Questions & Answers from Treaty Information Session

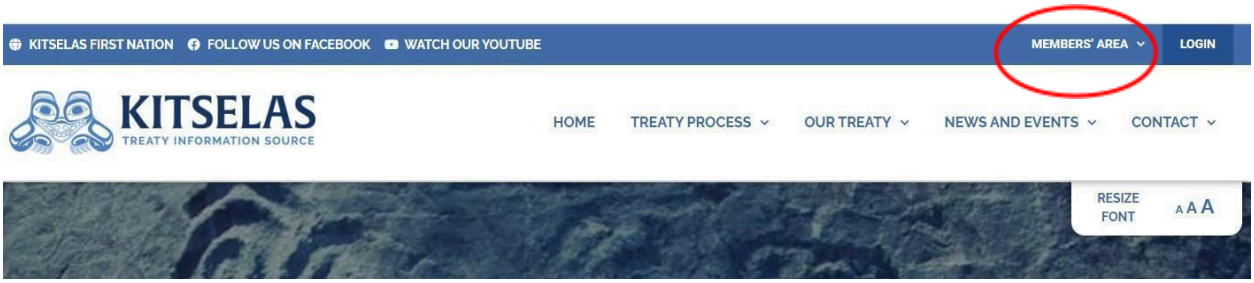
KITSELAS
TREATY INFORMATION SOURCE

ENVIRONMENTAL MANAGEMENT | JUNE 22, 2022

Thank you to the Kitselas Members who joined us for our thirteenth Treaty Information Session community meeting at the Best Western Hotel (Terrace) in person and via Zoom on June 22, 2022. Everyone is welcome at Treaty Information Sessions.

The next community meeting is on Wednesday, September 28, 2022.

The recording of the June 22 community meeting is available in the **Member's Area** of the www.kitselastreaty.ca website. Please register to access this area:



Q: What kind of response was there from the various communities the Treaty Team visited?

A: The Treaty Team visited seven cities (Prince George, Kamloops, Langley, Vancouver, Nanaimo, Victoria, and Prince Rupert) and shared written materials, as well as gifts for our community members in each city that we visited. Membership response was highly positive. We heard feedback and thoughts of many 'non-local' Kitselas Members, and were able to respond to many interesting questions.

Q: When you look at the traditional lands of our ancestors and see the small green areas of the proposed treaty, why can't we ask for a lot more of our traditional lands?

A: The proposed Kitselas Treaty Settlement Lands include over 90,000 more acres than our current Indian Reserves. The land that is currently offered is good land, including river, highway, road, hydro and internet access. We were able to recently add 6,000 acres to the offer. Ultimately, the somewhat limited remaining Crown land is more remote, and subject to conflicting claims by neighbouring First Nations.

The land offer we received is linked to our population numbers, but is significantly higher than in the Nisga'a Final Agreement.

Q: Can you describe the lands shared between Kitselas and Kitsumkalum at Port Essington?

A: The lands around Port Essington are explained in the Port Essington booklet, which was sent in the mail-out earlier this month and is also on the Treaty website. Post Essington, is currently jointly owned by Kitselas and Kitsumkalum. This means that we couldn't do anything there without Kitsumkalum's permission.

Treaty will separate this into two equal parts: half will go to Kitselas and the other half will go to Kitsumkalum. A small parcel in the middle of this Indian Reserve is owned by the United Church. The Church has agreed to gift the land back to Kitselas and Kitsumkalum. This land will also be split equally between Kitselas and Kitsumkalum.

There will be 10 hectares of additional Treaty Settlement Lands at Port Essington, which Kitselas will maintain and manage as a conservancy (similar to a park), but this will still be our land.

Q: What does the blue sign in your presentation slide say?

A: The blue sign was installed by the Kitselas Lands & Resources Department to show people that they are on Kitselas lands. After meeting with Chris Epps, signs have also been installed on the Skeena River to show where Kitselas lands are. Land tours are being planned for later this year, so that we can show our people the lands.

Q: On Indian Reserve 1 there was a small parcel of land (lot 113). What is the current designation of this parcel?

A: The lot you were referring to is surrounded by Gitaus (IR-1), just to the west of the Kleanza Ecological Area. It was the subject of a Specific Claim, which Kitselas won in Court. After Treaty, this will be part of the Treaty Settlement Lands. It will be our land and fully under our control.

Comment: *Erosion on Indian Reserve 5 continues to be an issue. I believe one third of this reserve has been washed away. The actions of the Ministry of Transportation and Infrastructure and the dikes on the Copper River have expedited the erosion of this reserve.*

A: We have hired a hydrologist to study the historic flow of water. His initial conclusion is that Kitselas will have a good case.. Once all the evidence is collected, which we are actively working on, Kitselas will probably be in a good position to pursue a Specific Claim against Canada. This is an active case. Contact the Treaty Office for more information.

