation of population figures of First Nations signing Unity Protocol
- Completed maps and analysis of HTG core territory/Tsawwassen Final Agreement overlap area
- Analysis of HTG/Ditidaht overlapping claims area
- Comparative analysis of final agreements/offers

Traditional Use Study (TUS) related projects:

- Completed quality-control checking of TUS for Phase 1 and other interviews
- Ongoing development of reporting and display capability for traditional use information
- Completed Vancouver Island Transmission Corridor TUS site digitization, data entry, QC, and incorporation into existing HTG TUS database
- Digitized cultural references on various historical maps and incorporated into TUS database
- Produced maps and summary analysis of individual HTG First Nation traditional use information: Lyackson traditional use of the Gulf Islands; Penelakut traditional use overview
- Field trips to Elliot Point and Paldi Development site; used GPS, took photographs and collected traditional use information

Referrals and other map/spatial information requests:

- Referrals response: eg. private moorage, shellfish aquaculture permits, *Mining Act* permits, Holland Creek development, etc.
- Assisted in statistical analysis of responses to enrollment & eligibility surveys
- Created HTG Mission Statement poster incorporating map of HTG core territory
- Archaeological site information analysis and reports
- Produced numerous other maps and reports as requested

GIS Department improvements & data maintenance:

- Continual update & improvement of GIS metadata and intuitive file structures
- Continuing development of a GIS Index application to facilitate maintenance of accurate and complete metadata and make data more accessible by allowing keyword based searches
- Updated and corrected land status data: parks and crown land data
- Completed database integrating cadastral data from GVRD area municipalities
- Created vector .kml files for display of HTG data in Google Earth; & program to convert text files with batch x,y coordinates and attributes to .kml files

### **Shared Territory Coordinator**

The Hul'qumi'num Treaty Group's Shared Territories Coordinator, Ray Harris, had a very busy year. A key component of the HTG strategic plan this year was to settle the overlap issue with the Tsawwassen First Nation (TFN). The Shared Territories Coordinator and staff held technical meetings with the TFN and the Federal and Provincial governments but, to date, this issue is unresolved.

The Shared Territories Coordinator collaborated with other technical staff to develop a Coast Salish Aboriginal Aquatic Resource Ocean's Management (AAROM) program to support the technical work being done by the Shared Territories Coordinator as a steering committee member of the Georgia Basin-Puget Sound Statement of Cooperation. This is a Federal agreement between the US Environmental Protection Agency and Environment Canada that develops and recommends the environmental policy and actions that protect the Salish Sea Eco-region.

The Shared Territories Coordinator assisted in the coordination of the Coast Salish Gathering held in Tulalip, Washington. At the gathering the leadership from the Salish Nations developed a working Coast Salish Environmental Action Plan. A key component of this plan will be the integration of a water-quality monitoring project with Tribal Journey - the annual canoe journey through the Salish Sea.

The success of the Coast Salish Gathering and the exciting projects this year have been valuable in reinforcing the ties of the Coast Salish Tribes in their common objective of protecting the Salish Sea.

### **Cooperative Management and Planning Agreement with Gulf Islands National Park Reserve**

HTG has continued to play an important role, along-side our neighbours from Sencot'en First Nation communities, in the management and planning of the Gulf Islands National Park Reserve (GINPR). In addition to renewing the agreement originally signed May 2006, HTG has led various Parks Canada funded projects, such as a Cultural Research Project on oral histories and a multi-lingual field guide to the plants, animals and sea life in the GINPR. Though the operations of the HTG Park Committee (which is formed of members appointed by each chief and council, the Elders Advisory Board and HTG staff) HTG continues to have a voice in various important issues we have agreed to discuss, cooperatively manage and consult about. These include doing environmental assessments on potential impacts by Parks Canada to land, sea, or resources within the park; ongoing recognition of HTG hunting, fishing, and other harvesting rights in federally managed areas of the Gulf Islands; providing access to cedar; the creation of a First Nations-only hunting season on Sidney Island; and co-developed communications and interpretive material for Parks Canada. In 2007-8, the HTG Park Committee has set the groundwork for continuing talks in 2008-9, including developing a Harvest and Monitoring Plan, a Coast Salish Human Remains Protocol, business planing, and developing eco-tourism opportunities for Hul'qumi'num people.

In the 2007-8 fiscal year, HTG staff and HTG Park Committee members attended 27 Parks-related meetings including 2 field orientation visits and a joint-Coast Salish meeting. As well, two conferences were attended by HTG delegates, including Traditional Ecological Knowledge and Co-Management in the Parks. Deliverables include a summary report on the Cultural Research Project for GINPR and first draft copy of the Multi-lingual Field Guide.

### **HTG Library and Archives**

The HTG Library and Archives continues to provide information management assistance to support the treaty related activities of HTG. The on-going work includes:

- Maintaining policies and procedures related to management of reference and archival material.
- Continued development and maintenance of standards-based digital and physical filing systems for all media.
- Continued contribution to information management objectives by applying digital and physical filing systems.

