



# KitseLas and Kitsumkalum Treaty Negotiations

## Virtual Open House

### June 7, 2023



**KITSELAS**  
FIRST NATION



Canada 

# PRESENTERS

## **B.C. Ministry of Indigenous Relations and Reconciliation**

Carina Diller, Senior Negotiator

Stephen Winn, Negotiator

## **Kitselas First Nation**

David Try, Senior Treaty Negotiator

## **Crown-Indigenous Relations and Northern Affairs Canada**

Rosie Sill, Negotiator, Canada

## **Kitsumkalum First Nation**

Melissa Quocksister, Communications Consultant

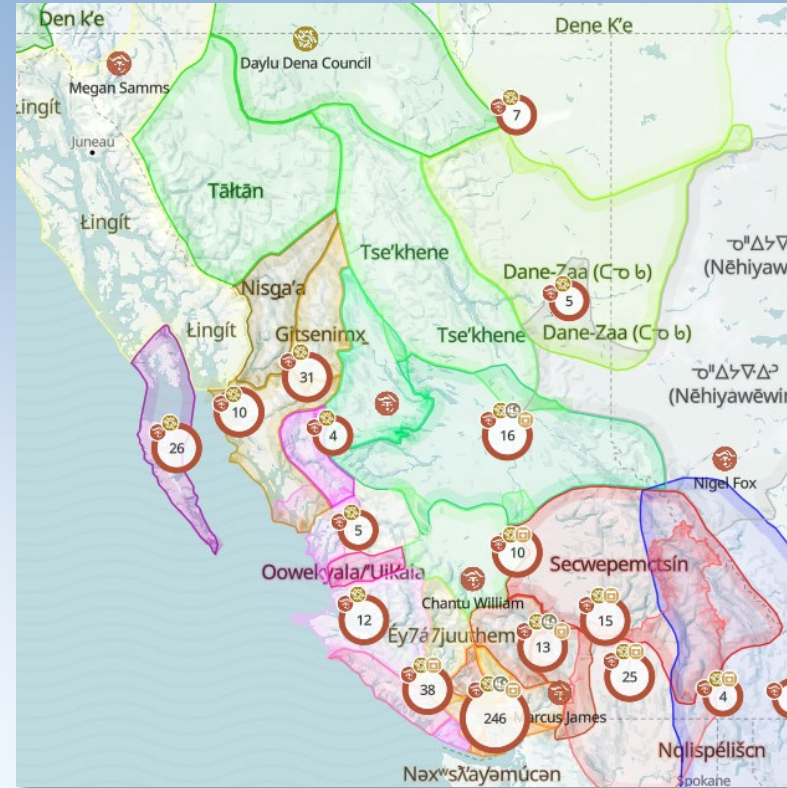


## Presentation Overview

- Reconciliation – Why, What, How?
- Negotiations in B.C.
- Kitselas Treaty and Kitsumkalum Treaty Overview
- Panel: Questions & Answers

# Indigenous Peoples in BC

- 270,000+ Indigenous people in B.C.
- First Nations, Métis and Inuit
- Over 200 First Nations in B.C. (600 in Canada)
- Culturally and linguistically diverse
  - 34 distinct languages and 90 dialects
- Sophisticated cultures, relationships and systems of laws
- Few historic treaties in B.C.



# Historic Treaties in BC

## Few historic treaties:

- Douglas Treaties, Vancouver Island (1850 – 1854) - 14 treaties signed around Victoria, Saanich, Sooke, Nanaimo and Port Hardy
- Treaty 8, Northeast B.C. (1899)



# Reconciliation – Why?

Colonial laws, policies, and programs, including the Indian Act, Indian residential schools, and the 60s scoop, have created lasting impacts on Indigenous ways of life:

- Language, culture, and social structures
- Exercise of rights
- Access to lands, resources, services and economic opportunities
- Mental health and overall wellness (including inter-generational trauma and death)