Lakelse Lake

Comment: *Treaty should attempt to gain additional land on Lakelse Lake. It must be made clear that we have a long history of land use, and still use the lands around the lake. This land is significantly important to us and our future generations.*

Comment: *This is part of our Traditional Territory. Wilfred MacKenzie has shared a story about his family's trapline at Lakelse Lake. I firmly believe we need to solidify our Traditional Territory in this area. I have heard Lax Kwa'laams and Metlakatla speaking about this area. If there is anything we can do to solidify our claim to land in this area, it needs to be done. The MacKenzies, Seymours, Bennetts have traplines in this area. I think it would further strengthen our Traditional Territories to have land in this area.*

A: Research has been done to back up our claims. We do have 'traditional use' studies to back our claim of historic usage, which the government has accepted. Unfortunately, basically all the lakefront land on the east side is privately owned.

BC is offering a cash settlement to purchase lakefront lots (or any other land we choose). This would allow us to buy land at Lakelse Lake and we have been looking into acquiring land around Lakelse Lake. However, it is really expensive to buy land here.

Q: The water rights that you talked about, is that going to be only on the Treaty Settlement Lands or throughout the Traditional Territory? I ask because of climate change. Water is going to be more scarce. We have to protect what we have. We have to protect, for example, development on the Skeena River. When development is taking place on the Skeena River are consultation and consent from Kitselas going to take place? Do we have a say? The green portion of our land, that goes to the coast (Traditional Territories), when anything goes on there, we are going to need MOU's with the Province with the federal government, the City and Regional District and other bands along the way. How do we keep what we have there? How do we enforce the protection of what we have there? How do we work with others to protect the resources?

A: We will have full ownership and veto rights on Treaty Settlement Lands. We will have Consultation rights anywhere in our Traditional Territory (Kitselas Area). However, the rights of others overlap in Kitselas Area too.

When we are consulted, we need to be listened to and accommodated as much as possible. It depends exactly where the project is taking place and how the project will impact us. For example, if something happening in Kitimat were affecting air quality, we would be consulted because the air flows north. Also, if the Nisga'a were doing something that would affect us, then we have the right to be at that table and have our voices heard. The government will need to discuss projects with us before a project is allowed to go forward. They have to listen to us and hear what we say.

Q: With respect to the resources that we have today, is there a baseline study of what we have? For example, how many fish are we catching? Halibut? How many trees are being logged on our lands now? This will be important, so we know what we are working with in the future.

A: Yes, we have an early study for timber baseline. This will be circulated to the community this fall. We will do a forestry update in another community meeting in the fall.

Q: In your presentation, if Treaty gets passed by a 'yes' vote, we are going to need a lot of trained, educated people to run the Treaty. I am thinking that the Treaty Office needs to consider (and soon) that we are going to need trained people. If we could get a database of registered professionals in Kitselas, this would be helpful to prepare for Treaty so that our young people can prepare for the jobs that will be available in the future.

A: Yes, that's a great idea. We will put together this list and start preparing.

Q: I'm just getting up to speed on your presentations. I have a question about Treaty Settlement Lands and the area near Lakelse Lake that has been excluded.

A: There are some parcels around Lakelse Lake that are excluded from the Treaty Settlement Lands— some because they are privately owned now, and others because of overlap or competing claims on lands. These lands are, however, included in the Kitselas Area (Traditional Territory)..

Q: The reserve at Lakelse, are you saying we're going to lose that?

A: No, we already have land on the west side of Lakelse Land, and will have the green lands on the map (in the presentation). We will receive additional lands. The consultation is currently underway, but we will get this land.

Q: After Treaty, if we buy or get more land, will it become Treaty Settlement Lands?

A: After the Treaty's Effective Date, we can continue to add to our TSL land base. If we get or purchase additional lands, we can add them to our land base. For any lands that we currently own, we can choose to have them become part of the Treaty Settlement Lands or continue to own them like any other person or company that owns land in BC. It's our choice!

The Treaty does not allow us to reduce the Treaty Settlement Lands; we can only add to the lands We can. however, choose to sell land to individuals, but this land would still be governed by Kitselas.

Q: Who owns the land now?

A: It is the BC and Canadian government who own the land now. We will become the owners of the land if the Treaty is passed. In Treaty, we can also buy land from private citizens too.

Comment: *I worked in Vancouver, and there were a great mix of people where we worked together. I was singled out, and the boss said that I owned the land. That his grandfathers and fathers took the land from me. As far as the south-east, and south-west. I was standing on top of Kleanza Mountain. And I could see our lands in every direction, as far as you could see. This is our land. This is what our ancestors taught us about. I was young and small, and I listened to our grandfathers and grandmothers. And took it into my ears, and into my heart. And I never forgot. The kids here tonight, they hear us. They will learn too. Mark MacKay, who was adopted by the Innes family, he was a great teacher. I don't like the word 'treaty'. It's the non-Indigenous people who should be settling with us, not us settling with them. Canada, Great Britain, they owe our people money.*

Comment: *Our ancestors held onto our lands for us, we must retain as much land and push the government for more. Money is nothing: it will be spent. Lands are what has sustained our people for thousands of years. Our ancestors' DNA is in our land.*

Q: I had a question about the fish and fisheries on the Skeena. A few years ago, I had a chance to do a river tour with Lands & Resources. Along the route, in late July/early August, I counted 200 fishermen from 'Kalum to the point as far as they could get. In Treaty, when we control our resources, do we have any say from BC on how many fishing licences they are selling for fishing along the Skeena? Because our resources are dwindling and this is a concern. We should have a say on fishing on our Treaty SettlementLands and how many licences BC is selling.

