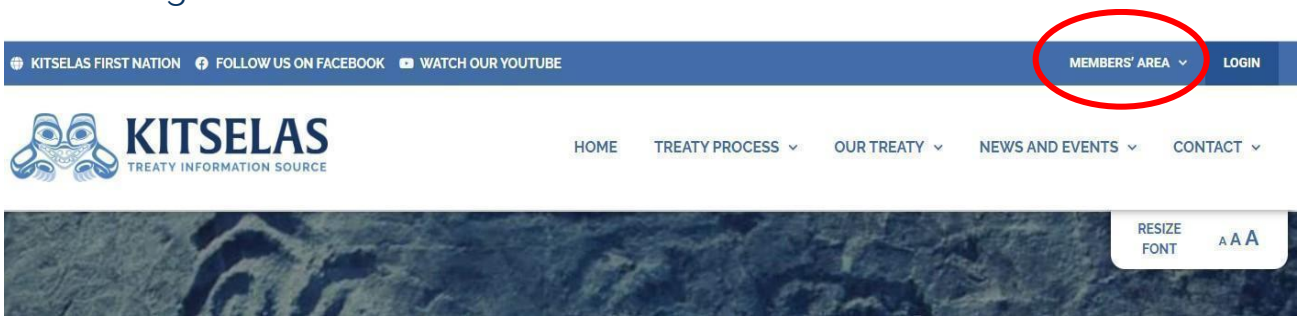
Thank you to Kitselas Members who joined us for our latest and 20th local Treaty Information Session community meeting at the Kitselas Community Hall in Terrace and via Zoom on February 22, 2023. Everyone is welcome at Treaty Information Sessions.

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

The next Treaty Information Session is on Wednesday, March 29, 2023, with dinner at 6 p.m. and the meeting at 6:30 p.m at the Administration Office in Gitaus. The topic is an update on the final Fish Chapter of the Kitselas Treaty.

The meeting on February 22, unfortunately, was not recorded. Recordings of past meetings are available in the Members' Area of the www.kitselastreaty.ca website.

Please register to access this area:



Q – The cost associated with enforcement – What is our plan to cover the cost to build an inclusive system? How can we pay for the lawyers, to pay for the police, to have everything in place to move forward with this? There is a cost moving forward, and with no taxation, how will Kitselas pay for this? It will be quite costly, the numbers aren't there, and now we are looking under the *Indian Act*, and how things have worked on the reserve. Things have been destroyed with people going in and causing damage. It wasn't working. The costs are going to be high. We have to get that right to ensure that enforcement is secure. How much Treaty money is going to go into this? Looking at your other presentations of what we can and cannot do under Treaty.

A – The cost for enforcement will be very low or zero. RCMP policing is provided at no cost for communities of less than 5,000 people, like Kitselas will be after Treaty. For natural resources like fisheries the government has offered $325,000 per year to staff a fish office. For enforcement, we are negotiating the role of Kitselas Guardians to help Department of Fisheries and Oceans (DFO) fishery officers – both of whom could issue a ticket. In addition, Canada has offered $100,000 as one-time start-up funds.

Assuming we are successful at gaining access to BC Courts to enforce Kitselas Laws, the courts would be free. The City of Terrace doesn't pay part of the judge's salary or the heat for court rooms. Those costs are covered by BC. It is worth noting that we may have to pay for our lawyer, the "prosecutor", to enforce Kitselas Laws. Those costs would be dependent on how many people break the law and end up in Court.

If we can successfully access BC's fine collection system, there would be no costs, other than a small administrative fee, perhaps.

Any small costs that we end up paying can be covered by the $3 million that we will receive in Treaty to provide administration costs for the Nation. This will include enforcement costs and revenue from fines, too. We will have some income to offset costs from people paying fines. We don't expect the overall enforcement costs to be significant. They will be minimal. There may be an opportunity to share costs with other Nations.

We have to figure these things out. We're still negotiation, so we don't have final answers tonight. Access to policing and existing court systems is not a question of luxury or something that is nice to have. We need this and need to make sure it works for Kitselas.

COMMENT – *Your (presentation) bullet about reconciliation. We need more than just words. We need action. How will Kitselas and other Indigenous communities move forward? It is really a hard wording and [there's] a cost to that. How many families have gone to residential school and what can they do now? And, for example, they have health needs. For us, we need to get this right. We need to know what is being offered and we need to get this right. We hear how the federal government is not enforcing issues around the pipeline (like fish). This is an issue. We can sign off on the Treaty, but if there is no fish, then what? We need to make sure that we get what we want. To make sure that it is not a play on words, but that we have everything to take care of our community. Besides answering questions, we need to look at what is being offered, and what is going to happen in the future.*

Q – Are there Kitselas signs that have been damaged?