# Reconciliation – What?

A paradigm shift in thinking and action that involves:



**Ultimately, it's about partnering to make a better B.C. & Canada**



# Reconciliation – How?

Reconciliation is an ongoing, dynamic journey that must be flexible, responsive, and context-specific (no one size fits all). It involves:

- Negotiating long-term living agreements to:
  - Recognize and implement self-determination
  - Address Free, Prior and Informed Consent (the co-management of and shared decision-making on the land)
  - Implement a recognition of rights approach (that rights continue, they are not modified or extinguished)
- Partnering on shared initiatives, such as stewardship and resource management





# Negotiating Agreements

## Agreement Types

- Treaties
- Side agreements outside of treaty:
  - fisheries
  - revenue and benefit sharing
  - socio-economic initiatives
  - land use plans
  - collaborative stewardship agreements
  - and more
- Reconciliation Agreements
- Shared decision-making agreements



## Agreement Topics

- Rights and title
- Governance
- Land and land use
- Economic development
- Revenue sharing
- Environmental stewardship
- Wildlife
- Natural resources
- Decision-making
- Culture and heritage
- Parks creation and management

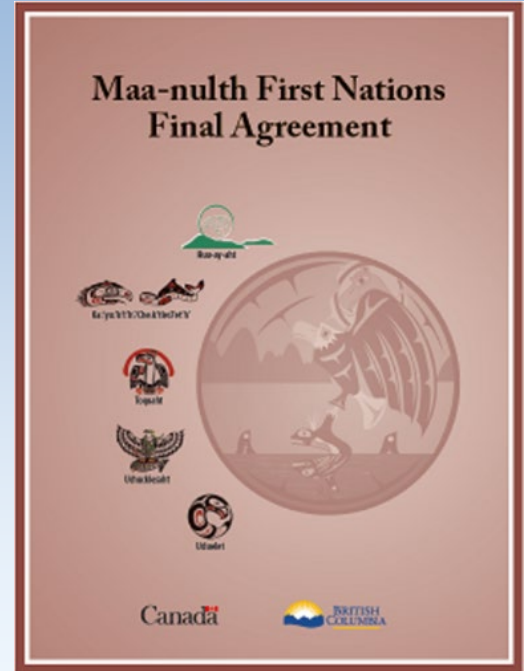
# United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) & the Declaration Act



Comprehensive human rights instrument that recognizes Indigenous Peoples' right to self-determination and to “freely pursue their economic, social, and cultural development.”

# Modern Treaties in BC

- Among the most comprehensive forms of reconciliation
- Since 2000, 4 treaties implemented (8 First Nations)
- New treaties are living agreements

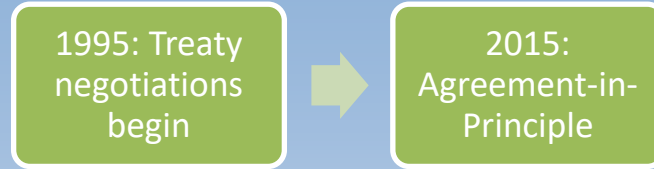


# Kitselas and Kitsumkalum Treaties Overview

- These two distinct treaties are intended to encourage investment, create jobs, expand economic development, and support social well-being for Kitselas, Kitsumkalum and the entire region
- Recognizes pre-existing rights and title of Nations
- Provides ongoing governance funding, return of lands, and many other measures and authorities



