



SPECIAL POINTS OF INTEREST:

- Gulf Island Park Reserve
- Luschiim (Arvid Charlie) Honorary Doctor of Letters Degree
- Eligibility & Enrolment
- Members Search

INSIDE THIS ISSUE:

The State of
Negotiations 3

Hul'qumi'num
Women in
Leadership 4

Heritage Site
Agreement 6

Fisheries Pro-
tocol Signing 8

Referrals Over-
view & Update 10

Environment
Report 12

Shared
Decision -
Making 13



I would like to begin by acknowledging our members and hope that everything is well for you and your families. We have entered into the difficult stages of our treaty negotiations. We are at a point where we have identified the major areas where government policy/mandates are not adequate to reach agreement. This is consistent across all the treaty tables in B.C. This has led to the recognition that we have to work together to move government. The Unity Protocol has been established to signal our unity and determination to achieving fair and honorable treaties that resolve the land question and will result in improved

situations in the lives of our members. We must accomplish this without giving up the principles that were so important to our elders. The following is a short summary of the issues and what we want to accomplish.

Sixty First Nations have agreed to sign a Unity Protocol agreement. The intent of the Protocol is to jointly engage Canada and British Columbia in the negotiation of principles or options that all parties can rely upon when negotiating individual treaties.

The purpose of this Protocol signing is to remove barriers and speed up negotiations.

It is the intent of this joint negotiation initiative to engage Canada and British Columbia in a unified way on fundamental issues to remove barriers and allow for the speedy conclusion of fair and viable treaties. Governments have come to the treaty tables with inflexible and positional bargaining tactics cloaked as policy/mandates from which they cannot deviate. .

The key issues are Certainty; Constitutional Status of Treaty Lands; Governance; Co-management Throughout Traditional Territories; Fiscal Relations and Taxation; and Fisheries.

(Continued on page 2)

Chief Negotiator's Report

(Continued from page 1.)

Certainty

We need to find a way to achieve certainty for all parties without requiring extinguishment of Aboriginal rights, title, and identity. The objective is to find certainty through recognition and reconciliation rather than by the governments imposing extinguishment and assimilation.

Constitutional Status of Treaty Lands

First Nation reserves and lands have always been protected against provincial and local jurisdiction through a direct relationship with the British Crown and then the federal government. B.C. and Canada are now trying to impose removal of reserve status and of this protection. It is a further example of the history of denial. The objective is that First Nations should be able to explore options including recognition of our title to the land in treaty.

Governance

British Columbia has already made movements to remove one of the key barriers in the area of governance. First Nations must be confident that in the future, their laws will not be relegated into a mirror image of Canada and BC laws. We are seeking true self-determination. Harvard research has indicated that governance is essential to economic prosperity.

Co-Management, Lands and Resources

The land selection model pursued by the governments would result in First Nations giving up title to most of our territory

in exchange for fee simple ownership of a small percentage of our lands and limited hunting and fishing rights outside the treaty lands. The current government policy/mandates extinguish First Nation governance authority and decision-making roles outside of small areas of treaty lands. We will be proposing tools and options to meet government interests while still enabling First Nations to maintain our relationship to our whole territory and to have a meaningful role in making decisions in our territories.

Fiscal Relations and Taxation

The governments have many "bottom line" positions in this area that need to be opened up for negotiations. These include requiring First Nations to give up tax exemptions, refusing to improve funding for programs and services delivered by First Nations, refusing to include tax-sharing agreements with First Nations in treaty, and requiring First Nations to accept federal claw-backs of at least 50 cents on every dollar generated by First Nations post-treaty (with a few exempted areas of revenue).

These fixed policy/mandates leave no room for negotiations and impose a model that is more likely to condemn First Nations to poverty. We want to close the gap between Aboriginals and non-Aboriginals and create healthy and prosperous First Nation communities. Treaties should not result in government clawing back social program dollars for communities already at the bottom of the social economic ladder. Treaties should make First Nations' quality of life better, not worse.

Fisheries

Fisheries are vital to the health and cultural and economic survival of many First Nations. Current government policy/mandates need to be opened up to create more flexibility. First Nations must have a meaningful role in managing and protecting fisheries for future generations. Treaties should not force First Nations to give up key aspects of their Aboriginal fishing rights. We will develop tools and options to enable First Nations to support our economies and fish management and habitat enhancement from the sale of fish as we have always done.

Treaty negotiations must be based on principles of respect and recognition rather than rejection and refutation.

I believe we will be successful in moving our treaty process forward and accomplishing our objectives. We are using many strategies to get government to move and hope we will continue to have the support of our members. If we are unsuccessful, the result will be uncertainty that will result in social unrest, increasing litigation and loss of economic opportunities for all British Columbians.

Huy ch qu
Robert Morales
Chief Negotiator





Dr. Brian Thom
Senior Negotiations Support

I have come to see how our treaty negotiations are similar to a chess game. There are early opening moves, some important powerful play in the middle, and then there is the need to conclude with a decisive endgame. Having been in agreement-in-principle negotiations for almost 7 years, I think that most of the pieces are ‘on the board’ and that under the guidance of the chiefs, elders, and community members, we are planning the path to the endgame. Though we are still not sure of what moves the governments will make, we are confident that the HTG strategy in achieving the goal of ‘getting to 100%’ will be achieved.

