

Northwest Tribal Treaty Nations

Annual General Meeting

Prince Rupert

Day 1 - June 25, 2003

Chairs in attendance: Gerald D. Wesley
Justa Monk

Board in attendance: Bill Spenst
Mel Bevan
Diane Collins
Glen Williams
Ron Brown

Regrets: Jerry Asp
Leonard Thomas

General Assembly in attendance: as attached

Call to order 9:25 am by Justa Monk, Chair.
Prayer by Ralph Wright

Welcome by Robert Hill, President of the Tsimshian Nation
Introduction by all delegates and special guests

Opening Comments Gerald Wesley:

- ✓ Reviewed the history of NWTT and its revival in 1999.
- ✓ First Nations Governance Act second phase & standing committee, reports in Kits
- ✓ Protocol agreement with North Central Municipal Association
- ✓ Intent is to continue focus on ourselves and how we can work together.

1) Review of Minutes by Assembly

Motion 062503-01 That the minutes of the 1 st Annual General Meeting, June 5, 6 & 7, 2002 be accepted as presented.
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Moved by Gerald Wesley

Seconded by Mel Bevan

Carried

2) 2002/2003 NWTT Audit & Year-to-Date Review led by Mel Bevan

- ✓ Clean Audit, no exceptions.
- ✓ \$189,743.00 in Assets
- ✓ \$120,000.00 in donations
- ✓ \$116,460.00 Administration surplus
- ✓ \$90,000.00 provided by Province for our economic development project
- ✓ \$173,906.00 total Surplus – looking good at beginning of April
- ✓ Review Projects – Economic Development Workshop, governance project, governance symposium and the Economic Measures project.
- ✓ Used surplus from the past years to cover Child & Family and Health deficits
- ✓ Unable to tally volunteer time and account for that.
- ✓ Review further pages for details on each project
- ✓ Directors reviewed statements in Westbank
- ✓ 2 directors signed report officially last week

Motion 062503-02 That the NWT 2002/03 Audit be accepted as presented.

Moved by Alrita Leask

Seconded by Diane Collins

Carried

3) *NWTT Structure Review - Mel Bevan and Mark Stevenson*

- ✓ Formal name is the Northwest Tribal Treaty Society
- ✓ Closed society, non political, chose to be simplistic
- ✓ Charter option – tries to marry the good aspects of the society’s act and a charter
- ✓ Examples of organizations operating under a charter are United Nations & AFN.
- ✓ The charter is based on how we act now.
- ✓ Review of current structure – 2 co chairs, 8 executive board, working committees, & general assembly. This structure to stay in place until Charter is complete
- ✓ Once the Charter is ratified – deal with amendments to the Societies Act & election
- ✓ Review of the Charter (Draft No. 6) document article by article.

Question/Discussion

- ✓ Clarify article 7 – _ present at that particular meeting or 75% of the whole board?
- ✓ Define Nations – including Canada or United States?
- ✓ Define Aboriginal Group?
- ✓ Article I point 4 - Missing the term “constitution of Canada”
- ✓ Article VII point 11 – be clear on term “society” not original intent
- ✓ Article IV point 1 & Article VI point 4 are working against each other
- ✓ Should need to reconvene the assembly to remove a resolution that has already been accepted by the assembly
- ✓ Article I point 6 add respect – regarding access and respect each territory
- ✓ It is our treaty, don’t see any reason why we can’t amend
- ✓ Charter is meant to take the original document and “operationalize” it
- ✓ NWT is not the society, society is for funding
- ✓ Clarify the Charter – will go through a few more drafts.
- ✓ Need a government, not a treaty
- ✓ Focus on Economic Development and co management – people are living on \$180.00/mo
- ✓ Honour respect and recognize each other
- ✓ It is time we were sovereign on our own lands
- ✓ Accept the working document, and make amendments as we move along
- ✓ Governments respect this organization
- ✓ Not at the stage yet where we can fully exercise our rights and title, if we don’t do that the legal exercise will remain hollow.
- ✓ Cannot see how Gitskan Nation can make progress without working with all of you