# Looking Back



# Next Steps



# Overview

## These treaties will:

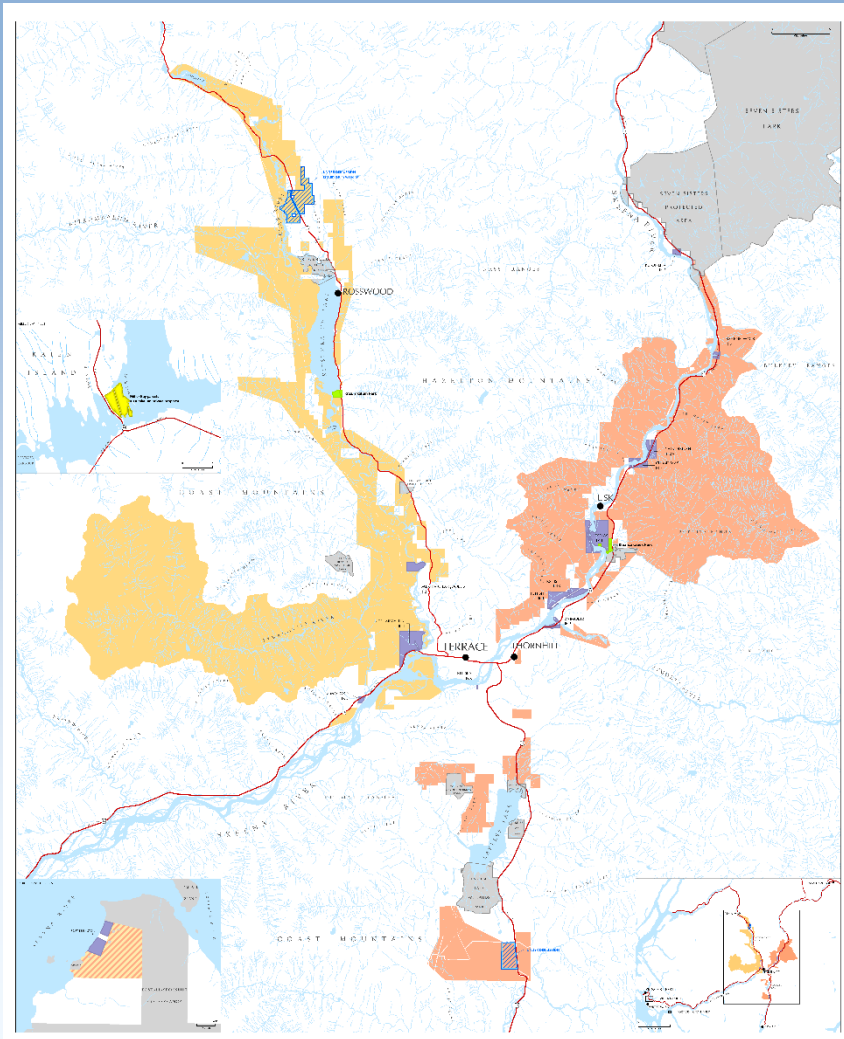
- Recognize pre-existing rights and title of both Kitselas and Kitsumkalum
- Return lands to both Kitselas and Kitsumkalum to govern
- Recognize and implement self-government
- Provide predictability
- Provide ongoing self-governance funding
- Include a one-time cash transfer
- Enable greater taxation powers on treaty lands
- Identify co-management and shared decision-making opportunities in Kitselas territory and Kitsumkalum territory

