

HUL'QUMI'NUM  
TREATY GROUP

SPECIAL  
POINTS  
OF INTER-  
EST:

- BC Leadership Accord
- Hwlitsum
- Eligibility & Enrollment
- Archaeological Overview Study
- Fergie's Two Cents

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# TREATY TALK



VOLUME 13

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## Hul'qumi'num Territory achieving reconciliation



'l'tst uw' hwnuts'ulwum  
working as one

Hul'qumi'num Treaty Group  
www.hulquminum.bc.ca

### New HTG Billboards Raise Public Awareness.

Following the direction of the Chiefs, HTG has embarked on a new, assertive campaign of public awareness. In February two billboards went up on the Trans Canada Highway, offering a potent message about our treaty talks. The billboards send multiple messages. The main message is to make people aware that they are in Hul'qumi'num Territory. It is something the average daily highway driver does not consider. That fact

has major implications for Hul'qumi'num people, in terms of land rights, territorial governance, cultural values, and of course, the present-day outcomes of "the Indian Land Question". The second message is that the HTG is working on "achieving reconciliation" of all the political, legal, social and cultural issues that surround this outstanding land issue. We are working hard to achieve a just and fair reconciliation of the ongoing presence of Aboriginal title to Hul'qumi'num territory, and

the present-day outcomes of the E&N railway grant. The third message is targeted at the members of the HTG Communities, who are very much alive to the above issues. The message "working as one" is to reflect the historic and considerable effort our six member First Nations are undertaking to address these issues. Finally, we are trying to raise awareness about the HTG, and pointing people to the website for more information. One billboard is just north of the Ladysmith Husky Station and the other is south of Duncan. **Submitted by Brian Thom. HTG Senior Negotiations Support**

## Jean Crowder appointed new Aboriginal Affairs Critic

Jean Crowder, the local New Democratic Party (NDP) Member of Parliament (MP) for Nanaimo-Cowichan has been appointed critic for Indian and Northern Affairs. This means that the Hul'qumi'num Treaty Group, as constituents in the riding, will have an easier time meeting and discussing important issues with Jean. Having her as the Critic will help us advance our concerns about Federal government policy and initiatives. Jean can devote much of her time to understanding the issues and asking tough questions of the

Conservative Government in the house...this will force the Conservative government to be accountable for its actions. In the Nanaimo Daily news on Wednesday February 15, 2006 Jean stated: "The First Nations here in the Nanaimo-Cowichan have made it clear that issues like residential schools, First Nations treaties, protection of culture and language and the Kelowna agreement are all top priorities". The HTG has had several meetings with Jean since she was first elected as the area

MP in the previous election. She understands in detail the issues that we face here in the Hul'qumi'num Territory and has done her best to assist in any way she can, including by bringing leader of the NDP, Jack Layton, to the territory. The HTG expects to have a stronger relationship with Jean now that she is critic. With so many issues on the go, we will make sure Jean has a full understanding of the issues, policy development, and activities to ensure that she can effectively challenge Jim Prentice, the INAC Minister in the House.

**Submitted by Lahalawuts'aat  
HTG Senior Negotiations Support**

## Director of Operations Update



**Audrey Henry**  
HTG Director of  
Operations

**“In this edition I would like to thank the staff of the HTG for all of the work that they have done.”**

I am pleased to say that I have now been the Director of Operations for over two years. The time has gone by so quickly. I would like to thank everyone for their support and input to the HTG. Membership's participation is very important in our work.

### **Policy Update.**

In the past two years we have developed a number of policies that the Board of Directors have since implemented. We are now in the process of completing the Board of Directors Policy and we hope to have that finalized before the end of this fiscal year which will end on March 31.

### **Staff.**

In this edition I would like to thank the staff of the HTG for all of the hard work that they have done. We have built a team of people who truly

believe and understand that we are here for the Hul'qumi'num Nations and that we are essentially working for the future generations of Hul'qumi'num Mustimuhw. This is a heavy load to carry as we clearly understand that accuracy of our work is vital to our success. With this in mind the HTG team is moving forward and working together in the best interest of the future generations.

Did you know that our office employs 19 Hul'qumi'num members, 3 Aboriginal people from other areas and 6 non First Nations? Both the Chief Negotiator and the Director of Operations are Hul'qumi'num. These two positions report directly to the Board of Directors.

Projects: Although I am somewhat Involved in all of the

projects that have been implemented in the HTG, I am currently directly involved with 3 projects. These are the CURA, Health Canada, Cadmium project and the Aquaculture Project.