During the past year, we have had an intense focus on negotiating land, resource, and governance chapters at the treaty table. We have negotiated over 36 separate main table sessions and another 6 sessions of technical working groups. During these ses-

sions at the table with Canada and British Columbia, HTG has articulated a vision of a treaty relationship that is respectful to the vision of the future that we have discussed with the chiefs, elders, and communities.

We have made some important progress in these negotiations. Significantly, the table came to consensus regarding which lands would be considered in making a land offer to the Hul’qumi’num people. These Crown lands include important lands for economic development, such as forestry and commercial ventures, some areas for community housing and a few cultural sites. This consensus allowed the HTG to proceed with Canada and BC in renewing the land protection measures for Hw’te’shtsun (Hill 60), protecting for another 2 years the important cultural lands in Cowichan/Chemainus River watersheds.

We have also reached substantive agreement on the authorities Hul’qumi’num people will have around heritage sites, land-use planning, forestry and to a lesser degree water on the lands that are secured in treaty. The treaty will provide for significant opportunities for

Hul’qumi’num people in these areas.

Though a great deal of time was spent negotiating the law-making provisions of the governance chapter, few law-making issues were brought to a conclusion.

Central to the disagreement is a difference in vision of the nature and extent of governance powers. Also at odds are persistent issues around the legal mechanisms by which law-making powers should be reflected in the agreements, and in particular differences in understanding about the operation of the concurrent law model.

The parties also consistently expressed disagreement about the extent of authority, influence, and power a post-treaty self-government would have over lands and resources off-Treaty Settlement Lands (off-TSL). Issues of shared decision-making, co-management, delegated authorities, and off-TSL harvest rights, and governance were largely unresolved.

At this point, we have drafted an agreement-in-principle that fills a 2 inch binder, but we have managed to get agreement on only about half of the issues.

The outstanding issues – land, governance, co-management, fish, fiscal relations, and certainty – are the very same that many other treaty tables in BC have found they are in disagreement-in-principle with governments over.

HTG is committed to vigorously pursuing our goal of a comprehensive

(Article continued on page 4)

Substantively Complete (80-100% of clauses)	Significant Agreement (50-80% of clauses)	Significant Disagreement (10-49% of clauses)	No Agreement (0-10% of clauses)
Dispute Resolution	On-TSL Heritage Sites	Fiscal Relations	Off-TSL Heritage Sites
Capital Transfer	On-TSL Forestry	Fisheries	Off-TSL Forestry
Implementation	On-TSL Land Planning	Land Chapter	Off-TSL Land Planning
<i>Indian Act</i> Transition	Governance Chapter	Access	Taxation
Federal Parks	Eligibility / Enrolment	Provincial Parks	Subsurface
Ratification	Water	Wildlife	Approval
Marriage	Child & Family	Migratory Birds	Reconciliation
Emergency Measures	Adoption	Environmental Management	Education
Public Works	Social Services	Administration of Govt	Health
Business Licensing			Traffic & Transportation.
Elections & Referenda			Building & Structures
			Wills & Estates
			Family Breakdown

(Article continued from page 3)

agreement-in-principle. Acknowledging the major gaps that have been identified in the chapter drafting exercise, we have reconfigured our efforts to apply ourselves in ways that will efficiently reach this goal.

We have taken a leadership role in the Unity Protocol process, which is seeking more effective ways to engage federal and provincial mandates on the major gap issues.

We have put significant energy into policy development to build the link between the New Relationship policy and the treaty talks in areas of shared decision-making which, we hope, will provide the substantive basis for resolution of many

if not most of the off-TSL issues in treaty.

We are investing important internal time and resources to find creative solutions for the resolution of outstanding issues arising from privatization of most of HTG territory in 1884 for the E&N railway.

We have worked on developing the governance capacity of the member First Nations through the implementation of a shared-decision making board, a referrals technical working group, ongoing joint participation in the management and planning of the Gulf Islands National Parks Reserve, and the recent signing of an agreement with BC regarding the conservation of archaeological sites.

We have undertaken comprehensive community consultation

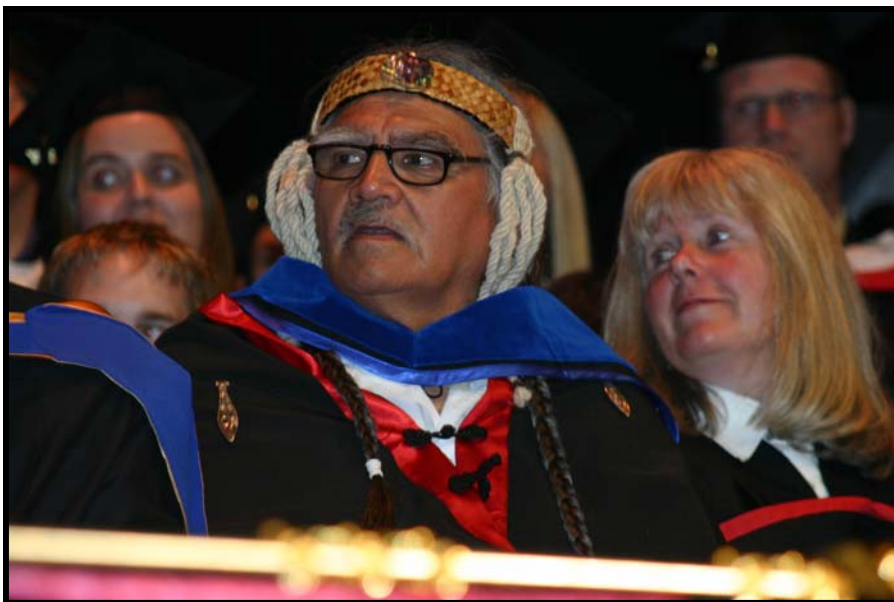
processes regarding eligibility and enrolment, land selection, and a Hul'qumi'num government constitution.