# Proposed Treaty Lands

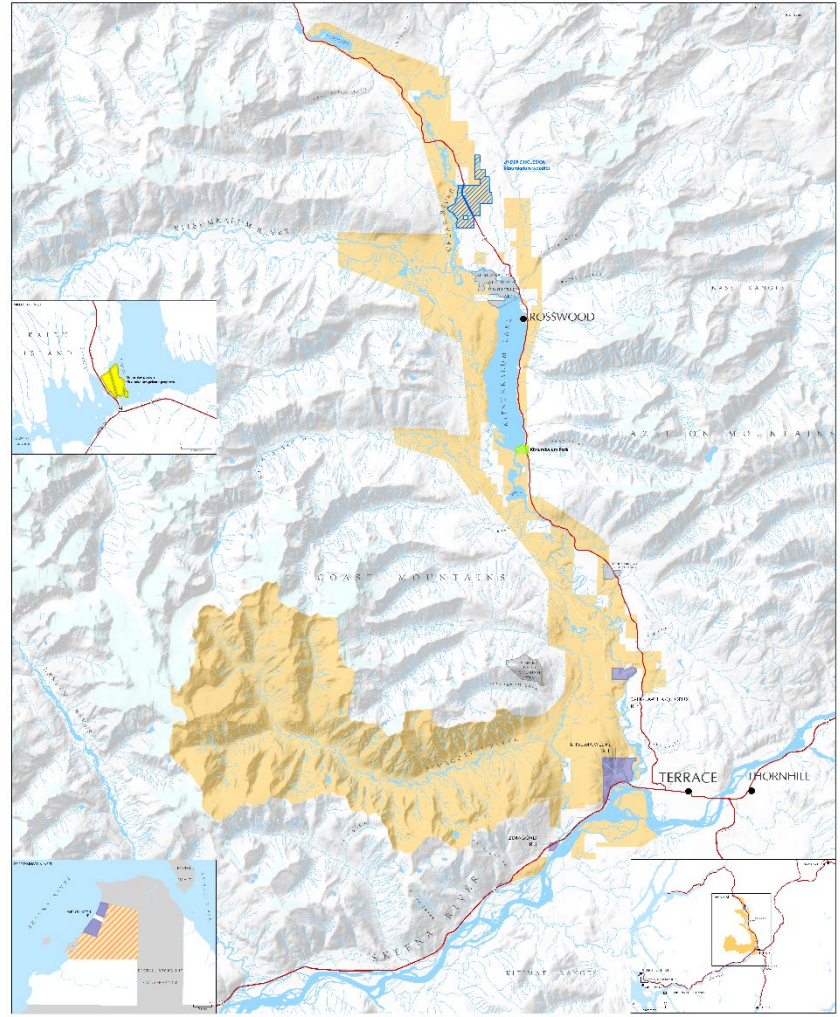
- The following maps show lands proposed to become Treaty Lands for the two Nations – Kitselas and Kitsumkalum.
- The land packages depicted on these maps are subject to conclusion of negotiations, fulfilling consultation obligations, and ratification of the treaties by both Kitselas and Kitsumkalum.



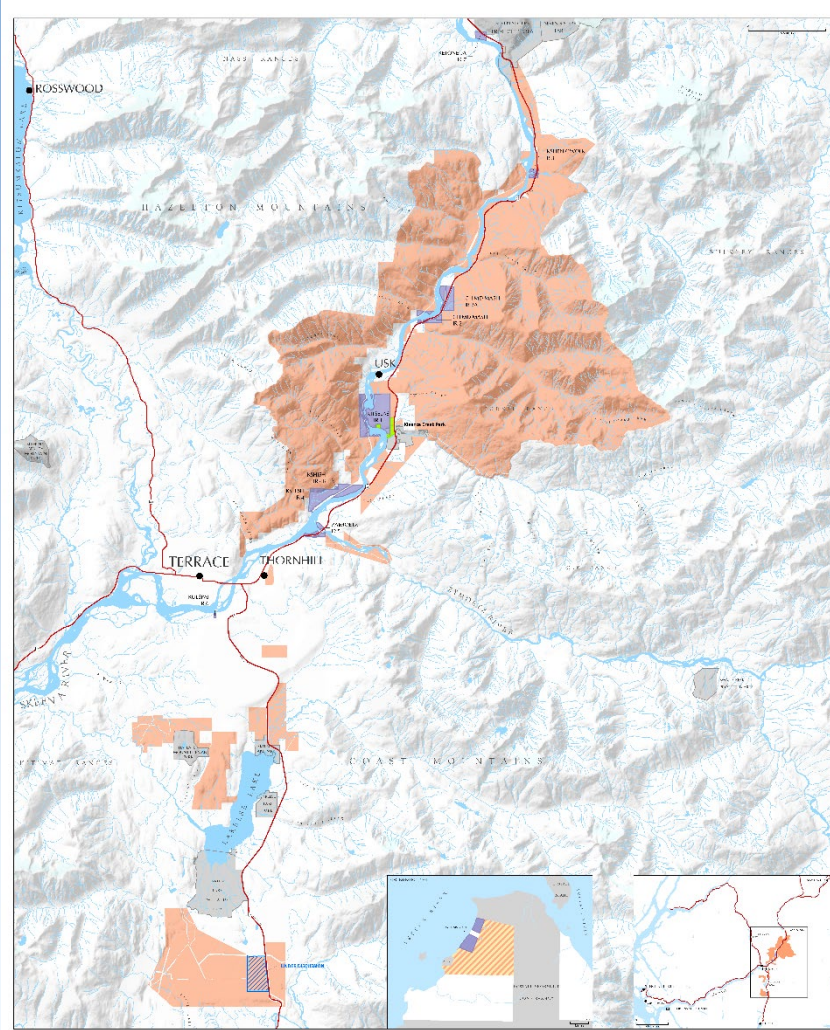
# Proposed Kitselas Lands and Kitsumkalum Lands



