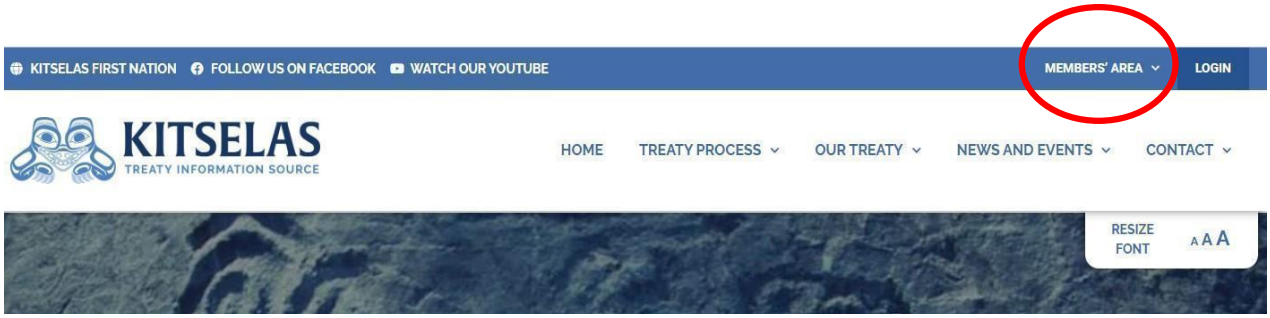
Thank you to the Kitselas Members who joined us for our fifteenth Treaty Information Session community meeting at the Kitselas Community Hall in person and via Zoom on October 26, 2022. Everyone is welcome at Treaty Information Sessions.

Below are the Q&A and comments from the meeting.

The next Treaty Information Session is on Wednesday, November 30, 2022 with dinner at 6 p.m. and the meeting at 6:30 p.m. The topic will be taxation.

The recording of the October 26 community meeting is available in the **Member's Area** of the www.kitselastreaty.ca website. Please register to access this area:



Q – If and when the Treaty settlement money arrives, can we ensure that the negotiators / Treaty Team do not get big bonuses like the Nisga'a negotiators did?

A – There will be **no bonuses** paid to any Kitselas negotiator or Treaty Team member. We get paid fairly to do our jobs every week. I cannot speak to what the Nisga'a chose to do, but that is definitely not part of Kitselas Treaty approach. As an aside, BC and Canada's negotiators and teams **will not** get a bonus either.

Q – After Treaty, will Kitselas / Canada status cards still be good for tax exemption in Terrace and other places? In some places in BC, we can buy in the store (i.e., not delivered to Reserve) without paying taxes. Why can't this happen everywhere [for Kitselas Members] after Treaty?

A – After Treaty, GST and PST tax exemptions will continue exactly as they do right now. Basically, there will be no change. To get a tax exemption, you must still produce a status card (or similar proof). GST and PST tax exemptions occur only if the service or good is delivered to an Indian Reserve (e.g., purchasing a new car) or was sold on an Indian Reserve (e.g., the Kitsumkalum gas station). The Canada Revenue Agency still sets the rule, and any business that fails to follow them will owe the tax payable to Canada / BC. That will not change in Treaty.

Q – For a Trustee (someone who is entrusted with maintaining the Trust and Trust Agreement), what are the consequences when there is a conflict of interest? There should be a penalty for mismanagement. If it is bad enough, they should be sent to jail.

A – When a Trustee fails to follow a Trust Agreement, the courts can impose serious consequences and penalties, including: removing (firing) the Trustee or ordering the Trustee to pay money for damages (fines). In rare cases, Trustees can even face criminal charges and be sent to jail.

Programs and services for all Kitselas Citizens

Q – How can we expand programs and services for those living off-reserve?

A – Wherever possible and practical, all Kitselas Citizens will benefit from programs and services, such as health programs, possibly an Elder's pension (if the community decides to use some of the Treaty settlement money to create one), or a Treaty benefit payment.

Obviously, certain programs and services can only apply to people actually living in community (e.g., garbage and recycling pick-up, Kitselas Head Start, and housing programs).

Parks

Q – How will parks be addressed in Treaty? Noting a long history with BC Parks, our Constitution should explain our history, including community members who historically came from many places.

A – We have a good relationship with BC Parks currently. We already have one memorandum of understanding (MOU) or Co-Management Agreement with BC Parks for Kleenza Creek Park, and are free to sign other MOUs right now if we wish.

After Treaty, we will be able to create new Kitselas Parks ourselves. In fact, a new Kitselas Park will be created at Port Essington. Overall, Treaty will protect and guarantee these rights forever.

Noting the long history of Kitselas regarding Lakelse Lake, we already own a piece of property called Catt Point (on the northwest side) and will acquire a small parcel of land near the southeast corner. Kitselas continues to seek out a property on the mid-eastern part of the lake, but almost all of the property there is privately owned and few properties have been listed for sale recently

Q – Will Treaty provide more funding for child and family protection?

A – As noted, all existing programs and services will continue, including the current funding levels. Kitselas can choose to use some of the increased money we would receive from Treaty to increase funding for certain programs or services, or create new ones. This is not new, we have the option to do this now, too. Treaty will secure our right to take care of our own children and families in need or crisis.