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

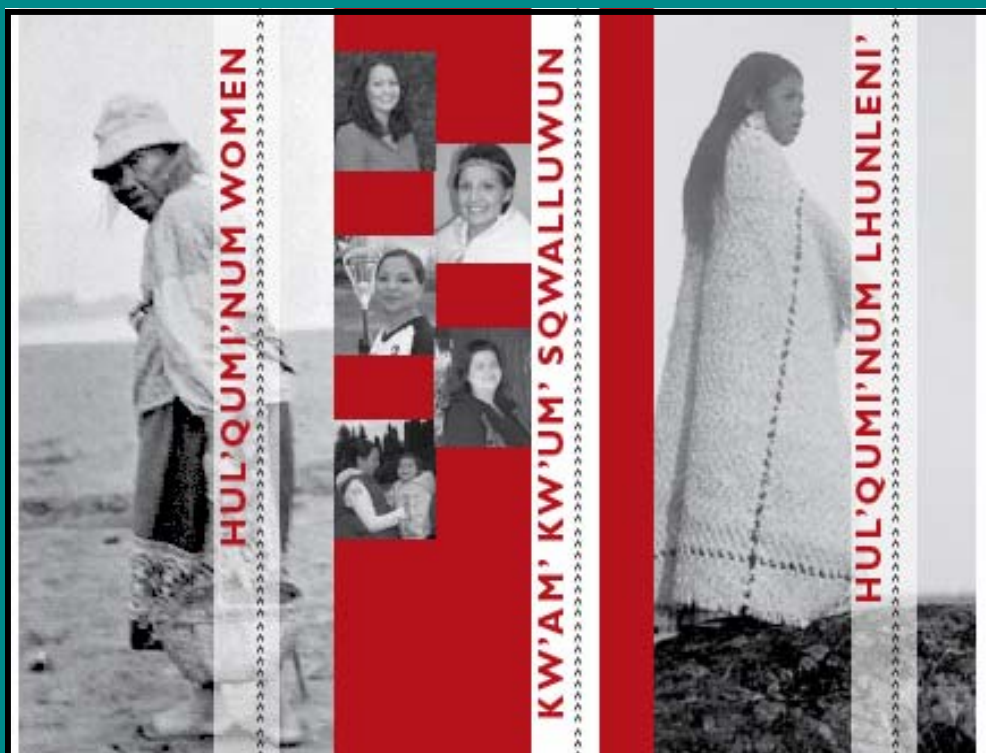
We are close enough to this agreement, that our endgame planning with the chiefs and elders has begun.

Working together in a focussed effort on these issues, I firmly believe that a fair and just treaty can be concluded which recognizes and respects the rights, aspirations and visions of the Hul'qumi'num people.

**Article submitted by
Dr. Brian Thom
Senior Negotiation Support Staff**



The Hul'qumi'num Treaty Group would like to congratulate Luschiim (Arvid Charlie). Arvid received an Honourary Doctor of Letters Degree from Malaspina University-College on June 5, 2007 at the Port Theatre in Nanaimo. Arvid was recognized for his work in the areas of language, culture and the environment. Congratulations Arvid we are all very proud of you.



Hul'qumi'num Women in Leadership Poster Campaign

Background

The Hul'qumi'num Women's Caucus secured funding from the Status of Women Canada to conduct meetings for the Women's Caucus in the 2006/07 fiscal year. Part of the funding was to promote women in leadership and to encourage women to take up leadership roles within their community. As a result the Hul'qumi'num Women in Leadership Poster Campaign was developed. The Hul'qumi'num Women's Caucus met several times over the course of the year and developed the poster. The Women's Caucus invited any Hul'qumi'num Women to volunteer to be on the poster and the results are the women who have stepped forward and we are thankful to them.

Poster

The image on the far left: This is an image of a Hul'qumi'num Elder. She is clam digging at Cowichan Bay. This picture is from the BC Archives and was taken in 1913. The Women's Caucus believes that this Hul'qumi'num woman promoted strength and longevity for women. She appears independent and culturally strong, she gives the impression of strength and courage.

The image on the far right: This is an image of a young and vibrant Hul'qumi'num woman. She is in her early years of life; she is covered in a traditional Coast Salish Blanket. She represents hope, optimism, and looking towards the future. This picture is from the Library of Congress and was taken in Cowichan in 1914. The word *Lhunleni'* is the plural form of woman in the Hul'qumi'num language, using the new CURA writing system.