# Kitsumkalum Lands



# Kitselas Lands





# Treaty Lands vs Reserve Lands



## Reserve Lands

- Owned by the federal government
- Limited decision-making authority

## Treaty Lands

- Owned in fee-simple by Treaty Nation
- Treaty Nation Government has jurisdiction



All existing reserve lands become Treaty Lands

# Highways & Roads

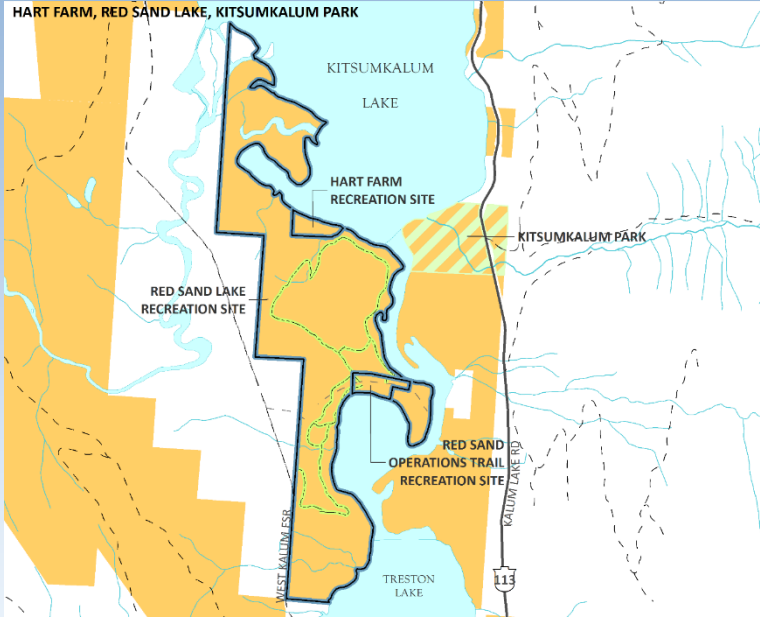
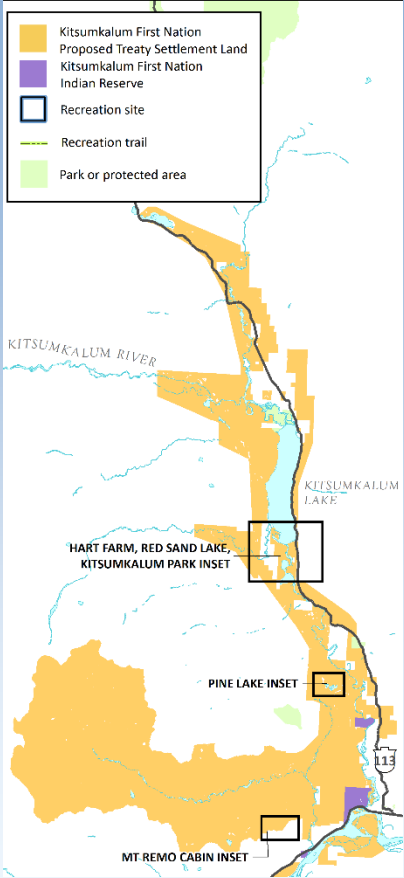
- Major highways and some mainline resource roads will be excluded from Treaty Lands
- Some road permit roads will be included and managed by Kitselas or Kitsumkalum
- When not accessed by an excluded highway or excluded resource road, access to private properties will be guaranteed through an easement outlined in the treaty