Right now, we are a member of Northwest Inter-Nation Family and Community Services, a partnership with other local First Nations to provide child and family protection for Kitselas. Their offices are in our Kitselas Development Corporation building on Queensway. This partnership serves the interests of Kitselas, as it would simply be too expensive to provide these services ourselves. Fortunately, we just don't have so many family challenges that we require full-time staff and specialists ourselves. This approach is unlikely to change in Treaty.

Treaty gives us choices, it doesn't tell us what to do with agreements we have already in place, like with Parks, Northwest Inter-Nation Family and Community Services, or others.

Q – What is happening with the Constitution?

A – We are working on Draft 2 of the Kitselas Constitution, which has frankly been moving ahead slower than we hoped. This is because of the time pressure of ongoing negotiations.

We did meet in Victoria last week with the lawyer and hope to have a second draft ready for community input in early 2023. Our plan is to organize a series of small workshops, perhaps 10 to 12, to focus on individual sections of the Constitution. This may lead to a third draft — it is too early to say. Ultimately, we expect to vote on the Constitution in fall 2024. This vote will probably be separate from the Treaty ratification vote.

Kitselas Laws

Comment – When we create laws, we have to make sure they benefit Kitselas Members. This should include everything from youth to adults of all ages to Elders. We will need new dollars too.

A - We will involve community in passing any new laws, and we will do everything possible to ensure laws treat everybody fairly and respectfully, whether youth, adult, elder or visitors to our communities

Enrolment and Ratification

Q – Ratification for Treaty, is it still 50% plus 1?

A – Yes, ratification will require two things:

1. **First, that 50% + 1 of those enrolled vote**. This means if 400 people are enrolled in Treaty, 201 have to vote (regardless of what they choose to vote)
2. **Second, that 50%+ 1 of those who actually vote, vote "Yes".** So, if 350 people actually vote, 176 have to vote "Yes".

Enrolling in the Kitselas Treaty for current Kitselas Members will be very easy. You will fill in a short form, provide your band / status number, and sign. That's it! We have about 700 Kitselas Members right now, who could enroll. Youth cannot vote, so this means there are about 500 adults (>18 years old) who could vote.

We are making it as clear and simple as possible. The Treaty Team will be presenting information on Enrolment and Ratification at a Treaty Information Session in early 2023, likely in March or April.

By the way, while you will soon hear our Treaty communications asking you to enrol and vote, we will never suggest that you should vote "Yes". Our job is simply to inform Members about what is actually in the Treaty. We do hope you will vote based on what is best for you, your family and community, and Kitselas.

Governance

Q – Will there be a role for Elders and youth in our new Treaty governance system?

A – Yes, there will be an Elders' Council or an Elders' representative to advise the Legislature and Administration, where appropriate. For youth, it is a bit harder, as fewer youth are interested in participating in government. Nevertheless, if someone is interested, we will find a role for them.

Taxation

Q – Will there be taxation for Right of Ways on our territory?

A – First, in Treaty, Kitselas will own the land that the Right of Ways (ROW) are located on. The ROW is a legal right to use the ROW for a specific purpose. For example, a BC HydroROW is a specific width and can only be used for BC Hydro. To use the ROW for internet cable requires additional negotiations. Kitselas can make certain regulations on these ROWs, but they must be similar to existing rules—we could **not** pass a regulation that a pipeline has to move, for example.

We did meet with BC Hydro, PNG and LNG pipelines companies in October and all will pay grants in lieu of taxes to Kitselas. We also met with CN Railway, however there is a lot of history informing this issue. We have done a tonne of research and we are hoping to meet with them to discuss the reports. Ultimately, we receive a small benefit from BC for railways.

Q – Which lawyers are working on the Kitselas Constitution and Treaty?

A – We have many lawyers working with us, as different lawyers have different legal specializations! These include the following:

- Albert Peeling (Constitution and enforcement - courts)
- Mark Stevenson (lead negotiator)
- Brent Leighman (Enforcement - policing)
- Jessica Wegg (new laws)
- Michael Miller (forestry files)
- Stan Ashcroft (leads all Specific Claims)
- Others

If you have a specific interest, please let us know and we can provide additional information about our lawyers.

Q – How does the Treaty Team know what Members want in their Treaty?

A – We work hard to learn and listen at meetings like our monthly Treaty Information Sessions, and through occasional surveys, conversations with staff (all of whom live in community), discussions with Chief and Council, workshops, Facebook comments, and even visitors who drop by our Treaty Office on Queensway. Our coffee pot is always on if you want to talk to us!

Q – Do you collaborate with Kitselas Administration staff on understanding the needs of the People?

A – Yes, there is a Director's meeting every Tuesday that Treaty staff attend. We have hosted several staff Treaty workshops over the last year, and Laurie Mercer, our Chief Administrative Officer, attends as many negotiation sessions as she can. When specific items are scheduled for negotiation, we/ Dr. Try invite or consult with the appropriate staff person or Director, and invite them to that part of the negotiations—all meetings include a Zoom option—and staff are always invited to participate in our Treaty Information Sessions.

Q – Is there any existing First Nation Treaty that has been able to tax CN Railway?

A – The short answer is no, but we have received some compensation for historic wrongs. We have several cases moving forward and do receive a small payment each year (just under $25,000 last year, I believe).