CURA stands for Community University Research Alliance. The HTG has partnered with the University of Victoria and the SENCOTEN People to work on the Salish Language revitalization Project. This initiative is lead by the University of Victoria with the assistance of the two community Coordinators in the implementation of Hul'qumi'num and SENCOTEN Language projects carried out by the communities to develop and enhance long term planning and implementation of the Language revitalization strategy. We are pleased to welcome Tim Kulchuski as the Coordinator for the Hul'qumi'num Region. We would also like to thank Stella Johnny for all of her hard work in the project. Please feel free to contact Tim if you wish to find out more about CURA and the projects that are currently taking place. Health Canada Cadmium Project. The HTG has had the opportunity to work with two of the communities to look at the impacts of Cadmium and PSP on the Shellfish consumption. We have had the opportunity to work within the Cowichan and the Penelakut communities for their members to volunteer to participate in this short term study. The scientific data will be very beneficial in determining and clarifying appropriate access to

looking at the effects that Cadmium and PSP potentially has on our community members who eat shellfish on a regular basis. In addition, the project is also looking at the possible impacts these chemicals have on individuals and their access to some of the traditional food. This undertaking has received both Provincial and National recognition where the HTG has been invited to present information on this project to both Provincial and National bodies. Thanks to Karen Fediuk's submission to Ottawa some of the findings will be presented to the Aboriginal Policy Research Conference taking place in March of this year. HTG would like to thank Karen Fediuk, Mia Parker, Tim Kulchuski, Joyce Johnny, Jenny Sylvester, and Debbie Jackson for their contributions to the project. We would also like to thank the Provincial and Federal representatives for all their efforts in assisting with the work.

Aquaculture Project Through the efforts of Cheri Ayers and Joe Seward, HTG is in the process of developing a partnership in Qum'ul Seafood's. This seafood company would be owned by the six tribes affiliated with the HTG. We are currently waiting for communities to provide the formal support in the way of a BCR from each Chief & Council. Once this company is established HTG will step away from the Company allowing the six communities to carry on the business.

(Continued on page 3)

## Director of Operations Update Cont.



**Audrey Henry**

(Continued from page 2.)  
The establishment of this company will give the Hul'qumi'num communities the opportunity to participate in the seafood industry through an

entity fully owned by the Hul'qumi'num First Nations. The HTG would like to thank both the present and past interim Board members in their efforts to establish the company.

**Community Projects;**  
All six of the HTG communities have taken on Treaty related projects as mandated by their Chief and Councils. The Community leaders have taken on the opportunity to do Treaty work within their communities to enhance the work that is currently taking place at the HTG.

We would like to thank all of the Community Treaty Teams for all of their work and efforts in getting information to their communities. Huy'steep qu May the creator watch over all of you and your families.  
Audrey Henry  
Hul'qumi'num Treaty Group  
Director of Operations.

(Audrey will be leaving the HTG on March 31 to move to Saanich the staff of the HTG would all like to thank her for her contribution and wish her all the best in the years ahead.)

*The establishment of this company will give the HTG Communities the opportunity to participate in the seafood industry through an entity fully owned by the HTG First Nations.*

## BC Leadership Accord

Many may not know this, but the First Nations Summit, the organization that represents all Bands in BC who are negotiating a treaty, and the Union of BC Indian Chiefs, the organization that represents the Bands that are not currently involved in treaty making, and the BC Assembly of First Nations Chief, the national organization with a regional body, have signed a Leadership Accord.

The Leadership Accord forms a new BC Leadership Council which includes: Grand Chief Ed John (FN Summit Task Group), Grand Chief Doug Kelly (First Nations Summit Task Group), Dave Porter (First Nations Summit Task Group), and Chief Stewart Phillip (UBCIC President), Chief Robert Shintah, (UBCIC Vice President), Chief Mike Retasket, (UBCIC Secretary Treasure) and A-in-chut, Sean Atleo, (BC Regional Chief, AFN).

This accord makes the commit-

ment of working together and supporting each other in advancing the rights of First Nations in BC. This has required several meetings and the leadership council has met several times together with the provincial government in trying to move forward the provincial Government's "New Relationship" which is a commitment of 100 million dollars over 5 years to streamline decision making processes in consultation. To date the Leadership Council has been able to:

- Get BC Government to agree on a new relationship with First Nations including enough money to be able to implement the new relationship.
- Signed an accord with the RCMP
- Working at the Federal level on the Federal Roundtable on First Nations Issues.
- Get the BC Government to revisit the existing Forest and Range Agreements to

ensure that they take into account the interests of First Nations.

Currently the leadership council is trying to get a commitment from Stephen Harper, the new conservative minority government leader, to continue with the Kelowna Accord, an agreement that was reached between the Assembly of First Nations, the Federal Liberal Government, and the BC Government to improve the lives of First Nations people within 10 years.

