

TREATY TALK



HUL'QUMI'NUM
TREATY GROUP

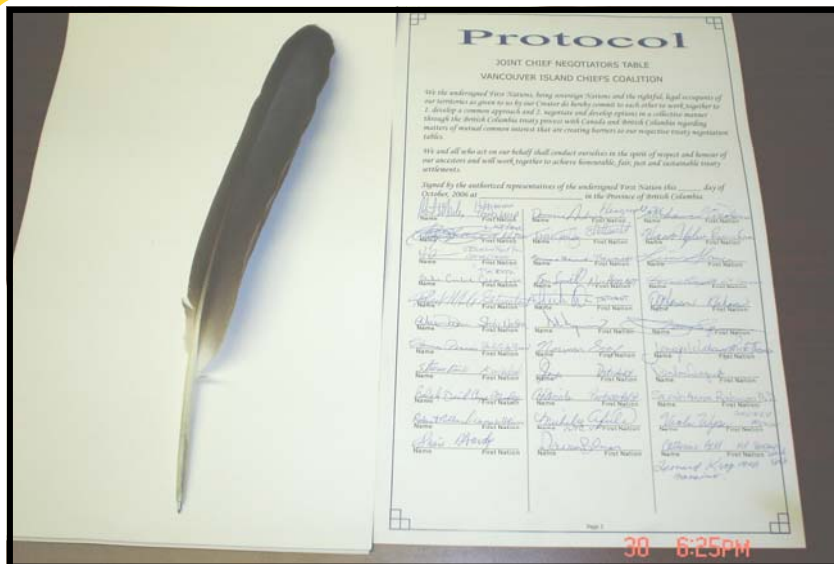
SPECIAL POINTS OF INTEREST:

- Youth Forum
- TUS Study
- Governance Meetings
- Pancake Breakfast
- New Staff Members
- Parks Committee.
- Halalt Report

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Hul'qumi'num Treaty group has signed on to the protocol. We will advise on the progress of this initiative over the coming months.

This initiative will provide the HTG with an opportunity to make progress on the major issues that currently are stalling our treaty talks.

We are currently in the process of developing a number of strategies that will assist in reaching our objective.

We will be asking all community members to write a postcard to their MP and MLA to support the creation of the joint chief negotiators' table.

We hope that all community members will support us as we move forward in and implement ways to make significant progress in our negotiations.

Huy chq u

Hul'qumi'num Treaty Group
Chief Negotiator

Robert Morales



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Greetings to all our Hul'qumi'num Mustimuhw

I hope that you and your family are doing well and wish you a happy new year. I am happy to report on the progress of our treaty negotiations.

We continue to negotiate with Canada and B.C. an average of 4 to 6 days per month. We are currently negotiating the culture heritage chapter of our AIP. We will be negotiating forestry and water in the next few weeks.

The HTG has participated in the unity protocol, which was signed in Nanaimo in October. There were 46 First Nations that signed on to the protocol. This represents 14 treaty tables.

Earlier this month a second signing was conducted at the community. Five First Nations joined the unity protocol group.

The 51 First Nations represent approximately 27,000 members. The objective of this group is to change the current government policies and mandates on key issues.

The government of Canada and British Columbia currently bring the same policy mandates to each of our tables. There are six key areas that we will be focusing on.

These include governance, constitutional status of lands, fishery, fiscal relations, joint decision making and certainty.

The chief negotiators have requested that Canada and British Columbia participate in a joint Chief negotiators table.

The treaty tables in British Columbia now recognize that in order to achieve our objectives we must work together. The

Senior Negotiations Support



Article submitted by
Dr. Brian Thom, Ph.D
Negotiations Manager

The negotiation reality today is that 85% of the territory is privately held land. Governments are adamant that these lands are not open for First Nation jurisdiction, co-management, taxation or any other measure of First Nation authority.

Achieving Certainty at the Cost of Achieving Reconciliation.

Settled treaties in BC will end the land claims debate, forever. First Nations will have their land base expanded with new parcels of “treaty settlement lands”, and First Nations governance over those lands will be spelled out in the treaty.

Throughout the territories of the aboriginal groups who settle, there will be *certainty* – economic certainty, legal certainty, political certainty, constitutional certainty.

Treaties will bring total closure to the box that was left open in 1982 when the Constitution of Canada “recognized and affirmed” Aboriginal rights, but did not in any way define them.

First Nations will have in black-and-white the entire scope of their special constitutional rights – the rights they retain as the original people of Canada.

The new treaties initialled with the Tsawwassen, Maa-nulth and Lheidli T’enneh First Nations give a picture of what the governments of Canada, British Columbia and these First Nations are willing to set in constitutional cement in terms of these rights, namely the right to:

- practice language and culture in ways consistent with the agreement
- harvest fish and aquatic plants for food, social and ceremonial purposes,
- to trade or barter fish and

aquatic plants with other First Nations people

- harvest wildlife & migratory birds for food, social and ceremonial uses in a limited area,
- to trade or barter wildlife with other First Nations people in BC
- participate in public regional wildlife management processes
- participate in and develop terms of reference for any public land use planning process
- gather plants for food, social and ceremonial purposes on Crown land in their territory
- self-government, as set out in the agreement.