# Recreation Sites and Parks

- Kitselas and Kitsumkalum agree to maintain public access and conservation values of former provincial recreation sites and parks
- Sites include:
  - Red Sand Lake/Hart Farm
  - Pine Lake
  - Section of Kleanza Creek Park
  - Kitsumkalum Provincial Park

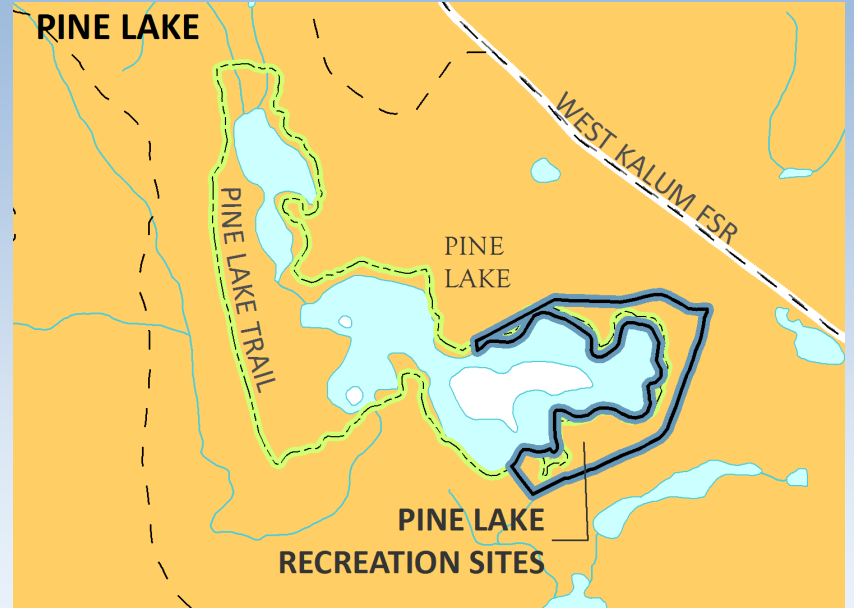
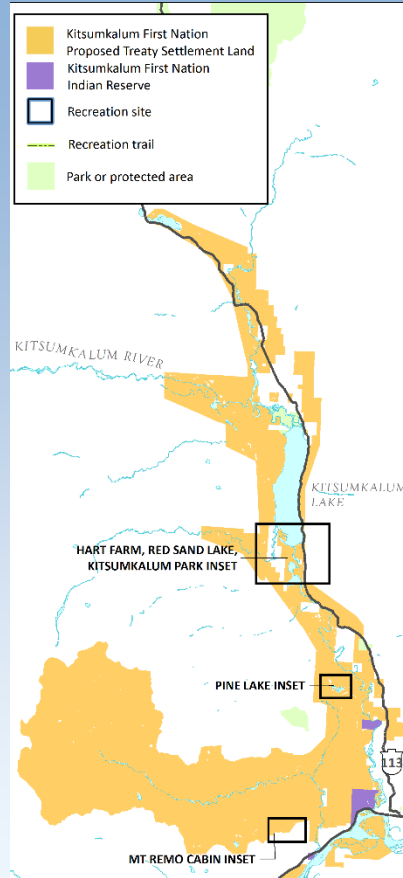