The images in the centre are pictures of different Hul'qumi'num Women. The Hul'qumi'num phrase "*Kwa'am' Kw'um' Sqwalluwun*" means strong mind, heart,

body, spirit. These women are contemporary Hul'qumi'num women, all are mothers, all have contributed a great deal to their families, their community, and have inspired other Hul'qumi'num women to take on leadership roles. The leadership roles depicted by these women include:

- Culture
- Role-modeling healthy lifestyle
- Legal and academic training
- Political representatives
- Athletics, sports and recreation
- Teaching
- Motherhood

(Continued on page 6)

(Continued from page 5)

Brief Overview of Women (top to bottom)

Lydia Hwitsum: Lydia is a Cowichan Tribes community member. She is a former elected Chief of Cowichan Tribes and a former representative to the First Nations Summit Task Group. Lydia has a law degree from the University of Victoria. She is a mother and community leader.

Lisa Shaver: Lisa is serving her first term as elected Chief Councilor for the Penelakut Tribe. She is a single mother and has a Bachelor's degree in First Nations studies from Malaspina University. Lisa is a vocal advocate for her community.

Raven August: Raven is a member of the Halalt Community. She was selected to participate in an Aboriginal Role Model Campaign in the past for another organization. She also has a degree and currently teaches in the Sports and Recreation Program at Malaspina Cowichan Campus. Raven is a single mother and athlete. She excels in field lacrosse.

Shana Manson: Shana is a member of the Lyackson Community and served on council. She has a degree



Shana works as an advocate for the Hul'qumi'num Mustimuhw at the Hul'qumi'num Treaty Group. She is a mother of two and helped develop the Hul'qumi'num Women's Caucus.

Lea Joe: Lea is a member of the Cowichan Tribes. She has strong family connections to the Che-mainus community and is active in many Hul'qumi'num traditional practices including canoe racing. Lea has a Bachelor's Degree in First Nations Studies from Malaspina University and a Human Resource Management Certificate from Camosun College. Lea is a single mother and works on behalf of the Hul'qumi'num Mustimuhw at the

in Political Science from the University of Victoria and is working on a Master's Degree in Indigenous Governance.

Hul'qumi'num Treaty Group.

Madison Joe: Madison is Lea's daughter. You can see by her beautiful smile and sparkle in her eyes that she is healthy and full of inspiration and hope. She is a future woman in leadership.

Concluding Thoughts

The Women's Caucus hopes that this poster will have meaning for the Hul'qumi'num Mustimuhw. The women of today are straddled on either side by the responsibilities to our ancestors and the aspirations and hopes of our future. We have to carry on our family responsibilities and ensure our language and culture survives.

Leadership takes place in many forms: athletics, culture, education, family, motherhood, advocacy, politics, training, and role modeling. The Hul'qumi'num Women's Caucus invites Hul'qumi'num women - young women, youth, girls and elders - to participate in a leadership role for their family, their community, and our nation.

Au: Siem

With Respect,

Shana Manson

Governance and Policy Manager
Hul'qumi'num Treaty Group

Gulf Islands National Park Reserve

The Hul'qumi'num Treaty Group and other First Nations are beginning a Cultural Research Project, formerly the Oral History Program. The information gathered will provide Gulf Islands National Park Reserve (GINPR) with a greater appreciation of the history of the Gulf Islands and the complexity of First Nation peoples' use of the area. Another benefit to this project is for Hul'qumi'num knowledgeable people to contribute their efforts to gather this important information before it is lost. GINPR has adopted a broad definition of oral history and, as such, considers oral history to be the oral accounts of a people which may include a combination of any of the following: place names, creation stories, raven stories, Traditional Ecological Knowledge (TEK), resource gathering stories (for food, medicine and/or sacred items), songs, and genealogy.

Preliminary work indicates that oral history projects have already been conducted in the area. GINPR would not want to duplicate work that has already been done and would prefer not to contribute to elder fatigue - where the same elders are asked the same questions as in previous interviews. As such, GINPR proposes to begin the oral history program by identify

-ing existing oral history tapes and their associated materials such as maps or reports. GINPR understands that some of this existing material may be of a sensitive nature and, consequently, established a Memorandum of Understanding (MoU) in January 2007, which would allow for an assessment of the contents of these items. The MoU calls for Hul'qumi'num Treaty Group (HTG) to work with GINPR to conduct interviews with approximately 25 elders. Once the information is gathered, each interviewee would be given the opportunity to verify his/her information. From there, GINPR would be interested in working together with HTG to see how this information could be included in the various GINPR programs.

Intellectual property is also another important item included in the MoU. GINPR understands that the information gathered in oral history programs is the intellectual property of the First Nations people. As such, when exploring the use of this information, GINPR would work cooperatively with HTG to ensure that both parties are satisfied with its use.

This is an exciting opportunity and GINPR looks forward to learning the complex and multi-dimensional history and culture of the Hul'qumi'num Mustimuhw.

Article by Lea Joe

HTG and BC Reach Heritage Site Conservation Agreement

On June 4, the leadership from the Hul'qumi'num Treaty Group (HTG) and BC Minister Stan Hagen (Sport, Tourism and the Arts) signed a new Memorandum of Understanding between HTG, the HTG member First Nations, and the Province of British Columbia. The agreement seizes upon the shared interests that our member First Nations have with the Province in protecting and conserving heritage properties in Hul'qumi'num Territory.