3 options - review the charter and endorse in principle
 - send us in a different direction
 - roll over the term for co-chair and directors and for what time frame

- ✓ We need to get our house in order collectively.
- ✓ We need to have a strategic plan to address fishery, title and rights, accommodation, certainty, children & families; we need to frame this up.
- ✓ Tool to show the world how we organize and be effective
- ✓ We are building a vehicle to focus
- ✓ Most important right is to be responsible for ourselves
- ✓ If this forum can begin to develop strategic thinking we will all be better off

- ✓ What right do we have to give up our title and rights – our forefathers held them in good form so that we may enjoy them.
- ✓ Governments are so new yet they destroyed so much.
- ✓ Respect is very important – we all differ in one way or another
- ✓ Balance the canoe – steady – all paddle in same direction in a uniform manner and the goals you set out for yourselves will be reached.
- ✓ Build a solid foundation to speak with one voice
- ✓ Agreed that this motion is to include a 12 month time frame.

Motion 062503-03 That the NWTT Charter be adopted (in principle) as presented with the addition of “respect” to Article No. 1 of the founding principles subject to completion for 2004 AGM.

Moved by Ron Brown

Seconded by James Bryant

Carried

4) *Ken Buchanan, North Central Municipal Association (NCMA)*

- ✓ Vice president of the North Central Municipal Association, adopted by the Gitskan
- ✓ Have with us our executive director and 2 directors
- ✓ Informal lobby group for issues such as health, transportation, forestry, farming, air quality, list is wide open
- ✓ Understand that we can not agree on all issues, but potential to work together on many
- ✓ Document in your kits.
- ✓ We will meet twice a year, share information, have political lobby efforts, exactly how is not yet known.

Question/Discussion

- ✓ Agreement between NWTT and NCMA to write a letter collectively on “what is the heartland strategy”
- ✓ Mutual concern is the economy of the Northwest
- ✓ Indians are not even factored into the past lobby trips – comes back to haunt in light of court cases
- ✓ In the fall, the province will be coming up with a new initiative to deal with local government – our territorial interests must be accommodated in that process
- ✓ Hoping to work on the resources and value add with this here
- ✓ Health – we all have that issue

Need to work together on royalties for the north

5) *Roger Harris, MLA, Skeena & Chair of Northern MLA’s Caucus*

Presentation: BC Overview

- ✓ 3rd time at a NWTT meeting
- ✓ Heartland strategy – we are not always going to agree on things – learn about those things we do agree upon and move on it.
- ✓ Historically we tend to act in competition rather than cooperation i.e. Kitimat boom – Haisla 60% unemployed.
- ✓ This organization is critical to achieve balance.
- ✓ The Province’s role is to put some frame work together so that every community can achieve its full potential
- ✓ Heartland strategy is about reinforcing and supporting resource industries; better transportation such as new roads, container ports, and expanded airports; more community and regional control so that we can change the culture and how other people view this province.
- ✓ First Nations component is essential
- ✓ Question/Discussion
- ✓ Biggest barrier to First Nations is Section 13 of the labour code

- ✓ First Nations are not just important but essential
- ✓ Forest revitalization does not line up with FN perspective
- ✓ The 20% take back – FN share is 4% not 5.4, Minister is counting FN who had tenure already – that is not new volume
- ✓ Need to complete protocol agreement
- ✓ Would like opportunity to get in front of the Provincial government during their time in Prince Rupert
- ✓ Real concern on lack of protocol with FN before legislation changes in forestry
- ✓ Co-management, compensation, revenue sharing, accommodation
- ✓ Have to have industry and First Nations at the table
- ✓ Taxation forms, cigarette quotas – all amount to racism
- ✓ Gaming on reserve – province restricting every move
- ✓ Labour code – Section 13 should be reviewed
- ✓ Review the 20% strategy – only amounts to 4% for FN
- ✓ Throne speech – discussion ways on how to build on the recognition
- ✓ Sustainable planning – unable to get a parallel process funded
- ✓ It is a waste of financial resources and human resources for Ministry and Industry to keep planning this way.
- ✓ Sharing the wealth – not based on Indian Act numbers, we need to have the right start, you need to recognize the title holders
- ✓ We need to be part of the softwood lumber agreement