A – As far as we know there has been only one sign that has been vandalized. Chris Apps, Director of Lands and Resources for Kitselas, said at least we know people read it. And we can get more signs.

Q – How would squatters / trespassers be handled?

A – Kitselas will have a law about trespassers or squatters. First, we would just ask them leave. Our bylaw officers will be trained to handle this. They would confirm if the person has permission to be there. If they refused to move on, they would be issued a ticket, which we expect the RCMP and the Courts would enforce. If necessary, the Court would order the person to leave and the RCMP would enforce this law. Failure to leave with RCMP or stay off the land would end up with the person in jail for contempt of court. That's how we see a squatter problem being resolved in a post-Treaty world. This will be a big change for Kitselas. As you know right now we have very little help enforcing our laws. We always say start nice and escalate as necessary.

COMMENT – *Comment regarding residential school and our enduring pain*

A – The lost children. We with Treaty could somehow remove the pain and suffering. It's an awful, appalling thing that has happened. Most Canadians are sick about this. Treaty does give us constitutional control over education for our children, so residential schools could never happen again.

COMMENT – *Comment about a recent pipeline spill in BC and dead fish*

A – This did come up at the Main Table yesterday (February 21, 2023). The Department of Fisheries and Oceans (DFO) staff officer said it was an active investigation and has not fallen into a crack.They are still investigating and we will continue this work and provide answers when the investigation is complete. All levels of government takes this kind of thing seriously now. In the news this morning about the spill in the US, one of the courts in the US has ruled that the rail company will have to pay for the cleanup. Chief Bennett has asked for a copy of the final report.

Q – How is the new Kitselas Election Code related to one that community worked on in 2016?

A – It is the same one. The 2016 version was sent to Indian Affairs in Ottawa. It took until 2021 to receive their comments. We have incorporated Canada's feedback into the new draft and will present it to the committee in March. There are some additional changes proposed. One of the recommendations will be that a person

wanting to run for Kitselas office would have to sign their own nomination form - clearly agreeing (or not!) to stand for office. Regarding the overall law / policy, If we go through with Treaty, we won't have to ask permission from Ottawa. We will make the decisions ourselves

Q – The laws you are developing, how will community be engaged?

A – We won't pass 40 laws all at once. We will pass them a few at a time, and each time the community will have opportunity to be informed and provide comments to make sure we get it right.

Q – Will draft laws be available to Members? Are there any laws by BC, Canada, or in the Treaty to set out how laws will be made? Like in the Nisga'a, will we have a way to review the laws before they move forward?

A – The plan is for all draft laws to be sent to all Citizens for review and comments, probably in something like our monthly Treaty booklets. Draft laws will be on the website and phone app, as well.

Q - Will tonight's presentation be available to people to review afterwards

A - All presentations, including tonight's, are available on the Treaty website (www.kitselastreaty.ca) and the new phone app.

Q – Will there be laws that are required before the Effective Date? Or after?

A – We don't think that there are laws that are required before the Effective Date, as Treaty is not in effect until then. Any law passed under Treaty legislation would have no effect until the Effective Date.

There are certain laws that must be ready to be passed as soon as Treaty is in force (the Effective Date). Basically, the first thing Kitselas will do is have a long legislative session to pass law after law, so they have to be ready to go, including community input and review! There are other laws that we can pass (after the Effective Date) if and when we choose.

Q – How will a Kitselas Administrative Tribunal work? What will we do so people understand that they can access it, and how?

A – The process will be that a person will file a written complaint form with any evidence they have with the "Court" office of the Kitselas Administration. A Tribunal date will be set and the "judge" will hear from both the complainant and Kitselas Administration on why they did what they did. The judge would decide if the rules were followed correctly, and if not, what should be done to put it right. The

Tribunal's orders will be the same as a court ruling – they must be followed.

Communication – We will do much like what we are doing now. Extensive communications (paper, email, website, social media, newspaper, radio, and probably training videos, too) will be used to inform people about the creation of the Administration and the process for submitting a complaint. The process will be similar.

Q – Could we review the tax part that is being negotiated so that Kitselas People won't have to pay property taxes after the Treaty is settled? No taxes on their housing, and, that there will never be a point where we have to pay [property] taxes. We live in Terrace and we have taxes on everything – on the swimming pool, the arena. So, can there be no [property] taxes on the reserve?

A – In Terrace, property taxes pay for services – garbage pick-up, snow removal, road repairs, maintain parks etc. They don't go to BC or Canada. For Indian Reserves (IRs) only, current government programs that pay for those services on IRs **will continue as they are**. Therefore, we do not think there will be taxation of current houses on Indian Reserves, as the key services are already paid for.

However, for houses or business operating on Treaty Settlement Lands (TSL), excluding current IRs, we do think there will be property taxes charged. The reason is that there will not be a Canadian government program to cover the costs on TSL (for example, on a new subdivision of houses). We did discuss taxes last fall. You can find the booklet, the presentation and meeting recording on our Treaty website. We will include this in a community information session later this year, too.