The memorandum between the Province and the Hul'qumi'num Treaty Group (HTG) will involve the HTG and the member First Nations more completely in the archaeological permitting process.

The views and values of the elders and cultural workers will now be integrated into provincial heritage site management decisions through this agreement, providing an opportunity to honour and support the cultural teachings of respect for these ancestral places.

Through this new approach, there will be new opportunities for public education through a series of brochures and other information tools. There will be an increased level of technical information sharing through the use of HTG's computerized archaeological site database to show the potential location of heritage sites which have not been documented in the provincial inventory.

not been documented in the provincial inventory.

Perhaps most importantly, the agreement provides for improved communications between the province, the HTG, the Hul'qumi'num member First Nations, local government, potential developers, and professional archaeologists regarding heritage sites and heritage permit applications. At each of the key steps of the provincial permitting process for archaeological sites, Hul'qumi'num views and values will be sought, considered and communicated. Through this new level of communication, it is our intention that the cultural values of Hul'qumi'num people will be effectively integrated into provincial management decisions regarding heritage sites.

The Archaeology Branch and the Hul'qumi'num Treaty Group have been in discussion for the past 3 years. The agreement was finalized last fall, and supporting band council resolutions from each of the HTG member First Nations were signed through the winter and spring. HTG will now begin working with the member First Nations to develop a heritage policy to guide the work with the archaeology branch.

The agreement is on the HTG website at:
http://www.hulquminum.bc.ca/our_work/agreements_and_accomplishments

Article by Dr. Brian Thom, Senior Negotiation Support



Memorandum of Understanding Signing Ceremony May 5, 2007 Chemainus Tribe Boardroom

**Pictured from left to right:
 HTG Chief Negotiator, Robert Morales**

**Minister of Tourism, Sport & the Arts
 Stan Hagen**

Chemainus Chief, Peter Seymour

Lyackson Chief, Rick Thomas

Penelakut Chief, Lisa Shaver

Halalt Chief, Robert Thomas

**B.C. Archeological Association
 President, Eric McLay**

Fishery Report



Fisheries Protocol Signed: Hul'qumi'num Member First Nations, Tsawwassen, and Musqueam.

By Dana Haggarty, Fisheries Manager

An historic protocol agreement was signed by representatives from Musqueam, Tsawwassen and the Hul'qumi'num Member First Nations (HMFN) on April 17, 2007 in the HTG boardroom. The Hul'qumi'num and Musqueam have been working to sign a fisheries protocol for several years. In 1988 the "Resource Management Declaration" among Coast Salish Nations was agreed to and some members signed a drum. For the past 2 years, HTG has tried to have a fisheries protocol signed between the Hul'qumi'num and Musqueam, and though drafts were worked on, it was not finalized until this year. This winter, several meetings were held including one at the Grant Family Longhouse in Musqueam. All speakers expressed their desire to work together towards a protocol agreement to share resources and acknowledge the importance of presenting a unified front so that Department Fisheries Oceans (DFO) can no longer divide First Nations.

Chief Ernie Campbell (Musqueam) stated that the theme of the protocol should be honour, respect, sharing, and respect of jurisdiction. Representatives from each First Nation and HTG met again in early March to draft the protocol which was then edited by all parties. The agreement was finally signed in April. The objectives of the protocol are to:

- Foster the sharing of resources in our traditional territories.
- Create access to species in our respective

traditional territories including but not limited to salmon species.

- Enhance communication about fisheries operations, develop and implement reporting duties.
- Develop joint monitoring guidelines and enforcement procedures.
- Expand capacity to collect data and catch information.
- Respect existing enforcement protocols.
- Develop a Nation -to-Nation process for requesting access to resources in respective territories and a process for timely fishery planning.
- Develop a working relationship with DFO.

Fisheries technicians are now working to put systems into place for permitting, monitoring, and enforcing fisheries in the respective territories. Dana would like to thank Ray Harris, HTG Shared Territories Coordinator, and the fisheries technicians from the HMFN for their great work on this project, as well as Jenny Sam and the communications department for organizing the protocol signing.

Other Fishery news:

Aboriginal Fishery Strategy: AFS Agreement negotiations are well underway and we hope to have agreements signed earlier in the year than ever before. We have been working on developing a new, respectful relationship with DFO and a Consultation Protocol with DFO is nearly finalized.

Main topics of discussion at the collective level include negotiating fair agreements that will not impact treaty negotiations, increasing economic fishing opportunities; and increasing funding to reflect our actual negotiation and consultation costs.

Fishing Plan: HTG and the HMFNs have submitted their annual fishing plan to DFO. We have once again increased sockeye, chum and pink amounts and also plan to fish for sockeye, chum and chinook salmon on the Fraser River.

(Continued on page 9)



Lyackson Chief Pahalaktun (Rick Thomas) signing Tsawwassen Protocol Agreement.

(Continued from page 8)

DFO forecasts that this year will be an above-average year for Fraser River pink salmon. We have requested to have an economic opportunity to selectively fish for pink salmon.