- Maintaining the physical organization of the library and archives, including shelving of books, and storage of other new materials.
- Reprocessing digital content as necessary to improve accessibility and legibility.
- Conducting basic cataloguing of reference material.
- Assisting in information retrieval and management.
- Maintaining systems for tracking the physical location of electronic materials.
- Applying procedures to process new books for shelving and lending.
- Maintaining media coverage databases on the HTG website.
- Entering and maintaining file data in the ColorBar access database; generating labels and processing files for shelving.
- Supporting staff in use of software applications for information management e.g. Adobe Acrobat, Paperport, TextBridge.
- Maintaining book order lists and book order mail-out materials.

HTG has been working at continuing to build, maintain and apply the information management techniques that were guided by Dana McFarland, whom HTG previously acquired on a one-year secondment agreement with Royal Roads University. The direction and support that was provided continue to be of assistance in regards to information management for HTG. The library and archives has been unstaffed during the maternity leave of Della Daniels, the HTG Library Assistance, and the HTG staff look greatly forward to Della's return.

### **Communications Department**

The HTG Communications Department with the assistance of the senior staff members of the other departments were able to cover a wide range of topics in our continued effort to communicate with our 6500 plus membership the many issues being negotiated.

Special meetings were held with the Island Trust and the Royal Museum in Victoria, there was a unique gathering of community members at a church meeting that was organized by the Duncan Reformed Church, and there was an Archaeology Branch meeting that proved very productive and a National Parks Conference where one of our staff members was the keynote speaker.

A number of meetings were held with the Tsawwassen First Nation to discuss our shared territory questions. Another meeting was held with the Musqueam First Nation to discuss our concerns relating to fishing on the Fraser River.

A lot of our time was devoted to making presentations at different schools. Our senior staff assisted our department in a presentation to the fourth year Aboriginal studies program at Malaspina College, where he gave a 3 hour lecture on land claims. We met with the entire staff of the Ladysmith Secondary school to assist them in creating a program to include the treaty message in to their curriculum. We hosted a number of different school groups that were able to visit our office as well as the Chemainus First Nations Boardroom. And we made numerous presentations at different schools located throughout our traditional territory.

Our community meetings were well attended and our Chief Negotiator and members of our senior staff were able to answer many questions from our community members and provide a lot of useful information relating to the negotiation work that is underway.

Our meetings with our elders continue on a monthly basis with each of our different communities and also with our advisory board. Members of our senior staff share a wide range of information with our members at these important meetings.

A different newsletter for each season was delivered to each of our members which contained information relating to our negotiations. A series of radio ads was run over the Duncan radio station that discussed different topics relating to our work. Once again the Aboriginal Day celebration was a complete success which allowed us to deliver our message to thousands of different members of the surrounding communities. Staff members were also able to attend the superb workshop which was hosted by the BC Treaty Commission in November and also the First Nation Summit Meetings in Vancouver.

We are still working to improve our mailing list and we have created a board game that will assist our members in understanding the many terms used in our efforts to negotiate a fair and just treaty. Lastly our website is loaded with great information and is available at [www.hulquminum.bc.ca](http://www.hulquminum.bc.ca)

### **Administration and Board Policy**

The Board of Directors held its annual general meeting October 2008 and the board elected Chief Lydia Hwlitsum of Cowichan Tribes as President, Chief Cyril Livingstone from Lake Cowichan First Nation as Vice President, and Chief James Thomas from Halalt First Nation as Secretary-Treasurer. They also passed the required resolutions to keep the society in good standing order.

Each year brings additional challenges and, without a doubt, our hands-on approach allowed us to direct our limited resources where they were most needed, which is focusing on the mandates established by the Board. We were not able to attract additional funding to the organization in the past, due to government restraints and cutbacks. We received income from Environment Canada for the Coast Salish Gathering initiatives.

With the assistance of the Elders Advisory Board, draft terms of references have been developed to address the election of co-chairs and update their responsibilities. The board has requested that the history be updated in the board policy manual which will provide an excellent visual tool on the achievements of the organization since its inception.

The audited financial statements were completed on time and submitted to British Columbia Treaty Commission. The auditor firm will provide a report at the annual general assembly. The audited financial statements are part of our web site.

An excellent suggestion came from last year assembly that the society should provide a large laminated copy of the mission statement. We had completed that project and will also provide 8x11 copies for members to take with them.

This year we lost one of our founding fathers, the late Peter Seymour, Chief of Chemainus First Nation. He will be sadly missed by his family, First Nation and Hul'qumi'num Treaty Group.

I'd like to pay tribute to the committed volunteers who make this organization so vibrant, at the same time like to thank and recognize staff who not only show up for work every day but truly care about what happens to this organization and its members,