For more information on the BC Leadership council visit the First Nations Summit Web page: <http://www.fns.bc.ca/>

**Article Submitted by  
Lahalawuts'aat  
Shana Robinson  
Senior Negotiations Support**



Cowichan Elder Angus Smith at recent HTG Community Meeting



**Renee Recett**  
HTG Legal Counsel

*“As an important note, the individual HTG First Nations will continue to determine their own criteria for “who is a member of their band.”*



Clinton Charlie (Fergie)  
HTG Communications Department.

## Who Are the Hul’qumi’num Mustimuhw?

A major question the Hul’qumi’num Treaty Group is currently underway in seeking direction from you, the Hul’qumi’num Mustimuhw on is: “Who will be eligible to benefit from the Hul’qumi’num Mustimuhw Treaty?”

An important component of finalizing a treaty with the Crown (Canada and British Columbia) is to know who the beneficiaries of the treaty are. The Hul’qumi’num Mustimuhw must be able to define their membership as a people. This means they must be prepared to say who is and who is not Hul’qumi’num Mustimuhw. A very daunting task indeed. It involves discussing and analyzing issues that are very close to the heart of the people.

Historically, entitlement to “Indian status” and “Indian band membership” has produced a series of complex and controversial issues. The legal definition of the term “Indian” has brought with it certain benefits and eligibility for federal programs, as well as a history of limitations on rights. Under the old provisions of the Indian Act, Individuals could lose their status or be denied status for many reasons. For example, women lost their status by marriage to

a non-Indian. Individuals lost their status in order to vote, own property, join the armed forces, drink alcohol, live in another country, become a lawyer or clergyman, or being an illegitimate Indian child. This has been hurtful to First Nations across the country leading to division and resentment.

Disputes over the definition of “Indian” under the Indian Act, the authority to determine band membership, and access to rights tied to status and membership have given rise to conflicts between Indian bands and governments, and within First Nation communities. In 1985, amendments to the Indian Act, also known as Bill C-31, removed a number of discriminatory provisions from the Act replacing it with a new series of problems. While eliminating some issues, the amendments introduced a number of new political, social and financial issues for First Nation communities in the ensuing decade. The entitlements provisions have had far reaching negative impacts which will be important for the Hul’qumi’num Mustimuhw to take into account when constructing their criteria for who is “eligible for treaty.”

Though the membership code

work done under the Indian Act, the communities have already some thinking about “who should be a member.” Now it is time to think a bit bigger and ask “Who are the individuals that make up the Hul’qumi’num Mustimuhw as a whole?” Knowing that the strict restriction of the Indian Act have been hurtful to First Nations communities, how do we design “eligibility criteria for inclusion in the treaty” that properly meets the Hul’qumi’num Mustimuhw goals and objectives?

As an important note, the individual Hul’qumi’num First Nations Bands will continue to determine their own criteria for “who is a member to their Band.” However, we also must be able to determine who is a member for purposes of treaty.

I encourage you to put some time and consideration in to this important portion of the treaty and come to our community meetings and share your thoughts. We look forward to your invaluable direction.

**Article submitted by Renee Recett, HTG Legal Counsel.**



## Gaining Control Back Over our Natural Resources

The Hul'qumi'num Treaty Group has listened to our respected Elders. Leaders and community and has taken that information and moved forward with developing a "Shared Decision Making Model". The Shared Decision Making Model (SDMM) will provide co-management over natural resources with the Provincial Government. We continually hear that we have limited access to the resources, for food and ceremonial use and for our livelihood. The elders and leaders continually express their frustration with the limited say over the government decisions that affect the natural resources within our traditional territory. This SDMM will support an opportunity for the Hul'qumi'num Treaty Group to negotiate authority over the management of natural resources with the Province, pre-treaty and post-treaty.

A SDMM Steering committee, along with selected consultants and members of all of our communities

are developing a SDM model that will be distributed to Provincial officials, policy makers and other interested First Nations. A community process to gather feedback from our Elders, leaders and other community members is underway to gain feedback and ensure that we are creating a process to empower our people to reach a treaty that recognizes our 100% ownership to the land, water and all natural resources.

The areas that we are pursuing in the negotiations are: forestry and foreshore within provincial jurisdiction, environment protection and assessment, water resource management, fresh water and river bank management, wildlife and migratory birds and ground water. The negotiations will include developing policy that respects our traditional teachings and methods of caring for the natural resources using a Hul'qumi'num management body. Although the focus of this project are resources the Provincial government currently manages, decision-making authority for resources managed by the Federal Government—especially marine resources will be negotiated in a future treaty phase.