Fraser River Fishing Strategy: HTG has continued to meet with DFO to discuss the Hul'qumi'num people's traditional use of the Fraser River. Last year, DFO felt that we had presented a "significant weight of evidence" for them to provide access to the Fraser River to Cowichan and Penelakut. At a meeting in early March, we presented additional information on the traditional use of the Fraser River by all Hul'qumi'num people as well as information on the connections among Hul'qumi'num communities

Chief Harvey Alphonse gave an eloquent speech where he stated

that his relatives should not be denied access to their traditional resources and that they should be given permits to fish on the Fraser River alongside Cowichan. Last year, Hul'qumi'num people were able to work together with Cowichan and Penelakut to fish on the Fraser River. We hope that DFO will acknowledge that all Hul'qumi'num have the right to fish on the Fraser.

Fish Chapter Update: Work continues on the fisheries chapter of the Agreement-in-Principle. Current projects include a contract on fisheries co-management which outlines a strategic approach and framework for negotiating the co-management of fisheries, ocean resources, the development of an oceans chapter, the beginnings of a Marine Use Plan, and a legal analysis of Aboriginal title to the foreshore and seabed.

Southern Strait of Georgia National Marine Conservation Area (NMCA) Reserve: The fisheries manager continues to participate on the project team of the NMCA feasibility study. Parks Canada has nearly finalized background reports on the environment and the socio-economic makeup of the feasibility study area, and has also released the proposed NMCA boundaries to the public. In part due to HTG request that the park study more of the Hul'qumi'num territory, the proposed NMCA boundaries overlap significantly with the Hul'qumi'num SOI. This is an important issue for the Hul'qumi'num and HTG sees that there are significant benefits to being actively involved in this process. Please don't hesitate to talk to Dana about this issue. Also look for Kathleen's update on consultation.

Article submitted by Dana Haggerty, Fisheries Manager

Eligibility & Enrolment Chapter update

Hello everybody. Hope you're enjoying spring. Paddles are in the water, soccer balls are on the field, and people have their bats/mitts ready to go!

I'd like to provide a brief, yet important, update on the Eligibility and Enrolment project we began last year.

We've presented to several groups to date, including the six individual elders meetings and the Elders Advisory Board. Seeing as this topic is so important, we ran out of time and hosted a special Elders Advisory Board meeting. As well, we also hosted a workshop in which 70 community members attended—elders and youth alike. Finally, we hosted a focus group with the Indian Registry Administrators in which four administrators attended.

In addition to the meetings and workshops, we distributed a booklet and brochure. If you haven't received one, that probably means

you're not on our mail-out list so please, inform our communications department if you'd like to receive mail in addition to the newsletter.



What did our community members have to say? Well, to date, we've heard tons of interesting comments and concerns, namely: people are afraid of losing membership or outsiders gaining membership into a band with the treaty. Treaty membership does not include band membership. Another concern involves our relatives outside the territory. What about them? Well, we've heard so far that it is not our Coast Salish way to exclude our family because of their location. We've also heard that we do not want strangers or outsiders (such as the hwulunitum) to gain membership through treaty. Finally, another common concern is status. We'd like to make it clear that treaty membership does not equal status rights.

Article by Lea Joe: Negotiations Project Assistant.

Referrals Overview and Update



Au Si'em, ne Siyeyeh;

Over the last couple of years, I've reported to the communities about some of the referrals we've been reviewing. In the 2006-2007 fiscal year, a number of the major referrals review processes concluded. In this report, I would like to update the Hul'qumi'num Mustimuhw on some of the outcomes of those reviews and generally about the Hul'qumi'num Referrals Office or my activities.

In 2006-2007, I reviewed approximately 238 referrals that came into the office.

TEAMWORK

Participated with Jess Rogers in the development of the Hul'qumi'num Shared Decision-Making body; worked with Eric McLay on archaeological referrals; received information from the GIS department for archaeological and known traditional uses for referrals; other work with the office team which included; Brian Thom, Eric McLay, Rob Flemming, MJ Churchill, was the development of the Vancouver Island Transmission Reinforcement corridor traditional use study. In which, the database along the corridor went from 91 datasets to over 390 datasets, although there were only 13 interviews; discussed environmental assessment concepts with Brian Olding; oversaw (while Cheri Ayer's was on maternity leave) the Hul'qumi'num 'Forest Access Strategy' Report development with consultant Dan Cardinall; participated in meetings between the Hul'qumi'num member First Nations, Robert Morales and Barry Penner, Minister of Environment and Deputy Minister Chris Trumpy, and ministry staff.

These meetings were about key issues the Ministry of

Environment makes decisions about that concern the Hul'qumi'num Mustimuhw, such as Elk Management, E&N Railway and pesticide applications, and environmental assessment processes.

INTERCOMMUNITY (HUL'QUMI'NUM MEMBER FIRST NATIONS) TEAMWORK

The Referrals office coordinated seven referrals Technical Working Group (RTWG) meetings in last fiscal.

The RTWG is an informal group made up of technical participants and/or political representatives from each of the six Hul'qumi'num member First Nations.

We get together on the fourth Wednesday of each month to review referrals that might impact more than one community to get a common understanding of each communities concerns.