With this list, these treaties exhaustively set out the Section 35 rights of a First Nation, modifying previously undefined Aboriginal rights and title into listed between the covers of the treaty.

The agreements become the “full and final settlement” in respect of Aboriginal rights, title and self-government.

To achieve this certainty, the treaties offer two clauses drafted with legal precision, meant to last the test of time.

The first clause is an agreement to “release” govern-

ments of all past, present and future claims of any legal obligations with respect to the Aboriginal rights that First Nation may have had before treaty.

In the second, First Nations “indemnify” governments from any and all damages, costs or losses they may ever in the future incur from legal or other actions that may arise based on the Aboriginal rights the First Nation claimed before treaty.

So, if the right, title or governance authority is not between the covers of these Final Agreements, it no longer exists as an Aboriginal right, no longer an element of First Nations governance in Canada.

Any omissions, harm or losses for the First Nation are, as the preamble to the Tsawwassen treaty says, regrettable.

These treaties are instead to “move beyond the difficult circumstances of the past”.

At the Hul’qumi’num Treaty Group table, negotiations have not reached a point where certainty can be achieved for the six member First Nations.

Central to this (though not the only element) is the status of the resolution of the E&N Railway Grant of 1884,

(Continued on page 3.)

Continued from page 2.

which gave fee-simple title to James Dunsmiur of nearly the entire southeast coast of Vancouver Island, forever changing the landscape of Hul'qumi'num traditional territory.

As governments in the BC Treaty Process have repeatedly said, this history is not on the table for negotiation. Rather, they envision the sum of the practical measures set out in the treaty – the expanded land base, the law-making Hul'qumi'num people will have on those lands, the cash-transfer formulas, the deletion of the *Indian Act* – as providing enough of a stable footing for First Nations that reconciliation can be achieved.

These practical measures are all very important, legitimate and serious negotiation considerations which Hul'qumi'num people desire resolution of. However, what the Elders, Chiefs and grass-roots people have said is that there can be no reconciliation achieved, no resolution of the land claim, without addressing the outstanding consequences of the 1884 E&N Railway grant.

The negotiation reality today is that 85% of the territory is privately held land.

Governments are adamant that these lands are not open for First Nation jurisdiction, co-management, taxation or any other measure of First Nation authority. In the context of a prospective Final Agreement that demands certainty through modification of rights, release of liabilities, and indemnification from harm, not addressing these private lands would massively miss the mark in not reconciling this major issue. Some form of reconciliation must be achieved in order to reach our objective of “getting to 100%”.

The current model for achieving certainty and finality that we find in these three Final Agreements also has the very real potential to foreclose on important cultural rights.

This is particularly evident in the limited scope of influence these First Nations will have in respect of their traditional territories.

It is unclear, for instance, what kind of cultural rights these First Nations will have with respect to caring for the dead off their treaty settlement lands, or making laws with respect to their cultural properties in masks, stories or songs.

Cultural practices which are rooted in

the traditions of the Hul'qumi'num communities are dynamic and evolving. It is not possible to capture all of them between the covers of a single treaty document and freeze them in time.

These agreements need a mechanism for bringing those practices which are integral to the distinctive cultures into the fold of treaty rights, so that certainty as to the constitutional recognition and protection of these practices can live into the future for First Nations communities.

With history not on the table, evolving cultural rights not constitutionally recognized, a model for reconciliation has not yet been achieved. These are not arcane arguments of lawyers interpreting open-ended clauses of the Canadian Constitution, or the nostalgic imaginings of First Nations people of a time long past.

They are core to the very future of the nature of collective, distinctive aboriginal communities in Canada.

They are essential examples of the very possibility of peace and co-existence, living with difference in a unified country without the colonial powers of assimilation eradicating difference, homogenizing society. A model of peace, justice and long-term environmental sustainability is something worth waiting for, to build right.



Hi there, my name is Allison Geddes, I am from the Haida Nation my grandparents are Marjorie and Harry Geddes from the Haida Nation my mothers name was Kathleen Geddes from the Haida Nation my Aunt and Uncle are Ruby Pearl Reid nee Ruby Pearl Bell Geddes from the Haida Nation and Mickey Reid. My uncle is Coast Salish from the Qualicum First Nation where I spent most of my childhood. On November 23, 2006 I started work in the HTG office as the Governance Project

Assistant and I have been very busy learning the ropes and everyone's names at the HTG office and in the community.

I have a Bachelors Degree in Business and have 2 years of First Nations Studies with a year of Social Work

Completed. I have a background in Alternative Justice and have spent time working with the Arrowsmith Restorative Justice Society.

I am married with five children four girls and one boy who are wonderful. I have always wanted to work in a First Nation setting and I am happy to be working with such a dynamic group who are passionate about the work they are doing. I look forward to seeing you at the community meetings



Governance and the Hul'qumi'num Mustimuhw

Lahalawuts'aat, Shana Manson
Uy'Skweyul. The governance
project has been receiving some
serious input from the

Hul'qumi'num Mustimuhw with nothing but more time
scheduled ahead to continue discussions with our members,
leaders, elders, youth, and women.

In order to ensure full community involvement a number of
different approaches have been taken. We have formalized
a Hul'qumi'num Leadership Council.

The Leadership Council is comprised of all the Chiefs and
Council members from each of the six Hul'qumi'num com-
munities. The Leadership council meets on a regular basis
to discuss matters that affect all Hul'qumi'num communi-
ties.