6) *Satsan (Herb George), Vice-Chief, AFN BC Region Presentation - BC Perspective on Title and Rights Strategy*

- ✓ Acknowledged the Tsimshian Nation
- ✓ Talk about Economic Development
- ✓ It is important that we do not lose sight of the gains we have made within the last 10 years
- ✓ Remind you of Delgamuukw, Taku River, Haida I, Haida II, Campbell and Mikesew
- ✓ Six enforceable principles in law that can guide negotiations
 1. Aboriginal Title is not just an interest in land,
 2. You have the right to choose
 3. There is an inescapable economic component
 4. Title arises before proof in court
 5. Infringement must have meaningful consultation and accommodation
 6. Crown needs to justify an infringement
- ✓ Key is the inescapable economic component; key is the discretion around the use of the lands
- ✓ Need to know what our people want – clear political vision, clear on what we don't want
- ✓ Negotiation strategy has taken so long we have a tendency to lose sight of the goals
- ✓ Strategy to deal with the accommodation and consultation, hook that up to a clear economic strategy
- ✓ Pick the best cases, go to the tenure holder and say “you have not consulted” then use a judicial review. If court is satisfied based on prima facie evidence – that is the legal trigger. They do not believe they have to accommodate unless you trigger
- ✓ If we are not going to put time into the implementation then we should not bother with the expense of court cases.
- ✓ We are setting a standard below what the court has set – we need to be careful when we sign agreements, when you do so, you give up the right of the compensation aspect of your lands.
- ✓ We are in the best position we have ever been since BC entered confederation
- ✓ If we do not know what we mean by accommodation, if we do not know what we want, we will not get it.

- ✓ We have a lot to look forward to – but we have to be careful what we do in the absence of a clear strategy

7) *Elmer Derrick - Economic Development Initiative Presentation*

- ✓ Initiative provincially funded, trying to get federal government to match dollar for dollar
- ✓ There have been some time delays in getting project going.
- ✓ Discussion on hiring process
- ✓ Success of this project depends on input from all of you
- ✓ Asking you to dust off all your old economic development plans and forward to NWTT
- ✓ Chart a better future
- ✓ Go through the workplan in your kits and submit back to NWTT

Adjourned 4 pm

Day 2 - June 26, 2003

Call to order at 9:20 am by Justa Monk, Chair.
Prayer by Ralph Wright

8) *Panel Presentation – Economic Processes & Forestry*

a. *Tom Happynook, Huu-ay-aht Economic Strategies Presentation*

- ✓ Extends his thanks and appreciation to the Tsimshian and NWTT
- ✓ Located in the Barkley Sound, 780,500 ha of traditional territory
- ✓ Building the House of Huu-ay-aht by negotiating with Industry.
- ✓ Using Aboriginal Rights and Title as a lever.
- ✓ Mandate to focus on jobs and economic development from community
- ✓ Forestry is priority as it produces needed dollars
- ✓ Use last 10 years archeological inventory studies and current TUS to continue to lever negotiations with Industry and treaty
- ✓ Projects with MacMillan/Bloedell, Weyerhaeuser, Provincial and Federal Governments
 - Log salvage contract
 - Cultural heritage and Liaison person
 - Fisheries assessment contract
 - Stump to dump contract
 - Whole log harvest contract
 - Direct award silviculture
 - Revenue sharing on some cut blocks
 - Direct award planning and engineering contracts
 - Harvest of special cut blocks with profits to river restoration funds
- ✓ Moving to compile all these agreements into one certainty agreement.
- ✓ Using profits to lever loans and also to invest in other projects.
 - Assist in social programs where needed
 - Pay the local carvers an hourly rate to do what they like to do
 - Serita River & Grappler Creek restoration projects
 - Aqua culture opportunities – involved in growing shellfish, oysters and clams, moving towards geoduck and mussels.
 - building a seed nursery for abalone
 - pursuing the J.S. McMillan fish plant – would like to convert to a shellfish processing plant