# Kitsumkalum Recreation Sites and Parks

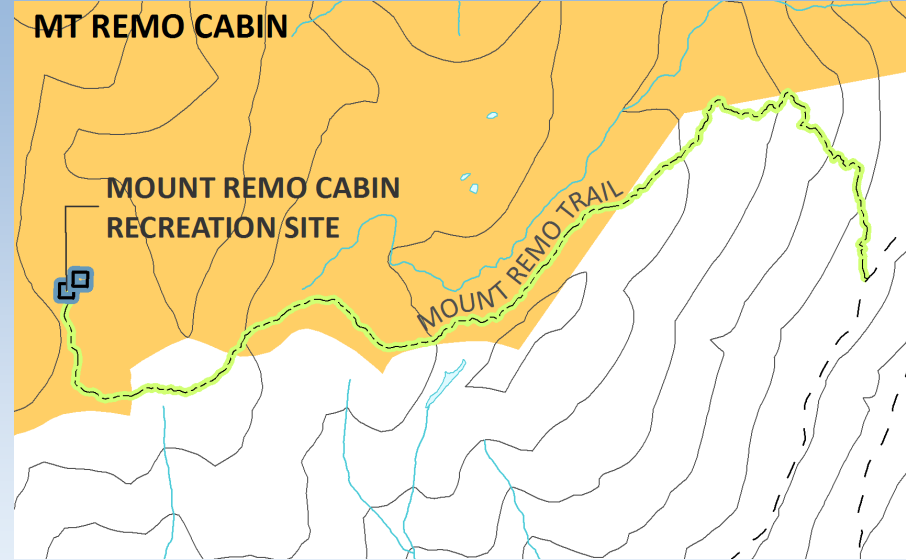
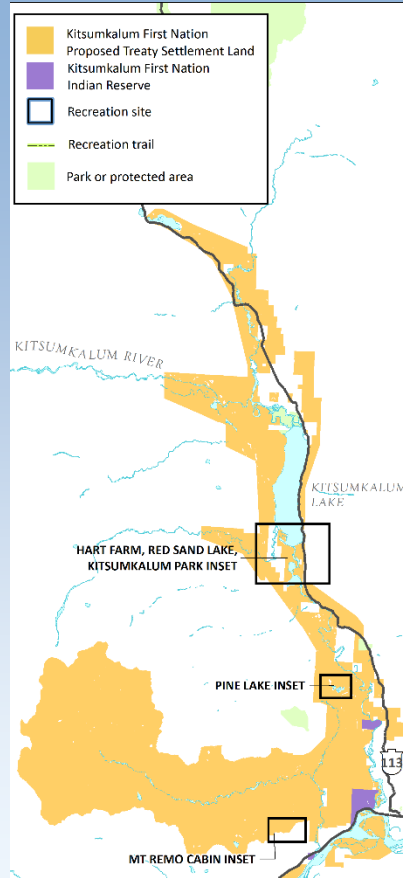




