Questions & Answers - April 17 - Treaty Information Session

Thank you to the Kitselas Members who joined us in person and via Zoom for our 30th Treaty Information Session community meeting on April 17, 2024.

The meeting recording from the April 17 meeting is available in the Members' Area of the www.kitselastreaty.ca website.

Below, please find the Q&As from the meeting.

Q - As Kitselas population increases in the future does the resources quota increase as well?
A- I think the answer to your question is no. For example, fish quotas will not change as our population grows. Certain other programs and services are per-capita and will be adjusted according to the community's growth. Social service payments are based on need, so they can rise and fall with the number of participants. If resource allocations, such as fish, aren't working, we can revisit this at Periodic Renewal (every 10 years).

Q - Does the Treaty Team initiate enrolment?
A - The Treaty Team is opening enrolment for the Treaty at the Elders' meeting on May 1. You may apply online or by completing printed forms.

The Enrolment Registrar (Sharon) will help you ensure everything is filled in properly, and an Enrolment Committee will review your application. Kitselas decides who is eligible to enrol, starts the enrolment process, and votes to ratify the Treaty. We cannot force you to enrol, it is your choice. Finally, if, for some reason, your application is rejected, there is an appeal board.

To begin your enrolment process, visit kitselastreaty.ca/enrolment.

Q - Is there an enrolment deadline?
A - There is no enrolment deadline; if you are eligible, enrolment continues forever. But if you want to vote on the Constitution or Treaty, you have to enrol in time to vote.

Q - Is there a deadline for People coming from other bands, from Kitsumkalum, to be enrolled to vote?
A – There is no enrolment deadline; if you are eligible, enrolment continues forever. But if you want to vote on the Constitution or Treaty, you have to enrol in time to vote.

Anyone who is a Kitselas member may enrol if they wish to be enrolled. Individuals who are not current Kitselas Members must meet the eligibility criteria and have a demonstrated attachment to the community. Enrolment will be reviewed next month at the May 2024 Treaty

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Information Session.

Q – Is the financial settlement coming in disbursements? Or as a lump sum?
A – We are receiving some funds in advance of the Effective Date and then will receive the balance of funds on the Effective Date if we approve the Treaty. We received $5 million for signing the final land and cash offer. Of this $5 million, Chief and Council set aside $2 million for the Elders, $2 million for the youth and set aside $1 million to fix up the cemetery at Endudoon and upgrade the road. If we vote to ratify the Treaty (vote 'yes' for the Treaty), we will get $20 million. Some of the $20 million will be used to build a Legislature and offices. Then, the remaining money ($114 million, plus inflation increase) is transferred to Kitselas on the Effective Date.

Q – Is RCMP part of the Kitselas Treaty package? Will the RCMP be involved after Treaty?
A – In BC, the RCMP provides service to any community under 5,000 at no cost. Right now, we have about 250 community members living in communty. So, if we were in Treaty right now, we would have free policing. If our community ever grew to be over 5,000, we would probably cost share with the RCMP.

Q - When is the Elders' pension deposited?
A - The Elders' pension is deposited on the third Friday of every month.

Q—Can I, as an individual from Kitselas, sue the government because this is not a good agreement? Can other stakeholders sue Kitselas if they are not in agreement? Who pays for the litigation?
A – Whoever wants to start litigation, an individual, corporation or other community, has to find a reason (or grounds) to sue. You can't just show up in court and say "you don't like this Treaty…". Typically, you have to show some loss or damages that the Treaty caused. Somebody would have to suffer a loss if you expect a payout. It would be hard to illustrate any losses now when the Treaty is not in effect, it is just proposed for now (subject to ratification votes), and not in effect until the Effective Date. If the complainant loses, there's a good chance they will also have to pay the legal costs of Kitselas.

Also, in the Treaty, Kitselas, Canada, and BC, agree to stand shoulder-to-shoulder to say that the Treaty is a good deal. If someone challenges the Kitselas Treaty, we jointly defend it. I think our maximum risk may be some legal costs, not some big payout. This isn't the first modern treaty completed in Canada with British Columbia.

Q – We all know that we are in climate change now. Look at the mountains, there's hardly any snow. There's not going to be a lot of water this year, which means where's the fish? We have to start protecting our resources, and that means the water. I've brought this up before. Under the Treaty, or somewhere, we have to have access to our water rights. I know, David, you have talked about the amount per person, but we have to get a grant or something to be involved in our water so that we have control over the water. This isn't just the Skeena, but the lakes, like Lakelse. Lands and Resources have been monitoring the levels, but we have to make it permanent. We have to have Kitselas water rights embedded in our Constitution and our Treaty.