Q – How will people be able to identify the dividing lines between TSL and Crown or privately owned lands? Nobody seems to know where these boundaries are going to be. This should probably be done. We don't know where the lines to TSL are.

A – First, in Treaty's appendices, the exact boundaries will be shown on detailed maps. You will be able to look at these maps in detail in print and online in very close detail. On highways and the river, we intend to have signs notifying people that that are entering Kitselas Lands.

Q – (Geneva) I wanted to ask if there was anything in the works to have a homecoming event for (non-local) Citizens to be informed about Treaty to have you (Treaty Staff) go over the Treaty for all Citizens? To explain what work has been done in the last 30 years, and to see what has been done so that we are all on the same page. And I believe that reviewing the Kitselas Treaty will help people understand what is included in the Treaty, and what will happen. I'm not

planning to vote for myself anymore, but for my children. I want people across BC, and the outskirts, to be part of the conversation. I see that there is some interest outside of the community to learn more about the Treaty.

A – Treaty communications are sent everybody, on reserve, local, far away, by mail and email every month. Copies of everything are on the Treaty website and phone app too. As well, all community meeting are broadcast on Zoom, too. Last year, we visited seven BC cities to make information available to everyone. We will do this again in 2023 and want to make sure the people living away are informed and are ready for the vote, too.

Treaty staff would like to have a full homecoming just prior to the vote, in summer 2024, probably. We can only consider doing this once, as it's going to be very expensive. The last time we did something like this the cost exceeded $300,000 and was just for the Elders. We would need Chief and Council's financial support to invest in this: perhaps $500,000 or more.

Q – Where can we find more information on periodic renewal or was this discussed in prior presentations?

A – Periodic Renewal will be presented and discussed at a community meeting sometime this year (2023). It has not been discussed in a community meeting up until now.

Treaty Periodic Renewal allows our Treaty to be 're-opened' every 10 years, at the request of BC, Canada or Kitselas. This is to incorporate any advances in policy, practice or court rulings that affect First Nations rights. No change could be unilaterally imposed – everyone has to agreed upon before any change becomes part of Treaty. But all parties do have to negotiate in good faith. We will share more information about this in the coming months

COMMENT – *(Frank's Osendarp, Canada's Chief Negotiator) I heard Lloyd's comments. I think he's absolutely right. Kitselas has been working really hard to get this Treaty right. There have been fundamental changes to treaties in the last five years. The government no longer treats them as final documents. As much as Canada wants to walk away, we won't. There is an acknowledgment of rights, and a commitment not to extinguish them. If new policy or laws are written, they can be put into the Treaty after the Treaty negotiations are completed. The treaties are evergreen agreements (living agreements). They will be about the relationship between Kitselas, BC, and Canada.* ***We all*** *have responsibilities that are identified in the Treaty. We are committed to the relationship we are going to build together. Ten years ago when I was last here (in Kitselas), a Treaty was a full and final agreement. That's not the case anymore. We are building a relationship and we are going to move forward together. his is a really important and happy change. In terms of how Kitselas implements the*

Treaty, there is a chance to discuss and make the Treaty better as needed.

Q – Who sets the renewal provisions and why is it set at 10 years?

A – Honestly, we don't know why it's set for 10 years. Probably because we cannot be continually negotiating, but just our best guess!

COMMENT – *(Frank Osendarp, Canada's Chief Negotiator) So the provisions are for every 10 years, because we can't be negotiating all the time. But what the provision also says that if an issue is raised by Kitselas, and [Kitselas] wants to open the Treaty because something is not working, then there is an obligation of Canada and BC to come to the table in good faith to discuss the item. There isn't a promise of the solution that Kitselas wants. But we will have an honest and open negotiation to discuss the issue. If we don't agree, there are also dispute resolution process.*

Treaty costs a lot of money. Until the loan was forgiven, Kitselas's share was approximately $10 million. It's very expensive. We can't be in a process where it is being continually negotiated. Loan forgiveness was an initiative that was led by closing tables, like Kitselas and Kitsumkalum (and K'omoks), arguing for loan forgiveness. It was accepted across the board.

Q – All three parties (Canada, BC and Kitselas) have to agree to open Treaty? What if Canada doesn't want to discuss something? Is Kitselas still depending on the 'good-will' of Canada/BC?

A – No, if Kitselas asks for further discussion of a section of Treaty at periodic renewal, then BC and Canada must show up to the table. We may not get our way, but there will definitely be honest, meaningful "good faith" negotiations.

All three parties do have to agree to change the Treaty, but, for example, if the Supreme Court made a ruling that increased First Nation rights, and Kitselas requested this be added to Treaty, it is hard to see how Canada could refuse to agree.