The Leadership council is currently discussing the relation-
ship our six communities should have in the future and iden-
tifying areas where they can work together.

We have met with the community treaty offices of
Cowichan, Chemainus, Halalt, Penelakut and Lake
Cowichan to coordinate community meetings to discuss
governance issues and receive community feedback about
concerns, ideas, and recommendations for the future.

The Hul'qumi'num Women's Caucus has been meeting
regularly to discuss matters of great importance. The
Hul'qumi'num women have identified key areas of concern
that they wish to resolve in a Hul'qumi'num constitution for
the protection of future Hul'qumi'num women.

Areas like: the right of Hul'qumi'num women to return to

the community of their
birth; and the right of
Hul'qumi'num women to
pass on their heritage to
their children.

These issues deeply im-
pacted Hul'qumi'num
women with the mandatory
transfer or loss of status of
women depending on
whom they married—
Hul'qumi'num women
want to ensure that these
experiences are not re-
peated in the future.

The Hul'qumi'num Elders
Committees meet on a
monthly basis and have had
the opportunity to discuss
Constitution development.

The key issues that elders
have raised is the need to
make sure we write down
as much as we can for fear
of our Snuw'uy'ulh getting
lost as more and more eld-
ers move on and young
ones not understanding the
language.

The Hul'qumi'num Com-
munity members have dis-
cussed and raised very im-
portant issues in the discus-
sions about Nation Build-
ing and self government:

We need to make sure there
is flexibility so we can take
on the responsibilities that
we are ready for and then
utilize other responsibilities

once we are comfortable
that we have the capacity to
do so

We need to find a way to
stay together, all of our
families are connected we
have family in all of the
Hul'qumi'num Communi-
ties, we cannot let the
“Indian Act “ divide us .

Can we work together on
some issues, but also work
on issues at home?

How do we make sure our
community members have
rights and that we all bene-
fit in a new government,
not just some people?

We are going to continue
these dialogues with the
Hul'qumi'num Mustimuhw
and expect to have a draft
Constitution ready for the
community to begin dis-
cussing very soon.

Please, if you have ideas
about the future
Hul'qumi'num Govern-
ment or Constitution, come
to one of our meetings and
share your thoughts.

Au Si'em,
Lahalawuts'aat

**(Article continued on
page 5.)**

(Article Continued from page 4.)

Cowichan Community Governance Meetings:

Wednesday February 28

10:00am Siem Lelum Kitchen

Tuesday March 6

5:00pm Quw'utsun Culture and Conference Centre

Call Gerry Morneau at the Cowichan Treaty Office for Details: 748-3196

Halalt Family Meetings on Governance:

Call Darlene August at the Halalt Treaty

Office for Details: 246-4736

Penelakut Governance Community Meetings:

March 8. 10:00 am

Kuper School Kuper Island

Call Earl Jack at the Penelakut Treaty Office for Details: 246-2321

Chemainus Governance Community Meetings:

February 21. 5:00 pm

CFN Elders' Building Shell Beach

March 8. 5:00pm

CFN Elders' Building

Shell Beach

Call George Harris at the Chemainus Office for Details: 245-7155

Hul'qumi'num Women's Caucus:

March 7th. 5:00pm

Quw'utsun' Cultural and Conference Centre

Call Allison Geddes at the HTG office for Details: 1-888-987-3289

Lyackson to Be Announced

Lake Cowichan to Be Announced

The Hul'qumi'num Treaty Group (HTG) recently commissioned a new TUS study.



As a result, more than 280 new site references, with uses ranging from abalone and other shellfish harvesting to elk hunting and yew tree harvesting, have been documented.

The Vancouver Island Transmission Reinforcement Traditional Use Study (VITR TUS) was undertaken beginning in November 2006 in response to a proposal to upgrade the Vancouver Island Transmission lines (VITR) which extends in a corridor across the HTG statement of intent area.

The goal of the study was to collect traditional use information along the VITR corridor in order to see what impacts the proposed upgrade might have on HTG member First Nations.

The study provides the HTG with a significant amount of new data to add to the growing TUS database which supports treaty negotiations as well as the referrals process.

The VITR TUS included interviews with 13 knowledgeable Hul'qumi'num community members as well as a literature review of numerous ethnographic and histori-

Traditional information can be one of the most powerful and fundamental tools for guiding important decisions regarding land selection and land management. It also becomes a fascinating record of the richness of Hul'qumi'num culture

As a result, 285 site references will be added to the HTG's Traditional Use Study bringing the total number of sites to more than 2000.

Most of the sites from the VITR TUS are located within 3000 metres of the centre of the transmission line corridor.

Emphasis was placed on 28 areas, including Maple Bay, Long Harbour and Montague Harbour, that are known to be of significance in Hul'qumi'num culture.

Work still needs to be done to ensure that the new data is consistent with the standards of the HTG's GIS Department and to incorporate it into the HTG's existing TUS database.

This task, along with other ongoing projects, will occupy the GIS department in the coming weeks

Huy tseep q'a suliem to all the people, especially the elders, who gave their time and efforts to help with the VITR TUS project.

GIS department Report by M.J. Churchill
HTG GIS Mapping Technician



Matrimonial Property
Article by HTG Legal Counsel
Renee Racette

Marriage or common-law relationship breakdown can be a devastating and stressful occurrence in the life of an individual or family.