As well, it helps make sure HTG is not responding to referrals at cross-purposes to our communities and their interests. Each meeting reviewed up to seven different projects, with as many as 40 guests in attendance, from project proponents, to government staff.

Specific Projects:

Vancouver Island Transmission Reinforcement (upgrade, replacement) project

Coordinated the technical review for the six Hul'qumi'num communities committing up to 600 person hours to the VITR review; we commissioned a review of Fisheries and Oceans Habitat Compensation Policies to better understand the policy and identify whether or not it's working.

Highlighted in the review is that experts within DFO and a study they themselves commissioned, the department may at this time be merely slowing down damage, and not preventing it over the long term

Delta Port Third Berth

Coordinated the technical review; submitted consultants analysis of the 'adaptive management strategy', which assisted several federal departments in understanding the use and application of adaptive management

(Continued on page 11)

(Continued from page 10)

Elk Management

Sought understanding with the Ministry of Environment Wildlife Branch on Elk management issues; seeking a report on barriers, limitations and the impacts on the herds and state of the herds in the Hul'qumi'num territory;

This is more a natural resource management initiative, but referrals will continue to push for it until bright Cheri's return.

Ministry of Transportation

Seeking effective engagement from the government of the Hul'qumi'num Member First Nations (HMFN) on the Malahat Corridor study; as well as, seeking effective engagement of the HMFN, when the Ministry contemplates road authorizations on previously undeveloped parcels of land.

Integrated Land Management Bureau and Docks

Seeking marine use planning as a tool to address the number of dock applications being legalized or requested in the Statement of Intent area; marine use planning and processes, will be overseen by Dana Haggerty, Fisheries Manager.

The referrals office is applying pressure to government to get funding and provide incentive to the appropriate government project partners.

Local Governments

began to seek government engagement of the HMFN for the review of the Salt Spring Island Official Community Plan.

Gulf Island National Parks Reserve Environmental Assessments

Developed environmental assessment reports for the Gulf Islands National Parks Reserve (GINPR)

Committee for various Parks related projects taking place in the GINPR.

BC Parks

Seeking government effectively engage the HMFN in the creation of new parks, additions to parks; and seeking comprehensive traditional use studies in the consultation of the HMFN prior to designating lands as a park.

Catalyst (formerly Norske Canada) Pulp Mill operations

Although this a natural resource management issue and is not a referral, it was decided that Referrals would continue participating at the meetings.

The primary area of concern is the persistence of dioxins, furans, and carcinogenic chemicals in the area. Referrals indicated to Catalyst the only reason HTG remained committed to the meetings was because of these chemicals.

A concerned group of the public suggested to Catalyst they consider continuous stack sampling, an initiative that European countries use to regulate pulp mills, -Referrals supported the local group.

Catalyst has agreed to consider the concept of continuous stack sampling, as well as 'pollution prevention' exercise. Referrals is one of five on a sub-committee working to identify the best options for pollution reduction.

STRATEGIC EFFORTS WITH BC FIRST NATIONS

Coordinated a BC First Nations Ad Hoc Technical Working Group (AHTWG) legislative and policy review of the Integrated Pest Management Act and DRAFT Proponents Consultation Guidelines.

Coordinated, tracked and exchanged over 230 email communications between February 5 and March 9, with government and participants in the AHTWG. Coordinated the development of a report from a First Nations perspective for First Nations to use in

their discussions with the province about the IPMA and consultation guidelines.

Referrals work plan for the new fiscal year 2007-2207

1. Fisheries Act review with the University of Victoria, Environmental Law Clinic;
2. Complete the Salt Spring Island official community plan review;
3. Acquire funding partners for a comprehensive traditional use study and marine use plan;
4. Research docks development policies
5. Research archaeological, heritage and cultural policies for development purposes;
6. Develop and establish a Project Review Charge fee schedule for the review of projects on a cost recovery basis;
7. Work with Jess Rogers to acquire funding to develop a state of the environment report for the Hul'qumi'num Shared Decision-Making Body;
8. Coordinate or participate in a BC wide First Nations Ad Hoc Technical Working Group review of the provincial Wildlife Act;
9. finalize the Habitat Creation report with Dana Haggerty, et al; and develop a draft Hul'qumi'num Habitat Creation Policy;
10. Participate in a First Nation BC wide initiative to develop a First Nations Energy Plan;
11. Research the development of online referral processing options to ease the workload of the six First Nations, so they can focus on major issues;
12. identify electronic means of referrals communications between HTG and the six HMFN offices;

Continue the coordination of major referrals, such as the National Marine Conservation Area proposal.

Article submitted by HTG Referral Coordinator Kathleen Johnnie

How will the Hul'qumi'num Mustimuhw better safeguard their environment after Treaty?

Currently, both Canada and British Columbia have laws that set out requirements for environmental review prior to certain activity being permitted in British Columbia. This is called "Environmental Assessment." Although these pieces of law are often criticized for not sufficiently safeguarding the environment there must be a role for First Nations in this review.

First Nations across Canada have demanded a strong participatory role in Environmental Assessment such as the James Bay Cree, the Gwich'in of Mackenzie Valley area and the people of Nunavut Territory. The Nisga'a people in BC have negotiated for an Environmental Assessment law-making authority. Consequently, the Nisga'a may require business to do environmental reviews prior to beginning their activities on Nisga'a lands. The Nisga'a also negotiated for a role in BC and Canada's environmental assessments of projects that may impact their lands.