A - In the Treaty, we will have a lot of water. One cubic metre weighs about 300 pounds, and we will have over 35 million cubic metres. We also will have subsurface water rights on the

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Treaty Settlement Lands (TSL). Any water reservoirs under TSL, Kitselas will have control over. For larger reservoirs that partially lie under land outside of TSL, we share these rights with our neighbours.

We have to take care of things ourselves and will be able to do so under the Treaty—unlike now when we have little to no say in what happens. Part of the solution is our control and how careful we will be under the Treaty. Climate change can't be solved by one thing - it will take many, many small steps to make a difference.

Q - I was wondering when you showed all the fisheries things up there. Why was steelhead not up there? What is protecting us from fish farming?
A - In terms of steelhead, if it's not on the list, catch as much as you would like for food fishing (only). If you don't see a species on the list, it is open, without restrictions. So, for steelhead, no limit. For oolichan, no limit; however, this is not for a commercial quota, that's different.

Canada has banned fish farms going forward. The government must consult with us on anything that might impact or affect our rights/Treaty and Section 35. We must be heard and accommodated.

Q - Could the community pay for things? The First Nations Health Authority cuts you off, and I think there has to be a medical fund for the people. An emergency fund for the people would be helpful.
A - All existing programs and services continue under the Treaty. Treaty gives us money, and interest from the Trust will give us money to address things we deem important to our community. I have heard concerns about about dental, education, and health travel down to Vancouver. The community needs to identify community priorities, and then we have four years (when the balance of the financial settlement arrives), to determine how we will address those priorities. The goal of the Treaty is not to have a big bank account, we hope to see the interest earned on our Treaty investments doing good in the community, for the benefit of the community.

Q - Why is the Constitution patterned after the Canadian government, when it reminds us of residential schools?
A - I think that every Constitution has similar types of things in it. It is a very high-level document. In some ways, in the Kitselas Constitution, some parts are patterned after the Canadian Constitution. BUT, the words are Kitselas. I have meeting documents from Constitution workshops going back to 2009. And we are consistently working on the Constitution to make sure the words and concepts are yours. We have to make them sound legal because it's a legal document. As a Constitution, it is somewhat similar to Canada's Constitution, but in some ways it is NOT similar because the words are yours, it's your document.

Q - I wonder if everybody noticed the pressure that's being put on the healthcare system with all of us aging at the same time? Will there be money put aside in case Members cannot pay for their prescriptions? For travel to and from the hospital?
A - If approved, the Treaty brings Kitselas a significant financial settlement, which will be placed in a Trust and generate ~$5-$6 million in interest each year. Additionally, Kitselas will receive $5 million in increased annual funding, too. This fall, we will focus on engaging the community on the priorities Kitselas people want to focus on. There are a number of common

themes we have heard. Health is one.

At the local hospital, there is a First Nations Liaison staff person who works in the hospital to support Kitselas Members, as needed.

Q - Once the constitution is ratified, could it be put it in layman's terms so it can be translated to Sm'algyax?
A - Yes, we will create a plain-language version of the Constitution. And we will get people who speak Sm'algyax to help us translate the Constitution into Sm'algyax.

With the Treaty, we have opportunities to protect and grow our language, like Tsawwassen, which has language ambassadors. They study the language and then go and teach it and the culture. With the Treaty, we can do something very similar here.

Q - Can something be done with the Ministry of Transportation and Infrastructure and the Highway of Tears?
A - Many communities feel these losses, and we're trying to find a suitable way to honour them. We would seek advice from the community on what would be appropriate and respectful. We are certainly open to trying to do something as we move into a Treaty to honour those losses and the people who mourn those loved ones who are gone.

Q - Is there a certain amount of people that have to vote for the Treaty to pass?
A - Of all the people who choose to enrol in the Treaty, whatever that number is, half of them (50 % + 1) must vote for a vote to count. If half do not vote, then the vote doesn't count. It's not a no vote, and you have to do it again. Then of the people who choose to cast their vote, half of those (50% + 1) must say yes for the Treaty to be ratified (pass).

For instance, if 200 eligible Kitselas Members enrol to vote, 101 must vote for the vote to count. Then, of those 101, 51 must vote in favour of the Treaty, for the Treaty to pass.