When a relationship breakdowns there are often many decisions to be made with respect to the custody of children, divisions of debts and marital property such as furniture, savings, the family house and any other land. How these decisions are made and their outcome affect the Hul'qumi'num Mustimuhw as a community.

In particular, division of marital property can be a major undertaking and hardship for people. Provincial laws that deal with land held by families "off reserve" seek to protect both individuals. However, these laws do not fully apply on reserve, so couples "on reserve" generally have fewer rights and protections than those living "off reserve." Thus, there is a federal/provincial gap in legislation.

According to federal research, women "on reserve" are consistently victims to the lack of matrimonial real property rights to the point that it should be considered a serious human rights problem. Currently, the federal government is seeking out solutions on how to remedy this problem. Although provincial laws that deal with these issues "off reserve" do not apply "on reserve" it is essential to acknowledge that the Hul'qumi'num Mustimuhw customary laws do apply and may prove to be extremely useful.

As such, it is important to have a clear understanding of the Hul'qumi'num Mustimuhw traditional family holdings which are a central part of Hul'qumi'num Mustimuhw laws. All customary laws that deal with division of property are imperative for resolving disputes with respect to marital property. These have implications for how lands and property are disseminated amongst the communities and assist in divorce settlement proceedings after relationship breakdown

In order to effectively deal with these issues after treaty the Hul'qumi'num Mustimuhw will require a broad range of governance authority.

We, the Treaty Group, must get clear direction from the Hul'qumi'num Mustimuhw of the customary laws and vision for their 'future families' so we can ensure that these laws and hopes are represented at the treaty table.

In addition and to clarify, although we may receive direction to negotiate legal relationships so the Hul'qumi'num Mustimuhw's governance authority is respected, we are not actually building the laws. This will be done later by the Hul'qumi'num Mustimuhw. Rather, our job is to create the framework for the relationship in a co-operative post treaty environment.

In summary, the Hul'qumi'num Mustimuhw are well advised to consider what types of laws will protect the rights of the individuals and the collective with respect to land and other marital property.

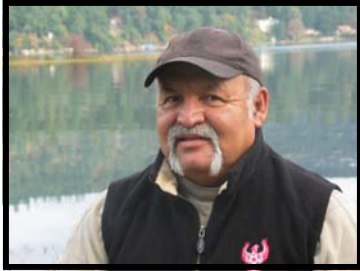
This will prove to be a tough discussion but a fundamental one; one which must be resolved before treaty. I hope everyone will participate in these future discussions and share their unique perspective or experience.



Introducing our new Fisheries Manager - Dana Haggarty

Cheri Ayers, the Natural Resource and Environment Manager will be taking a year off for maternity leave and HTG has hired a replacement for the time Cheri is gone. Dana Haggarty will be taking on work relating to treaty issues on the Fisheries and Oceans chapters. Dana's background is in fisheries biology and fish habitat management. She has a Bachelor of Science from UVic in Biology and Environmental studies and a Master of Science in Zoology from UBC. Dana spent the last three years monitoring the Strait of Georgia lingcod population and has therefore become very familiar with the marine component of Hul'qumi'num traditional territory. She also loves the outdoors and has spent much of her spare time SCUBA diving, kayaking, boating in, hiking and exploring the Strait of Georgia and Vancouver Island. Although Dana was raised in Ottawa, she has lived on Vancouver Island or the lower mainland since 1992 and currently lives in Nanaimo. Dana is greatly looking forward to working with the Hul'qumi'num Treaty Group for the next year and learning as much as she can about the Hul'qumi'num people. She also wishes Cheri and her husband Glenn all the best in their adventures in the upcoming year. Please come in to HTG or call and talk to Dana if you have any questions or issues related to fisheries in treaty.

Shared Territory Coordinator



Coast Salish Gathering

-Ray Harris, Shared Territory Coordinator

The Hul'qumi'num Treaty Group co-hosted, with Cowichan Tribes, a second annual Coast Salish Gathering at the Quw'utsun' Cultural and Conference Centre in Duncan on January 24-26, 2007.

Our Honorary Co-Chairs for the event were Philomena Alphonse and George Harris.

Conference Theme

The Salish Sea (Georgia Basin) touches on all levels of government: Canadian federal and provincial, as well as American state and federal governments, and our First Nations governments and Native American Tribal governments. There is a need to bring all of these levels of government together to ensure the protection of the Salish Sea for present and future generations. This conference provided that opportunity and served as the theme for this event.

Speakers and Participants

This event brought together Coast Salish leaders throughout British Columbia and Northwest Washington State.

Speakers included: Stephen Point, Chief Commissioner, BC Treaty Commission; Billy Frank Jr, Chairmen of the Northwest Indian Fish-

eries Commission Washington; Robert Morales, Chief Negotiator, Hul'qumi'num Treaty Group; renowned Lawyer, Louise Mandell; Clarence Alexander and Harold Gatensby, Yukon River Inter-Tribal Water Shed Council and others from government and the academic world.

A cultural night included an amazing dance performance from the Tzinquaw Dancers.

Role and Management

The Site Specific Management Practices currently utilized will not work for the Coast Salish People because all things are connected. What is done in one area has implications for our cultural use in another.