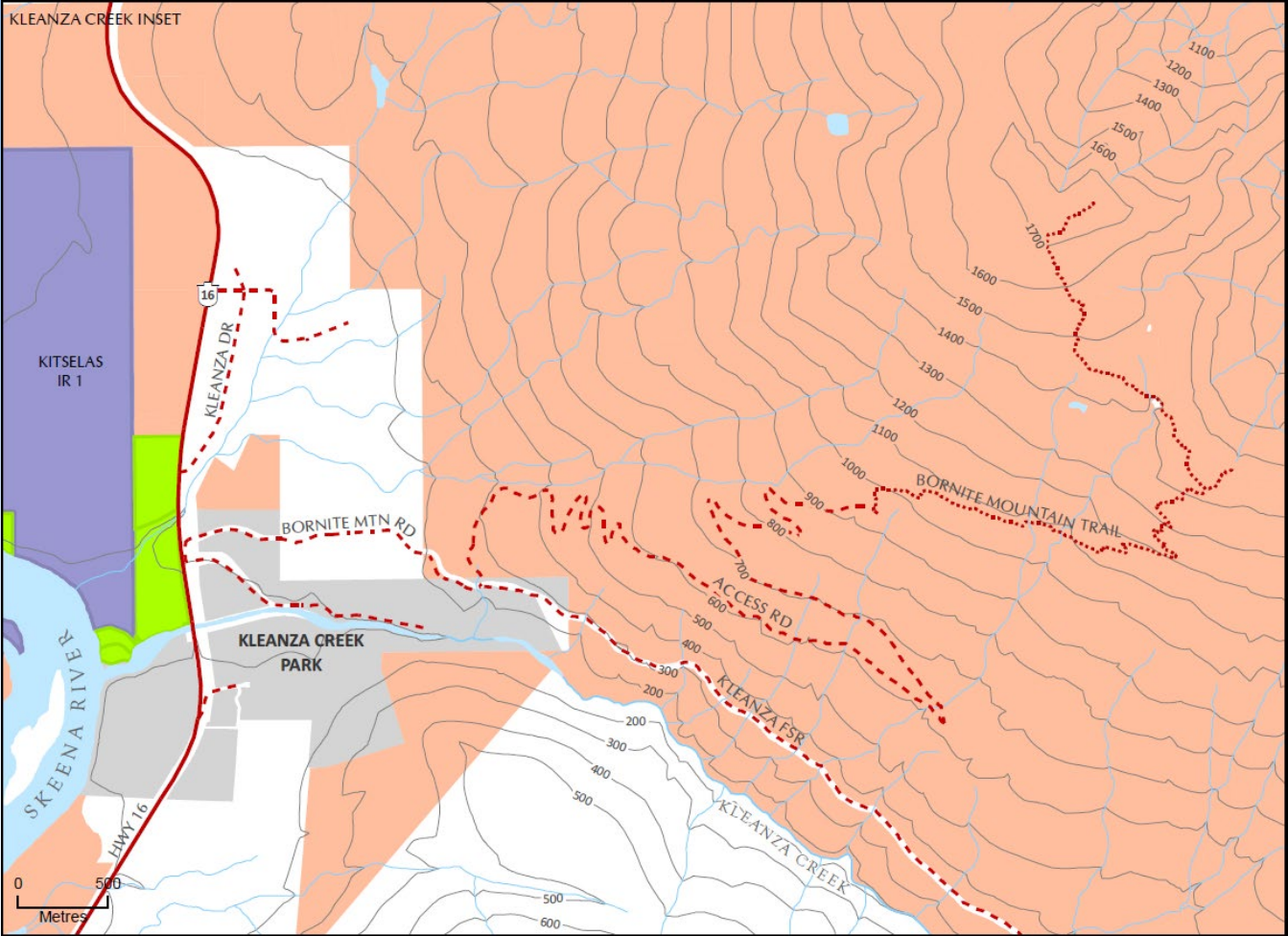
# Kitsumkalum Recreation Sites and Parks



# Kitsumkalum Recreation Sites and Parks



# Kitselas Park Land



# Self-Governance

- Inherent right of First Nations to self-govern and make laws (in accordance with treaty)
- First Nations may create laws when prepared to exercise authority
- Federal and provincial laws will still apply on Treaty Settlement Lands
- A 'mosaic of laws'



## Law-making Authorities include

- Lands and resources
- Adoption
- Child protection services
- Aboriginal healers
- Health services
- Family and social services
- Marriage
- Childcare
- Language
- Kindergarten to Grade 12 education
- Post-Secondary education
- Culture and heritage

**Sign-Up for Kitselas Treaty and Kitsumkalum Treaty Updates:**

[www.engage.gov.bc.ca/govtogetherbc/consultation/kitselas-and-kitsumkalum-treaty-negotiations/](http://www.engage.gov.bc.ca/govtogetherbc/consultation/kitselas-and-kitsumkalum-treaty-negotiations/)

# QUESTIONS?

Type questions in the Q&A forum:

- Focus on questions of broad interest
- Challenge ideas, not people