This is an exciting opportunity to

collectively work together as Hul'qumi'num hwulmulh to reaffirm our jurisdiction over our traditional territory and to renew our full engagement in the stewardship of our lands and waters. Based on the courts decision and direction, the Province has begun to acknowledge the right of First Nations to decide how to use the land and resources subject to aboriginal title. An agreement between the First Nation and the Province called "New Relationship" states: "The right to aboriginal title 'in its full form,' including the inherent right for the community to make decisions as to use of the land and therefore the right to have political structure for making those decisions, is constitutionally guaranteed by section 35 (of the Canadian Constitution)." This model will create an opportunity to negotiate an agreement that helps the Hul'qumi'num Treaty Group reach our 100% mandate.

If you have any questions or feedback, please call Joe Elliott at 245-4660 at the Hul'qumi'num Treaty Group. **Article by Joe Elliott.**

*A community process to gather feedback from our Elders and other community members is underway*



### Research Department Update

Hello Everybody I'm back. Returning from 11 months of maternity leave, I find myself familiarizing with this office work and treaty business! Several projects I've been assigned include (but not limited to):

- Implementing the Hul'qumi'num Land Use Plan by discussions with various local, provincial, and federal government officials, third parties, other First Nations, and of course, our community members
- Assisting the negotiations team i.e. community consultation on various issues such as Eligibility / Enrollment (membership)
- Wildlife research
- Taking on the role of coordinator for the HTG-Parks Canada Gulf Island National Park Reserve committee

As well, we will be hosting an all-day workshop on March 8th, in the Riverwalk Café at the Quw'utsun' Cultural Centre, The purpose of the workshop is to seek information and guidance from our communities on the important issue of Eligibility / Enrollment. Once we sign the final treaty, we need to know who exactly will be eligible to benefit from the treaty rights. So, membership is on my agenda for the next little while.

I look forward to working with all of you once again. **Article submitted by Research Assistant Lea Joe.**

# Message From the Chief Negotiator



**HTG**  
Chief Negotiator  
Robert Morales

*I have heard the concerns from the community in wanting to have more time with me directly. I will do my best to make sure that I am available.*

**Good Day, greetings and well wishes** to all our members and your families. I would like to share with you some information about our work here at the Treaty Office.

## **New Fiscal Year Priorities**

We have spent some time looking at what our priorities will be in the new fiscal year. As a result, we have determined that our priority, along with negotiating a treaty, is to ensure that we develop strong coalitions with other tables in the province, that we focus on lobbying both the federal and provincial government because of their inflexible mandate, and that we foster solidarity and unity with one another, as six Hul'qumi'num communities.

## **Stage Five Tables**

I have been able to sit with Stage five tables when they meet to discuss strategy, I have found that the negotiations that take place at these tables is not very different from the items and issues that we are currently negotiating at our Stage Four Table. As a result, we have been able to share our experience and offer support to other groups that the government is trying to get to agree to language that will not meet their communities' needs, then, set a precedent for the rest of us.

## **Provincial Government Lobby Efforts**

I have been able to meet with a few Provincial Ministers. We met with the Minister of Agriculture and Land, Minister Pat Bell, and we raised a few primary issues:

- Memorandum of Understanding on Shellfish tenure and the cap of total allowable hectares
- The lack of foreshore planning in relation to dock appli-

cations

- The sale of crown land in the Hul'qumi'num Territory—this is no longer taking place, but at the time of our meeting there were a number of pieces that were for sale.

We have met with the Minister of Aboriginal Relations and Reconciliation, Minister Tom Christensen, to share with him first hand the uniqueness of the Hul'qumi'num Territory and why we need flexibility in the negotiations at our table. We are not like any of the other tables in BC. He was very receptive to the facts we put forward and agreed to discuss it further within his ministry and he will be getting back to us within the month on their ideas.

## **Federal Government Lobby Efforts**

We have sent a series of letters to the Federal Conservative Government, the Federal NDP, and the local MP Jean Crowder, and intend to make sure that the Hul'qumi'num

Treaty Group has the opportunity to put our issues forward at the federal level in relation to treaty negotiations and government mandates.

## **Vancouver Island Coalition**

Vancouver Island First Nations have begun discussing the idea of coming together on key treaty issues that affect us all equally. Things like: Certainty, taxation, land sales, and governance. Are there areas where we can have the same approach and support each other in an effort to alter the government's mandate? There

be, and that is what we are meeting about.