Science is respected, but science without the inclusion of our traditional knowledge is incomplete. The time has come for us to share our knowledge as equal participants in the management and decision-making of the Salish Sea. That is the goal of the Coast Salish.

Xwe-Nal-Mewx One Salish Nation

The Coast Salish agreed to formalize their unity. They struck a working group, comprised of volunteers that will explore and develop options on how the Coast Salish can formally organize themselves.

These options will be presented at next year's Coast Salish Gathering, (Tulalip has requested to host) for the consideration of the leadership.

Huy Tseep Qu Siem

Many thanks to the HTG Board of Directors, a special thanks to our co-hosts, Cowichan Tribes who, as rumor put it, set the bar high for the next hosts.

Big thanks to Fergie and Debra and her helpers that helped put this together. Thank you to all of the staff from HTG, QCCC, and the community Treaty Offices for helping make this event a success. Also thanks to the Che-mainus First Nation for the Prawns & Fish.

For more information visit:
www.coastsalishgathering.com



The What, Why and How of Shared Decision Making



HTG's Shared Decision-Making Project for Hul'qumi'num Land and Resources

What and Why? - BACKGROUND

Hul'qumi'num Mustimuhw

Since colonization the Hul'qumi'num Mustimuhw have been left out of the decision-making process for resource management. As a result access to land and waters have been lost and the communities experienced all the negative impacts of development, such as pollution, loss of access to traditional lands and decreased animal and fish populations, without seeing any of the economic benefits

These are exciting times for Shared Decision-Making

Recent court rulings such as *Taku* and *Haida* have provided a legal basis for First Nation participation in resource management. The Province has agreed to establish processes and institutions for shared decision-making for natural resources in a document promising a "New Relationship" with First Nations people.

Core concept of SDM

We want to enter into a new relationship with the provincial (and Federal, however the Province has stepped up to the table) government which respects our title and rights. We want our people to have management authority over the use of our land, waters and resources.

Moving forward with SDM - Getting to 100%

The desire to maintain connection with 100% of the territory has been strongly expressed by our communities. We are now working hard to make this vision a reality and create the structures under which it can be achieved.

Why do we need to move forward?

Resources that were once abundant in our territory are now severely depleted and/or contaminated.

Because of the devastation to our resources that government and industry have caused through their practices, we have been forced into a reactive process. We have to assert authority for decision-making now or we could lose it all.

Our communities are poor. We need to benefit from all the resource extraction that is taking place.

Shared decision-making by our communities recognizes the fact that, *we are stronger if we work together* – *Nutsa'maat*

How? - THE PROJECT

In order to realize this goal HTG is working on 'external' and 'internal' strategies

SDM - External

We are developing strategies to negotiate a process of Shared Decision-Making with the provincial government. This work has involved a review of co-management and co-planning models that already exist in BC (such as Clayoquot Sound, Central Coast and Haida Gwaii) and beyond. This has allowed us to identify consistent tactics and strategies used to gain decision-making authority as well as look at a range of possible shared decision-making models.

SDM - Internal

After starting the external project we realized that in order to exert our collective decision-making authority at the table with the province, we would need to have an internal decision-making process so that we could present a unified and powerful voice. This part of the project has focused on the creation of an internal Hul'qumi'num natural resource decision-making body – a way for the six member nations to come together and make natural resource decisions in their collectively claimed territory.

HTG is facilitating the creation of a shared decision-making body that will allow the member nations to:

- Cooperatively coordinate their activities concerning decisions over management of natural resource use within the Hul'qumi'num Mustimuhw Territory

- Create a mechanism through which the Hul'qumi'num Member Nations will exert their authority to manage the use of natural resources in their traditional territory

The process - An Oversight Body was formed following the initial project proposal of establishing an internal decision-making body to the six Chief and Councils.

Each Nation appointed a representative to the Oversight Body and they were given the mandate to create recommendations for how a Hul'qumi'num Shared Decision-Making Body would work

The Oversight Body has developed their recommendations and is in the process of presenting them to Chief and Councils for ratification.

SDM - Where are do we go from here?

HTG is working with member nations to ensure that current work incorporates and reflects their vision and respects their individual and collective needs. We are also working at bringing the Internal and external strategies together.

If you would like further information or have any comments or questions please contact Jess Rogers, Natural Resource Project Coordinator 1-888-9TREATY



Shellfish Safety Project Update



The Shellfish Safety Project is a joint Penelakut Cowichan Project that is administered by the HTG

Shellfish Group meets with staff

Members from the Shellfish Safety Working Group met with several staff from both Fisheries and Health departments to start discussions about the Shellfish Safety Project and the results from the samples taken over the last year and a half.

Dr Laurie Chan of UNBC is the lead researcher in the project and specializes in testing of traditional food. Although the collection of shellfish and blood samples has been completed the results have to be compiled and reviewed for both communities as well as Health Canada. The compiling is nearing completion. It has taken some time because there are many samples and many different kinds of samples.

Cadmium and metals, Organo chlorine, PSP or red tide, water quality for beaches, crab and other shellfish as well as blood and urine sampling and community surveys.

Now that the shellfish safety group has met with the Chiefs and Councils and more recently staff, we will be able to give the communities a clearer picture of the best way to safely keep the use of some of our traditional foods.