- Developed the videos “Heart of the People” & “Return of the River”
- Have accessed licenses for halibut, rockfish, and salmon – have 2 boats
- Involved in tourism, working on campground and resort
- ✓ Unemployment rate about 12% in our community. Only 25% of our funding comes from the government. We have 140 employees – 50% are from HUU-AY-AHT, other 50% are non-native
- ✓ Regarding oil and gas, community says aboriginal rights and title must not be compromised.
 - Conservation of Aboriginal Rights and Title
 - Environmental Protection
 - Consulted and accommodate
 - Share of the Royalties
 - Economic opportunities and employment
- ✓ Provincial Government wants to lift moratorium, only 2 years left in mandate.
- ✓ Federal government understands rights and title and would sooner negotiate.
- ✓ Shell and Chevron prepared to move when governments get organized.
- ✓ HUU-AY-AHT lobbying to fund a TUS and public consultation so that our communities become informed and feel comfortable that their Aboriginal Rights and Title are not being compromised.
- ✓ Do not yet have enough information to make an informed decision. We would like to work with you.

b. Paul Blom, RPF, NWT Forestry Committee Presentation

- ✓ Government has a duty to properly consult First Nations. 3rd Party – Business also have this duty to consult. Legally enforceable duty to consult will continue until title and rights are determined by treaty or court. The Haida Lawsuit launched March 6th is one of the first aboriginal title lawsuits since Delgamuukw
- ✓ Changes to the forest legislation and policy have a direct effect on the land question since forest companies will have greater control of land based decisions. During March and April government made many changes to the forest legislation and policy without consultation with First Nations. Government unilaterally decided how to accommodate First Nations in exchange for policy and legislation change. 3 million cubic meters of new volume to be allocated to First Nations, and 200 million to be allocated to Major companies for their loss of tenure. First Nations have stated that they will defend their aboriginal rights and title
- ✓ Some First Nations have attempted to develop a forestry protocol with Industry
- ✓ Funding to assist with the mountain pine beetle – total fund is 40 million over 5 years
- ✓ Access to Markets – China is one of the fastest growing economies in the world. China has the largest number of housing starts in the world.
- ✓ McGregor Model Forest – Carrier Sekani Tribal Council was unaware that the McGregor Model forest was expanded. Direct involvement by the Carrier Sekani Tribal Council is imperative. First Nations view of sustainable development is quite different from the model pursued by major industry.
- ✓ Soft wood lumber impasse. Need to get to an agreement that is acceptable to the Americans. 27% about 1.5 billion dollars – both do not want to give back to industry. Duties on lumber taken out of First Nations territories need to be given back. An example of a test case is provided in your meeting packages.

c. Glen Williams presenting Information sharing by Gitanyow Nation

- ✓ We wanted some language in our agreement around title-holders, working through how do we implement title.
- ✓ We do not have resources for our planning process – government & industry proceeds with their planning
- ✓ Fair bit of resources in the FIA – industry given 90 million last year and 60 million this year

- ✓ Will be going back to court – put forth what “accommodate” means to us

Resolution #01 That the collected softwood lumber duties attributable to BC be returned to BC First Nations to provide partial compensation to them for past infringements of Aboriginal Title and/or rights due to forest resource extraction by softwood lumber companies.

Moved by Ron Brown

Seconded by Gerald Wesley

Carried

Question/Discussion:

- ✓ Principles to guide the negotiations then negotiate.
- ✓ Priorities on oil and gas are the same as other bands, interest in royalty sharing, jobs, concern about rights and title, environmental protection.