## **Chairman First Nations Summit Chief Negotiators**

The First Nations Summit Chief Negotiators have been meeting on a regular basis. There has been a shift in the role of the Chief Negotiator's meetings, and that is to be the resource and strategizing arm of the First Nations Summit. The Chief Negotiators for all the First Nations engaged in the BC Treaty Negotiations have accepted this new role and we have been able to transform the Chief Negotiators meetings to focus more on strategy development and outcomes. I look forward to continue this work.

## **Community Meetings**

I have heard the concerns from the community in wanting to have more time with me directly. I will do my best to make sure that I am available for several meetings that will be taking place in the upcoming fiscal year, including Chiefs and Councils meetings, community meetings, and our Elder's meetings. We have also invested in technology to be able to reach all of our members, via the HTG web page. We will begin conducting monthly web casts.

## **Huy'tssep qu**

Thank you for taking the time to review this update. The HTG office continues to develop strategies and direction to achieve the number one goal of Getting to 100% for the HTG Mustimuhw in our treaty.

**With Respect**  
**Robert Morales**

# What Does a Conservative Minority Government Mean?



**Stephen Harper** has won the office of Prime Minister, but failed to acquire a majority government. As a result Stephen Harper will have to make sure that any legislation he brings forward will be able to get agreement with some members of the other parties: Liberals, loc Quebecois and the NDP. Unfortunately the NDP do not hold enough seats to be the swing vote, so Harper will have to build alliances with more than one party.

In his conservative party platform Harper stated that a conservative Government will:

- Accept the targets agreed upon at the recent Meeting of first Ministers and National Aboriginal Leaders and work with first ministers and national aboriginal leaders on achieving these targets.
- Support the development of individual property ownership on reserves, to encourage lending for private housing and business.
- Let Aboriginal parents choose the schooling they want for their children, with funding following the

students.

- Replace the *Indian Act* (and related legislation) with a modern legislative framework which provides for the devolution of full legal and democratic responsibility to aboriginal Canadians for their own affairs within the Constitution, including the Charter of Rights and Freedoms.
- Pursue settlement of all outstanding “comprehensive claims” within a clear framework that balances the rights of aboriginal claimants with those of Canada.
- Adopt measures to resolve the existing backlog of “specific” claims so as to provide justice for aboriginal claimants, together with certainty for government, industry, and non-aboriginal Canadians.
- Implement all of the recommendations of the House of Commons Standing Committee on Aboriginal Affairs and Northern development contained in its fourth report on Resolving Indian Residential School Claims, to expedite the settlement of claims and save money.
- Recognize the contributions of Aboriginal veterans, and redress 60 years of inequity by implementing the resolution of the House of Commons to acknowledge the historic inequality of treatment and compensation for First Nations,

Métis, and Inuit war veterans, and take action that truly respects their service and sacrifice.

- Exempt the department of Indian Affairs from spending growth cap to be imposed on federal government departments.

Now that Harper does not have a majority government it will be very difficult for him to implement anything that would be controversial to First Nations. He will need First Nations support and the support of other parties in the house in order to change anything.

Initiatives like recognizing Aboriginal Veterans will happen, no problem, but replacing the “*Indian Act*” is not going to happen.

Overall Minority Governments have a life of 18-24 months: you can expect another federal election within that time frame. If Harper wins a conservative majority then we will be in for major change.

**Article submitted by  
Lahalawuts’aat  
Shana Robinson**



**Now that Harper does not have a majority government it will be very difficult for him to implement anything that would be controversial to First Nations.**

## Archaeological Overview Assessment Study



**Eric Mclay**  
HTG Culture/  
Heritage Researcher

**“First Nations’  
heritage sites will  
be incrementally  
destroyed by such  
land development  
in the next 50  
years.”**

The Hul’qumi’num Treaty Group has began work on the first phase of an anticipated three to five year heritage management project, known as an ‘Archaeological Overview Assessment (AOA) Study’.

Hul’qumi’num Territory on southeastern Vancouver Island, Gulf Island and lower Fraser River is known to be a region rich with First Nation History. It is also increasingly recognized as one of the most desirable regions for economic and population growth in British Columbia. These growing pressures on regional land use creates the potential for escalating conflicts between development and the protection of ancient First Nation heritage sites, such as occurred at Potts Cove and Walker Hook. Without proper government planning, coordination and enforcement, it can be expected that the majority of First nations’ heritage sites will be incrementally destroyed by such land developments in the next 50 years.

For this reason through the B.C. Treaty Process, the Hul’qumi’num Treaty Group has been attempting to build protocols and working rela-

tionships with provincial ministries and local governments to increase the effective protection of archaeological sites from proposed land development in Hul’qumi’num territory.

The AOA study is expected to be an important component of this inter-governmental work. An AOA study is essentially a strategic planning tool. Its purpose is to guide government land use decisions in respect of protecting heritage values. The study will provide a comprehensive review of what is known about archaeological site locations in Hul’qumi’num territory.