Further info. Call (250) 710-7528 Tim Kulchyski HTG Shellfish Safety Coordinator

Tl'uxw tl'uxw (oysters) processed at Malaspina Lab

Shellfish samples were taken from Kulleet Bay, Kuper Island and Cherry Point area. Samples were collected from the beach as well as grown in trays



Getting the message to all community members

Work is currently underway to put results into packages that can be brought to students in school as well as material to help support fisheries and health

Referrals Overview and Update



Au Si'em, ne Siyeyeh

My parents are Veronica Kauwell and the Late Joe Johnny. The Hul'qumi'num Treaty Group hired me to co-ordinate referrals, starting May 2, 2005. 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 three reasons:

- (1) To respond to issues that impact treaty negotiations; in addition
- (2) The Board of Directors passed a resolution that directed HTG to take the lead in co-coordinating the technical review of a referral that affects more than one member nation; and
- (3) When requested by a member nation to assist or provide technical support in a specific referral response.

Over the last year HTG has been fine-tuning our role in processing referrals. HTG recognizes and supports that the legal duty of consultation is between the Hul'qumi'num member First Nations and the Crown (federal and provincial levels of government). Our role in processing referrals is first, to respond to issues that impact treaty negotiations; second, to respond to issues that affect more than one member First Nation and finally to act as a resource and support body for the Hul'qumi'num member First Nations as resources and time are available.

To this end, HTG co-ordinates technical reviews of

referrals that impact more than one of our Member First Nations.

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.

HTG has also developed a Consultation Policy, that explains why and when consultation is owed. This Policy has been printed and we are using the policy and hand them out to governments.

This policy can assist us in making sure the governments act responsibly when engaging our member First Nations in consultation. It lays the groundwork for a process, it also lays out the behavior expected in consultation, and sets the framework for an acceptable and appropriate relationship to resolve issues between our member First Nations and the government in consultation matters.

We have also begun a Referrals Technical Working Group to open the lines of communication and to make sure we understand what our member First Nations expect from referrals. Also to ensure HTG is not acting at cross purposes to our member First Nations when we respond to referrals.

Soon we will be asking the technicians from each of the First Nations to assist in developing 'the how' or the process to follow in responding to referrals and information and consultation requests. This is very exciting work, as although there are some First Nations who have developed consultation policies that describe why and when referrals require a response, very few First Nations have developed 'how' a referral will be responded to.

'Good faith' in negotiations ends up being about governments carrying on business as usual, while negotiating a treaty with us. While it's understandable that governments simply cannot stop all their activities, the treaty process was designed and the courts have directed that these government activities must give serious consideration to the level and stage of treaty negotiations. This has been an issue and is part of the reason why a referral coordinator was hired.

If you have any questions, or would like to report an issue that has not been brought to HTG's attention; please call: Kathleen Johnnie, Referral Coordinator

Email: kathleenj@hulquminum.bc.ca

Huy tse:ep qa, Kat.

Parks Committee



iyus xews sulanum! Happy New Year everyone! I hope you all enjoyed your Christmas holidays (and the snow) with your families.

We have some interesting projects on the go for 2007. But first, I'd like to briefly highlight a few key events/meetings that happened in 2006.

Upon my return from maternity leave in January, I was given the task of consulting with the community on the very important issue of Eligibility and Enrolment for the treaty.

That is, I was sent to the communities in various forms (workshop, meetings, elders meetings, etc) to ask the community members how we determine who's eligible to sign the treaty and receive treaty benefits.

One key event was the Eligibility and Enrolment Workshop, held on *March 8, 2006* at the Quw'utsun' Cultural and Conference Centre in Duncan. This workshop was well attended and we walked away with many interesting ideas and suggestions.

On *April 20, 2006* also at the Quw'utsun Cultural and Conference Centre, the HTG Parks Committee and the Parks Advisory Board (the board that advises our Parks Canada counterparts) met for the first time.

Our Parks committee has requested such a meeting since the committee's first existence in 2003. It was an interesting meeting in that the PAB members shared many of our committee's ideas and concerns about the

Gulf Islands.

In particular, both groups shared the common goal of working towards the improvement and inclusion of First Nations' interests and rights in the Gulf Islands National Park Reserve.

Protecting the lands and resources is another common goal. It was a meeting with beneficial outcomes and the beginning of a cooperative relationship.

The HTG Parks Committee had another very interesting meeting. This time, our committee and the Parks Canada staff took our meeting on the water.

On *July, 12, 2006*, our regularly scheduled Parks Canada meeting was held on a boat trip, with stops at Pender Canal, Saturna Island, Skull Islet, and Tumbo Island.

It was refreshing to be on the water and breathe the sea air while discussing ancient human remains, resources, and other typical issues that arise in our Parks Canada meetings.

In *November 2006*, who could forget the snow. Our Parks Committee met with the Parks Canada folks as well as Sylvia McMechan of Diamond Consulting.

The purpose of this meeting was to discuss the committee and the Consultation Agreement that was signed in May.

It was a very beneficial facilitated session and served as a platform for all parties to voice concerns and to clarify terms of the agreement or deal with any issue, outstanding or new, with the assistance of our third party facilitator, Sylvia.

These were some key events that happened in 2006 from my department/hats that I wear.

Ongoing issues and work include the elders meetings, negotiations sessions, and other important meetings/work that occur here in our treaty office.