Environmental Assessment is a means of "looking before you leap!" This allows government, First Nations and business to assess the potential impacts of activity in advance of harm being done. As you might guess, First Nations generally want to be part of this crucial analysis.

The Environmental Assessments may assess a broad spectrum of things such as impact on the environment, cultural practices, social norms and customs, traffic patterns, interaction with other business or development, health, safety and other such topics. Many issues can be investigated during the course of an Environmental Assessment, it really is at the discretion of the government (perhaps subject to some reasonable limits).

The best part of Environmental Assessments is the possibility to prevent or diminish the negative impacts by disallowing projects,

The governments involved in providing any permits to business can provide conditions and terms to the project which restrain their activity and may decrease or prevent harm to the environment. Therefore, Environmental Assessment is of primary importance for First Nations as a means of safeguarding the environment.



First Nations in treaty negotiations, such as the Hul'qumi'num Mustimuhw, are best advised to negotiate for both law making-powers for environmental assessment on their lands and to be able to influence developmental decisions off Hul'qumi'num Lands. They will require a say in preventing impact on the Hul'qumi'num Mustimuhw health, interests, rights, and lands.

As you might have guessed, the Hul'qumi'num Treaty Group negotiating team is vigorously working toward reaching these two objectives. We are indeed quite lucky to have Kathleen Johnnie join this important work by providing advice to us. She has many years of Environmental Assessment experience within the First Nation context. She actually sits on the First Nations Environmental Assessment Technical Working Group which is an informal, collaborative body between Canada, First Nations and BC that strive for excellence in Environmental Assessment, and she is a member of the Hul'qumi'num Mustimuhw (belongs to Penelakut Tribe). Her experience has proven quite insightful.

In summary, First Nations across the country have a huge stake in the issues being discussed during Environmental Assessments and will need to have a leading role in them. The Treaty Group is currently negotiating this topic and we would appreciate any community feedback or discussion on this important issue. Environmental Assessment may prove to be an essential means of safeguarding the environment for future generations.

Article submitted by HTG Legal Counsel Renee Racette.



The Problem

Marine and terrestrial resources have always provided food for Hul'qumi'num people and played a vital role in social and cultural lives.

These resources are also essential for generating wealth for the communities and sustaining a viable economy. However, the ability to meet basic needs and make a living in the territory has been severely depleted over the years by over-harvesting, pollution and ongoing development. This has resulted in the loss of opportunities to practice and prosper from traditional ways of life.

This is unacceptable and HTG has clearly heard that the HTG member First Nations, want the ability to benefit from and have a meaningful say on 100 percent of the territory.

This is a major challenge at the treaty table as the federal and provincial governments only recognize First Nation decision-making jurisdiction and authority on the Reserves and lands gained through treaty. This effectively limits a First Nation's connection and ability to benefit from the remainder of their traditional territory.

The current "solutions" – non-treaty agreements

In 2005 a degree of optimism for the recognition of First Nation authority to participate in the management of their traditional territories was created by the provincial promise of a New Relationship with Aboriginal people.

With the New Relationship document the Premier made it very clear that the province was committed to a new government-to-government relationship based on respect,

recognition and accommodation of Aboriginal title and rights.

This included a promise to establish processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing

However, instead of creating durable processes and institutions for shared decision-making, the New Relationship has spurred a number of "out of treaty" agreements.

These are primarily short-term resource and benefit sharing agreements that do not secure a place for First Nations in provincial decision-making.

The provincial government appears also to be moving meaningful negotiations over land management outside the treaty process.

However the New Relationship and shared decision-making have been absent at the treaty table where First Nations still face an inflexible treaty negotiation mandate with very little space for integrating these principles over the entire territory of a First Nation.

Creating the long-term treaty solution - The Unity Table

In order to negotiate stable and effective systems of self-government, many First Nations across BC have signed on to the Unity Protocol to address the troubled treaty mandate issues such as shared decision-making.

- The strategic goal for the negotiation of shared decision-making is the establishment of a government-to-government relationship wherein the implementation of a common plan for shared decision-making is

constitutionally protected and entrenched within treaty.

We want treaty to provide clarity on how First Nations' authorities and jurisdictions will be exercised throughout traditional territories and what their relationship will be with the provincial and federal governments in exercising this power.

It will establish the extent to which a First Nation can participate in heritage management, habitat protection, and land-use planning.

It will also dictate how First Nation communities will share in the revenues from the resources of the lands and waters within their territory that are not secured in the treaty process.

Anticipating the success of the Unity Protocol and the implementation of the principles of the New Relationship into the treaty process, we are building for a model of co-management that provides for opportunities to have First Nation leaders participate in government decision-making, ensuring that their values and visions will be reflected in decisions made throughout their territory.

We are negotiating to provide a just solution to the land question. In order for us to do this government must come back to the table and work with us to develop a treaty approach to shared decision-making.

**Article submitted by Jess Rogers,
HTG Shared Decision-Making
Coordinator.**

Publications Mail Agreement #41338543

Return undeliverable mail to:

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