Consequently, based on this collected information, a computer-based GIS predictive model is next created to identify potential areas where unrecorded archaeological sites may be located. Through integrating this planning tool into the provincial Archaeology Branch database, the AOA study can be used to alert government to proposed development areas that may require further archaeological studies in the early planning stages.

Millennia Research Ltd., Victo-

ria, will be working in partnership with the Hul’qumi’num Treaty Group to provide their professional archaeological consulting services toward the successful completion of the AOA study for Hul’qumi’num territory. In addition, coastal geomorphologist, John Harper of Coast and Ocean Resource Inc, Sidney, has generously agreed to provide his expertise to develop a model of sea-level changes in the Gulf Islands over time, document clam gardens and other intertidal sites, and identify potential paleogeographic features that may be associated with early archaeological sites.

The HTG will be submitting a funding proposal to the BC Government in the next fiscal year to begin the next stages of the AOA study, which will involve testing the predictive model on the ground, and to begin the process of implementing the model into the provincial heritage management system for the use of provincial ministries, First Nations, and local government planners.

**Article submitted by Eric Mclay , HTG Culture/Heritage Archives Researcher.**



**Brian Thom**  
Senior Negotiations  
Support

### “Eligibility & Enrollment,” who is eligible to be considered Hul’qumi’num Mustimuhw?

In 2006, HTG is negotiating a critically important chapter called “eligibility and enrollment”. This chapter sets out the criteria by which people will be eligible to enroll as a beneficiary of the treaty. It also sets out the process of how people can sign up (be enrolled). Treaty enrollment is different than Indian Status. It is also different than band membership. The department of Indian Affairs determines who is eligible to be a status Indian under the *Indian Act*. Each Band’s membership codes determines who is eligible to be a band member. The treaty will not change these things. Status Indians will still have the benefits of their status, and Band members will still share the benefits of belonging to a band. Treaty offers a different set of rights and benefits. Some of these include such things as the treaty right to hunt, fish or gather, the rights to participate in the self government institutions established through treaty, (Article continued on bottom of page 11.)

# Hwlitsum

The Hul'qumi'num Chiefs passed a resolution on July 25, 2005 accepting the Hwlitsum First Nation as a member of the Hul'qumi'num Treaty Group **subject to the terms of the union** being worked out over the next 12-24



months. What exactly does that mean? Well, it means that prior to Hwlitsum becoming a full voting member of the Hul'qumi'num Treaty Group a few outstanding questions need to be clarified. That's what I am here for.

My name is April Miller and I am a member of the Penelakut Tribe. I have recently been hired by the Hul'qumi'num Treaty Group to help them resolve the "Terms of the Union." More specifically, I am here to help clarify some of the outstanding questions so a decision can be made, but first things first who are the Hwlitsum?

The Hwlitsum First Nation is the name that has been adopted by the Wilson Family who reside in Canoe Pass at the mouth of the Fraser River. The Hwlitsum First Nation is not yet a formally recognized Band under the *Indian Act*. The Wilson family filed papers with the Department of Indian Affairs asking to be officially recognized as a band back in 2000 and the process is still ongoing. Currently there are approximately 225 status members with about another 200 awaiting status.

What are the Terms of the Union? Well, the terms of the union refers to the outstanding issues that have been identified for further exploration, these include:

- Outstanding genealogy questions
- Shared territory issues
- Statement of Intent map
- Share of debt
- Current membership
- Land and resource issues
- Voting structure
- Eligibility and Enrollment
- Who makes the final decision about Hwlitsum joining?

(Chief's or membership?)

Right now Hwlitsum is participating in the Hul'qumi'num Treaty process as an ex-officio, non-voting member. So what does this mean? "Ex-officio" is a Latin term meaning "by virtue of office or position." So, in this instance, Hwlitsum Chief, Rocky Wilson, has a seat on the Hul'qumi'num Treaty Group Board because he is a Chief and we are exploring the possibility of them becoming a seventh member of the Hul'qumi'num Treaty Group.

They are not full members (of the society: therefore, they do not get to vote. They get to sit at the table, take part in discussions, but when a resolution or decision is made they do not get to vote. If, after this exploratory process, Hul'qumi'num delivers a positive decision then, and only then, will they become full members and be allowed to vote.