A: We will have a say after Treaty. There is an allocation of fish that comes to Kitselas, which we can use however we want. These are the first fish that are caught in the river before anyone else can fish in the river. This is what Treaty guarantees—that we have first priority for the fish that we need.

[Subsequently to the meeting] Treaty staff were able to confirm that BC **will not** limit the number of recreational licences. However, BC does manage the fish stocks through limiting the days, times and number of fish allowed to be caught per licence.

Q: I understand this, but I am asking about the Province selling rod days to people in the Skeena River. Can we cap the fishing licences being sold? Do we have that authority?

A: Kitselas currently has 100 rod days that have not been used for the last few years, noting that rod days are not the same thing as recreational fishing licences.

Fish stock are protected for rod days similar to rules associated with recreational fishing described above.

Q: I have a question about the Treaty Settlement Lands that once agreed upon, they can't get any smaller. We can't sell TSL. If we decide to go into business, will we still have the option? So we can add to it, but BC and Canada can't make it any smaller?

A: Just like the City of Terrace does not own all the land within the city's boundaries, Kitselas will be able to choose to sell land within the Treaty Settlement Lands to Kitselas members, members of the public, or companies. However, it will always be part of Kitselas Lands, and we will govern it. We can also add to the Treaty Settlement Lands, but Kitselas can never reduce the overall size of TSL and BC and Canada can't make it smaller.

Comment: *I'd like to echo the words of Edward Innes. Kitselas should have the claim of the entire territory. It should be the government arguing why it's not Kitselas lands, not the other way. We have heard time and again, from the coast inland, we have had to show why Kitselas has a claim there, where the history and stories are there in those places about our existence in the past. It's hard to hear that by accepting a little bit of extra land. We expect our Treaty Team to fight for it all, and not accept anything less than our traditional lands. From the peoples' perspective, and our voice that is being represented, all that has been there has to continue to be Kitselas. We can't accept anything less.*

A: The land around our Treaty Settlement Lands is also contested by other neighbouring First Nations. I respect profoundly what you are saying. I agree with you that we should have control on as much of the area as possible. We keep asking for more land. Chief Glenn is regularly attending Tsimshian Council, and great progress is being made to address the issues about overlaps.

It is often difficult to prove things from the past, but I am highly sympathetic to what you said. We have worked hard to have the orange area on the map come to Kitselas. The government recognizes that there are overlaps, but there is recognition that the government has to consult with all of us.

That geothermal project is on lands also claimed by Kitsumkalum and Lax Kwa'laams and we work with BC to address their questions and concerns. I don't want to dismiss what you are saying. I hear what you are saying, and we are doing the best we can to get as much land as possible.

Comment: *I'm glad to hear that the land tours will be restarting. I made the suggestion in the early tours that a drone should be flown over the lands, so that those who can't make the tour can see these images online.*

Comment: *I know it has been in the works at different tables, but we need those relationships with everyone. We need to continue to develop and cultivate the relationships with the Coastal Tsimshian and with others, because we all live here and*

we use the same resources. We have a close tie to one another. We need to build on those relationships moving forward in the interest of Treaty and in their interest as well. We have always been a caring and sharing community. I don't see this changing after Treaty. That's not who we are. I can only see this continuing.

Q: With Lakelse, it would be nice to see developments here, like geothermal. What would the costs be moving forward on geothermal? Where are we at with this project?

A: We have spent $5 million on research to date. But only about $300,000 was our own money, and the rest has been grant money. We have recently received an additional $13 million for pipeline construction, and we are in the process of finalizing an agreement with a major oil company where we will have the resources to develop this and start selling the energy.

Q: Do we know how much land Kitsumkalum is being offered?

A: I don't know the exact amount, however, it is compatible with what we are receiving. Our land is spread out along the Skeena River with other land south of Terrrace. Kitsumkalum land is centered north of Kitsumkalum IR, towards Kitsumkalum Lake. The amount is not public information yet.

Comment: *During the Q&A session, one person offered comments in regards to shrinking fish stocks. Apparently, the United States has closed the chinook fishery in Alaska. This should be a signal for what is happening in BC. The salmon, the sports fishermen on the Skeena, they are all shut down for chinook. Fishermen are 'sinking' lines and moving along and the line goes in through the mouth, and as soon as they feel something, they put in the hook. This is done all day long. The steelhead stocks from last year, the stocks were down last year. If we open the fishery to "catch and release" for steelhead salmon, it will have an effect on chinook salmon. We need to do something about this, and part of this conservation also has to think about the bear population. This needs to be taken into consideration. We have to make some changes and need to adjust. I talk about it all the time, and we have to talk about it and make changes.*