(Phil Fontaine, Candidate for AFN National Chief)

9) Honorable Richard Neufeld, Minister of Energy & Mines

- ✓ Oil, gas, land sales – most in North East BC
- ✓ BC produces 1 trillion cubic ft. of Natural Gas per year
- ✓ _ trillion goes to domestic markets, 2 pipelines
- ✓ BC produces 17 million barrels of oil, of that BC consumes 55 million barrels per year
- ✓ General call for electrical energy producers 3 times a year – opportunity for Bands
- ✓ Oil and Gas require the least investment in Bowser & Nechako basins
- ✓ Oil and Gas has about 50 years production at today’s consumption rate
- ✓ Coal Bed Methane development has capacity of 89 trillion cubic ft, expensive to mine, but can be shipped directly to market with little or no cleaning process.
- ✓ BC produces 23 billion tons of coal
- ✓ Working on a Royalty Sharing Formula for all northern communities including First Nations
- ✓ The Honorable Stan Hagen, Minister of Sustainable Resource Management is in the land access department, there is an aboriginal division.

10) Gary Livingstone, President & CEO, Mining Association of BC

- ✓ Map of mineral potential – 300 past and present producers – significant mineral potential
- ✓ One in every 5 hectares is off limits – parks
- ✓ Seek access to large land area – investigation through maps and photographs
- ✓ Next move is ground testing if warranted – drill holes 1 out of 10 come up empty
- ✓ Actual mine site will be the size of the Lansdowne Mall.
- ✓ When mining is over, land is returned back to its natural state.
- ✓ All mining in BC disturbs .03% of the provinces land base.
- ✓ Sets out a number of examples on how a mining company can be successful and a good neighbour, with First Nations.
- ✓ Northern part of BC has outstanding potential
- ✓ First Nations need to participate in exploration activities, they know the land.
- ✓ Encourages First Nations to get exploration skills through apprenticeship.
- ✓ Secrecy is a big part of the industry.

11) Chief Clarence Louie, Osoyoos Indian Band, Economic Development Opportunities

- ✓ Reserve is over 32,000 acres, over 1000 acres under lease
- ✓ Encourage the Northwest Tribal Treaty to develop an economic development strategy.

- ✓ 2 biggest barriers to economic development are Department of Indian Affairs and any other level of Government.
- ✓ Jurisdiction & taxation always a big issue.
- ✓ 2nd biggest problem is ourselves – we are good at cutting each other down.
- ✓ Find those people in your bands that know how to make money – make money to deliver programs. When there are cut backs in social programs we release money from profits.
- ✓ Every First Nation needs people who focus totally on Economic Development.

Video Presentation: Economic Development Corporation
 Inkameep Vineyards Ltd.
 Inkameep Cellars Ltd.
 Nk' Mip Campground & RV and Park Ltd
 Inkameep Construction Ltd.
 Inkameep Sand & Gravel
 Oliver Read-Mix Ltd.
 Inkameep Canyon Desert Golf Course Ltd.
 Nk'Mip Gas and Convenience Store & Tobacco
 Inkameep Forestry Ltd.

- ✓ Without jobs we will always be chasing social problems.
- ✓ 92% of government spending is on social programs.
- ✓ We do not hire at Osoyoos based on race. Hire based on ability and effort.
- ✓ We forgot how to argue and disagree. Stick to the facts, stick to the numbers, stick to the issue. Use business manners.
- ✓ Disagrees with the Harvard Project; don't believe you can have total separation of business and politics.
- ✓ Must have bookkeepers you trust and must take the advice of your bookkeepers – in business cash is king.
- ✓ Image, be on time, have pride in your building, customer service skills.
- ✓ Tension, messy building, your tone in meetings, civil unrest - scares investors.
- ✓ Educated and trained people do not want to come back to a civil war
- ✓ Every reserve hires councilors – no sense to heal someone so they can live on welfare.
- ✓ Always be a student, if you want to come to Osoyoos and learn on us you are welcome

Adjourn 3:32 (Pike Island Tour 4 pm)

Day 3 - June 27, 2003

Call to order at 9:25 am by Justa Monk, Chair

Prayer by Maisie Adams

Recognition of James Heart received the honor of Order of Canada, prominent Haida Artists. Forward a letter of congratulations.