I hope this helps to clarify a couple of issues. The fact of the matter is, you'll be hearing a lot about Hwlitsum in the next 12-24 months and you'll be seeing more of me. If, in the meantime, you have any questions or comments with regards to this process please do not hesitate to contact me at the HTG office at 1-888-987-3289. We'll be seeing you. **Huy'ch q'u April Miller.**

**"They are not full members of the society, therefore, they do not get to vote."**

## Fergie's Two Cents

The drum's are pounding and the ducks are flying back from the south and there was a controversy at the last elections for the Penelakut community members. Unfortunately one of the band members that was nominated for councilor was left off the ballot on the February 16th 2006 election day. Because of this the only thing that was voted on was the Chief posi-

tion. The Council won't be voted on until March 26th with this being said the Penelakut community members won't have a council in place for almost two full months. In the past we had our own forms of governments and we worked together as one, it is often referred to as "Nuts matt Sqwuluwun" by the elders. Though this election confusion in Penelakut it is another good example of how the Indian Act isn't working for our people. We need to break away from the Indian Act and have our own forms

of government in place that will benefit all of the community members that form the Hul'qumi'num Treaty Group.

This is why we need our own election codes and government in place for the Hul'qumi'num Mustimuhw. This is why we need all of the Hul'qumi'num community members to get involved and let us know how you feel about governance, Chief and council elections, membership, etc.

This is your time for your voice to be heard and this treaty will be forever so please come out to our community meetings,, e-mail, fax or phone us.

Feel free to contact me on our toll free number 1-888-9TREATY if you have any question or concern.

**For the People: Clinton Charlie. HTG Communications Dept.**

## Land Use Decisions by Government



**Kat Johnnie  
HTG Referrals  
Coordinator**

*“The  
Hul’qumi’num  
Treaty Group has  
been mandated  
by the Board of  
Directors to  
respond to  
referrals.”*

The Hul’qumi’num Treaty Group has been mandated by the Board of Directors to respond to referrals (land-use decisions by government) for the following reasons:

1. to review impacts to the good faith negotiations in treaty; 2. to review impacts if more than one member Nation is affected, HTG will co-ordinate the technical review; and 3. to review impacts if a member Nation requests technical support from the HTG.

There are currently three major referrals that were previously reported to all the communities in the last Hul’qumi’num Treaty Newsletter.

(A.) The Vancouver Port Authority’s proposed expansion of the Deltaport Third Berth (DP3) at Robert’s Bank; (B.) the BC Hydro Vancouver Island Transmission Reinforcement (VITR) Project, crossing from Robert’s Bank under the Georgia Strait over Galiano and Salt Spring Islands and ending at the substation north of Duncan on the Island Highway, to provide power to

Vancouver Island; and (C.) the Seabreeze Corporation competing proposal to provide power to Vancouver Island through a project called Vancouver Island Cable (VIC) project, which starts at Boundary Bay, crosses the Georgia Strait and lands on the southern end of the Saanich Peninsula.

In November, the Board of Directors officially directed the Hul’qumi’num Treaty staff to coordinate the technical review of the DP3, VITR and VIC, act as facilitator and work with the technical staff from each of the Member Nations, as identified by the Chiefs’ or their designates.

The resolution was officially signed off near the end of November. To-date, the Hul’qumi’num Mustimuhw Referrals Technical Working Group (HM TWG) met twice to discuss these three projects.

The HM TWG officially includes, Chief Richard Thomas, Chief Cyril Livingstone, Jack

Smith, as directed by Halalt, Kate Miller as directed by Chief Alphonse in September, Councilor Robert Sam for Penelakut, Warren Johnny until further direction from the Chemainus Chief and Council. Chief Rocky Wilson and Al Grove, Administrator to the Hwlitsum First Nation have also attended these meetings.

From the HTG a variety of Technical staff will attend depending on their availability and the topic; Carrie Humchitt, Articling Law Student, Brenda Underwood, Referrals Assistant, Renee Racette, Legal Counsel; Cheri Ayers, Natural resources Manager and Kathleen Johnnie, Referrals Coordinator.

Please Look for more news in the future about the DP3, VITR and VIC from the HM TWG and for other news from the HTG Referrals Department in your newsletters.

**Huy tse:ep q’u. Kat: Article by Kat Johnnie.**



Jean Crowder being wrapped in a HTG Blanket by Cowichan Tribes Chief Harvey Alphonse and HTG Chief Negotiator Robert Morales in recognition of her newly appointed position as Aboriginal Critic at recent HTG Community meeting which took place on February 22 at the Quw’utsun Cultural Centre.

## The Legacy of Residential Schools

It has been a long painful road for some of the former students who attended Indian Residential Schools in Canada as there were numerous students who had suffered physical, mental, emotional, and spiritual abuse as a result of their attendance in the schools.

The road towards healing has not been an easy one as initially the Government and the Churches who ran the schools pointed their fingers at each other in terms of where the liability lied for compensation for the abuses enacted on the students who attended the schools.