So, other than the crazy snowy weather that happened in November and January, I'm

quite pleased with the past year and all that we've achieved here in our office.

Upcoming events for 2007 include a joint CURA-University of Victoria-HTG multilingual field guide publication.

This guide will exhibit over 200 species of significance to us published in a field guide with Hul'q'umi'num, Sencot'en, English, and Latin terms.

The guide will be distributed to the various schools in our territory so that our children will learn about the plants, animals, insects, and other invaluable resources in our territory.

At the very *end of January*, three knowledgeable people from our territory will participate in an Area Planning Workshop held by Parks Canada. This workshop will include relatives from Sencot'en and Tseycum communities as well.

The purpose of this workshop is for these knowledgeable people to inform the Parks Canada staff of anything important and of significance about Winter Cove and Narvaez Bay on Saturna Island.

They would like to share important information about these two areas prior to the area planning Parks Canada plans for those two areas, such as picnic tables, camp sites, and upgrading a boat dock.

In *February*, four of our Hul'qumi'num elders will travel to Victoria to participate in a Cultural Protocols workshop with our Sencot'en and Tseycum relatives.

The purpose of this workshop is to share a (defined) list of teachings and protocols with the Parks Canada staff. This helps the staff learn and appreciate First Nations people while working for the Parks Canada staff in the field, conducting tours, or other business in the Parks.

Our treaty office is very lively and continuously busy. I will update you as much as I can in the *Treaty Talk* or other newsletters!

Article submitted by Lea Joe: Negotiations Project Assistant & Gulf Island Park Reserve Coordinator



Hul'qumi'num Treaty Group



FREE

Pancake Breakfast

Saturday, February 24, 2007

8am-11am

Chemainus First Nation Gym, Shell Beach

Saturday, March 3, 2007

8am—11am

Royal Canadian Legion Hall in Chemainus

Saturday, March 10, 2007

8am—11am

Kuper Island School Gym, Kuper Island

Saturday, March 31, 2007

8am—11am

Si'em Lelum Gym dining hall, Duncan

**HUL'QUMI'NUM
TREATY GROUP**



**For more information contact April Miller at
245 4660 or Toll Free at 1 888 987 3289.
Check out website for a schedule of events
www.hulquminum.bc.ca**

Hul'qumi'num Youth Treaty Forum March 19th Quw'utsun' Cultural & Conference Centre 200 Cowichan Way, Duncan

All Hul'qumi'num youth between the ages of 13 and 18 are invited to participate in the Hul'qumi'num Treaty Group Youth Forum which is scheduled to take place on Monday March 19 at the Quw'utsun' Conference & Cultural Centre. Those that register early will be entered in a special drawing for a great prize. Registration is free but seats are limited so please sign up as soon as possible. Lunch and snacks will be provided free of charge.

To register please call April Miller at the HTG office 1-888-9TREATY.



M'Girl an Aboriginal Women's ensemble who won Best Female Traditional Cultural Roots Album from the 2006 Canadian Aboriginal Music Awards and received two nominations from the Aboriginal People's Choice Music Awards will be performing in the Comiaken Room at this event. Our key note speaker will be the Hul'qumi'num Treaty Group Chief Negotiator, Mr. Robert Morales. There will be other speakers and lots of information tables set up in the River Walk Café and the Tzinquaw Dancers will also be taking part in this forum.

Please plan on attending this event and possibly bring home some of our great door prizes.

For more information call 1-888-9TREATY

Or e-mail joeyc@hulquminum.bc.ca

Halalt First Nation



Jack Smith
Halalt & Lake
Cowichan Commu-
nity Treaty Coordi-
nator

Our Staff will be re-
viewing each of the
Treaty Chapters be-
ing negotiated in
more detail with a
view to revisiting and
re-setting a Halalt
First Nation negotia-
tions mandate that
reflects Halalt First
Nation members in-
terests.

Halalt First Nation Submission to HTG's Newsletter – February 1, 2007

Halalt First Nation's community project has been very active in keeping as up to date as possible with treaty negotiations developments.

The community project is responsible for keeping abreast of the issues being negotiated, analyzing the issues to ensure that Halalt's interests are being met, and for being the liaison with Halalt's Chief and Council and community on treaty matters.

When time permits we continue to explore our past by reviewing written documents, and through speaking with our elders and other community members.

Halalt's community project staff attend HTG negotiations sessions and other HTG meetings.

We hold weekly meetings to discuss the information presented at the meetings and to analyze their significance to Halalt.

Each staff member is responsible

for a variety of topics that are being negotiated by HTG.

We have also held a number of family and community meetings to share the non-confidential information that we can with the community and to discuss treaty issues of importance to community members.

We are currently conducting family meetings to discuss governance issues and at the end of February we are looking forward to Robert Morale's visit to our community to provide us with an update on treaty from his perspective and to hear what Halalt members have to say about treaty negotiations.

We conducted a survey that highlighted some key areas being negotiated like governance, culture and heritage, eligibility and enrollment, fiscal relations and taxation, and fisheries to name a few.

Through our follow-up

discussions with the community and through our ongoing meetings we have found that Halalt members have many concerns and issues that they look forward to discuss and to see whether the treaty process can in fact provide solutions.