However there has been good news in recent times insofar as students who formerly attended



the schools being able to receive financial compensation without having to go through what can be a

painful and traumatic process for Indian Residential School survivors of having to go to court to receive compensation for their attendance at the Schools for claims involving physical and sexual abuse.

On May 30, 2005 the Assembly of First Nations (AFN) signed a Political Accord with the Federal Government for a "lump sum" compensation package for the former students of Canada's Residential Schools. This lump sum payment is for anyone who has attended Residential Schools and claims can be made without having to hire a lawyer.

This package was brought about as a way in which to achieve true reconciliation and healing between the Federal Government, the Church, and Canada's First Nations peoples in regards to the terrible legacy that the Residential School experience left in its wake for the former attendees of the Schools.

Some of the important details of the agreement are: that the lump sum payment is recommended by the AFN is to provide \$10,000 per student plus an additional \$3,000 per year that the student attended Residential School

It is also recommended that the

payments be expedited for sick and elderly students and former students who are 65 years of age and older.

However it must be stated that this lump sum payment package settlement has not been finalized yet and the Federal Representative's deadline to report a settlement package is March 31, 2006.

Hopefully, this settlement package will be finalized and not be delayed as a result of the change of government which seen the Conservatives come to power.

If all goes well, once the settlement package is finalized forms will be provided to the former students of Indian Residential Schools which are short, easy to obtain, and fill out. If you would like further information regarding this settlement package from the AFN they have a toll free number you can call which is 1-866-869-6789 or on their website: [www.afn.ca/residentialschools](http://www.afn.ca/residentialschools)

On January 12, 2006 a presentation was put on by Carrie Humchitt, articling law student HTG, for the Chemainus and Penelakut elders about the AFN lump sum settlement package and if you would like to have an information session for your Elders group, please contact the HTG office and one can be scheduled for you.

**Article by Carrie Humchitt. Articling Law Student**

**"This lump sum payment package settlement has not been finalized yet and the Federal Representative's deadline to report a settlement package is march 31, 2006."**

### Eligibility & Enrollment Cont.

**from page 9.** the right to share in any other benefits held collectively by the Hul'qumi'num people. All status Indians who are band members at the time of treaty will be Hul'qumi'num Mustimuhw, but in the future, not all Hul'qumi'num Mustimuhw must be status Indians. This is the same for Band Membership. Unlike the criteria for who is a status Indian (which is set in the *Indian Act*) or a band member (which is set in band membership codes), the treaty will list the criteria for who is eligible. This criteria will be protected by the treaty into

the future. It is up to the Hul'qumi'num people to establish the criteria that they will want to reflect who the Hul'qumi'num people are. Below are some of the many options for this criteria:

- Of Hul'qumi'num "Ancestry", (ie:having a connection to the community through your paternal or maternal ancestors.
- Marriage in accordance with custom.
- Adoption

- Treaty-recognized customs and traditions for community membership.
- Permanent Residency on Hul'qumi'num Land
- Knowledge of or commitment to language.
- Participation in cultural life of community.
- Descendents from any or all of the above individuals.
- Staff from the HTG will be working with the community in the next few months to discuss the eligibility criteria and their implications. In a future article, we will discuss the process for enrollment that is proposed in treaty.

**Article by Dr. Brian Thom  
HTG Senior Support Staff.**



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### A Railway Runs Through It.



The Coast Salish Tribes, Cowichan, Penelakut, Chemainus, Halalt, Lyackson and Lake Cowichan, who reside on the south east of Vancouver Island and at the mouth of the Fraser River have formed an alliance to negotiate in good faith a treaty with the people of Canada and British Columbia who are represented by the Canadian Federal Government and the British Columbia Provincial Government. This treaty will address all issues past and present, relating to the land, resources and culture of the combined membership of the Hul'qumi'num communities. The Hul'qumi'num Treaty group will be guided by the concept of 'Nutsa Maat while protecting the unique qualities of each of our member communities. Our s'ulhween who have protected our lands and our culture through the years will continue to guide this work as we insure that our Snu'wuyulh is woven into the very fabric of this process. Our cultural identity will be protected as we build the tools to construct a sound future not only for our members but also for all of those with whom we conduct business. Our mandate will come not from the Federal and Provincial governments but from the hearts and minds of our combined families. Our ancestors will not be forgotten as we strive to build a future for those yet to be born. We will endeavor to create arrangements with our neighboring First Nations that will respectfully address our common use of the land and resources that have been shared since time immemorial. From Thuq'tinus to Nitinat, False Narrows to Malahat, please witness what we say this is our home.

By Joey Caro.

HTG Communications Director