The creation of Halalt's treaty related community project has provided a great opportunity through which to funnel HTG's treaty negotiations progress.

It is also providing Halalt with a significant opportunity to become educated about the treaty issues being negotiated.

This is very important for the community because there have been many meetings and the negotiations are at a stage where everything is much more technical and detailed than it has been in the past.

Coming up, our staff will be reviewing each of the treaty chapters being negotiated in more detail with a view to revisiting and re-setting a Halalt First Nation negotiations mandate that reflects Halalt First Nation members' interests.



Chemainus First
Nation Community
Coordinator
George Harris



Newest addition
to the Penelakut
Community
Treaty Team
Earl Jack



Cowichan Tribes



The Cowichan Tribes Treaty Department - Update of 2006

Winter 2006: - Yan Christian Wari-nussy, a human rights lawyer, and a John Humphrey Freedom Award laureate, visited Cowichan Tribes to share his courageous struggle against human rights violations in West Papua, Indonesia.

The Cowichan Tribes Treaty Department, the Hul'qumi'num Treaty Group and Hiiye'yu Lelum sponsored a **Youth Treaty Conference** at the House of Friendship.

The theme this year was **Q'ept tu Syu-wen'a'wuq tst tse "Gathering of our Future Leaders."** The youth conference hosted a number of fantastic speakers. Arvid Charlie, Tim Kulchyski, Sarah Modeste, Robert George and Danny Henry; all gave inspirational presentations to our Youth.

Spring 2006: - Lalum'utul' Smun'eem

In-Service Staff Training: Joey Caro educated Staff on the treaty process with the main focus on stage four. Lydia Hwitsum followed with her presentation on Constitution and Governance.

The Cowichan Tribes Treaty Department held a **Community Meeting** at Si'em Lelum Gym. Robert Morales provided a

report on HTG Negotiations, International Strategy approach, the Assembly of First Nations and the First Nations Summit Level.

- Our Cowichan Tribes Treaty Department, along with Hiiye'yu Lelum co-hosted a **Youth Treaty Workshop** which focused on the "Constitution & Governance".
- - *Chief Harvey Alphonse and a Cowichan Delegation traveled to the fifth session of the United Nations Permanent Forum on Indigenous Issues, as part of the HTG international Strategy to bring attention to the BC Treaty Process as a human rights issue.*

Summer 2006: - **National Aboriginal Day** - with more than 2,500 people in attendance and more than 100 volunteers, the event was a huge success. The Cowichan Tribes Treaty Department, in conjunction with HTG, ran a series of **100 radio commercials** with **Sun FM** and invited Cowichan listeners to enter the contest.

We challenged members to listen for the commercials and record the dates and times of at least 3 commercials and guess whose voice and win a prize.

Our Treaty Department held a **Open House**, 130 Community members enjoyed Barbequed Salmon, live entertainment, a Treaty Bingo Session and storytelling by Luschiim (Arvid Charlie), Aiden Thorne. Hosted by the

master of ceremonies, Tousilum (Ron George), and an opening and closing prayer by Amelia Bob

Fall 2006: - We held a workshop with the Cowichan Tribes Youth Centre **Youth Work Experience Program**. This was the first group to join us at our new location in the Housing building. They spent all day learning about Treaty.

Lands and Governance In-service Treaty Workshop - Dr. Brian Thom gave a highly informative presentation on Land selection (Hul'qumi'num Territory), GIS (Digital mapping), Resource management, Forestry products, Status of Crown Lands (including parks), unclaimed lands, Community planning, Land use planning and Certificate of possessions.

The Cowichan Tribes Treaty Department started an **Open Door Series** on Constitution and Governance and Lydia Hwitsum's work on the **Quw'utsun Constitution Declaration** was read in *Hul'qumi'num*.

- December 14th, 2006 **The Cowichan Tribes Treaty Department Community Meeting;** Chief Negotiator Robert Morales spoke on Aboriginal Rights and Title, HTG Strategies and Issues.
- Lydia Hwitsum followed up with an update on her work on the Quw'utsun Mustimuhw Declaration to the approx. 100 members braved the snow and rain to make it a success.

Article submitted by Gerry Morneau
Cowichan Tribes Community Treaty

For more information please contact the Cowichan Treaty office at 748-3196 or e-mail treception@cowichantribes.com Or gerry.morneau@cowichantribes.com Or Melissa.joe@cowichantribes.com Or visit their web site at www.cowichantribes.com

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Hul'qumi'num Treaty Group

RR#1 12611B Trans Canada Highway

Ladysmith, B.C. V9G 1M5

WANTED

Information leading to the whereabouts of all Hul'qumi'num Treaty Group members.

Member nations include: Chemainus, Cowichan, Halalt, Lake Cowichan, Lyackson & Penelakut

If you are a member of one of these nations we're looking for you. We need your contact information

So we can include your input and keep you informed of treaty negotiations.

Please forward your; Name, Address, Telephone Number, Email Address & Band Affiliation to

April Miller at the Hul'qumi'num Treaty Group

12611B Trans Canada Highway

Ladysmith, BC, V9G 1M5

Telephone: (250) 245-4660

Toll Free Telephone: 1-888-998-3289

Fax: (250) 245-4668

Or fill out the form on our website:www.hulquminum.bc.ca

Email: aprilm@hulquminum.bc.ca