Discussion:

- ✓ Board has ability to appoint Guy Morgan in place of Norman Johnson
- ✓ Co chairs need consistence and mandate
- ✓ Mandate is to make our voices heard with regards to resources, court cases, protection of our aboriginal rights – Gerald and Justa have our support
- ✓ Diane Collins will be stepping down

Resolution 072703-04 That co-chairs Gerald D. Wesley and Justa Monk be mandated to speak on behalf of NWTT Nations until the next Annual General Meeting.

Moved by Joycelyn Mitchell

Seconded by Ron Brown

Carried

- ✓ Governance issues have been a struggle, but a small part of what we did accomplish last year.

12) Gerald Wesley leads discussion on Oil and Gas Options

- ✓ Ed John could not make it, due to other commitments
- ✓ Need some discussion with regards to Tom Happynook and what they are doing
- ✓ Should be gathering information
- ✓ Need to be talking about forming the FN energy council
- ✓ In 2001 – summit agreed to maintain the Federal and Provincial moratorium
- ✓ FN must conduct their own studies
- ✓ Economic and commercial opportunities
- ✓ OSAAN – Offshore Alliance of Aboriginal Nations – recommendations
- ✓ Aboriginal rights and title do not end at the low water mark
- ✓ Have to prepare – worst cases, better cases, great successes
- ✓ Introduces Norman Dale, UNBC and Jose Billarge, Negotiator – oil & gas
- ✓ What is our united stance?
- ✓ Who are the proponents and what are their proposed locations.
- ✓ 2 reports were commissioned, how many of us had a look at them
- ✓ Information Gaps
- ✓ Has to be agreeable mechanisms for First Nations input
- ✓ Gain the support of member nations – meet to discuss firm protocols, set up more meetings on this issue

Questions/Discussion:

- ✓ Does the NWTT have a strategy to assist nations who are not in concert?
- ✓ First step – gather information and sit down together and plot a strategy.
- ✓ Need time frames toward developing our strategies.
- ✓ Need to bring those companies in here to deal with the whole North.
- ✓ Coastal Bands – look internally for OSAAN report
- ✓ We have to do our homework, gather all information from all the Nations, attend meetings at all levels of government, chamber of commerce – you have an opportunity if you deal with developers.
- ✓ OSAAN undertaken by NCTT, all documents destroyed when they closed their doors.
- ✓ Leverage money from UNBC
- ✓ UNBC waiting for an invitation – if there is a way to support, we will help you. (*Norman Dale, Program Manager, Northern Coastal Information & Research Program, ph. 250 960 6177, fax 250 960 5539, email dalen@unbc.ca*)
- ✓ Wise to set up energy council to reflect different approaches FN have taken – Gitskan Corporation in partnership with 6 Nations in Alberta. Treaty 8 bands have been active as well as the Kaska Dene

13) Bruce Watkinson led a PowerPoint Presentation on Tsimshian Tourism Initiative

- ✓ Prince Rupert expects up to 2 cruise ships per week. We have had one test cruise ship stop in Prince Rupert already. We anticipate 250,000 tourists in to our area next season. The cruise industry expects a 10% increase in capacity. We definitely see room for growth, both in Prince Rupert and maybe in Campbell River.

Questions/Discussion:

- ✓ To try to provide a format, and a structure for the identity of the Tsimshian Tourism, Inc. we have to come to formal protocols and decisions need to be made regarding expenditures of funding dollars, and ownership of lands.

Don Scott, Prince Rupert Economic Development Commission - Presentation

Questions/Discussion:

- ✓ Concern that no one is paying attention to the tenure applications being made by tourism development

(Roberta Jamison, Candidate for AFN National Chief)

14) Matt Vickers leads Presentation on Oil & Gas by Tomco /Tom Jackson

15) Gerald Wesley - Meeting Summary & Next Steps

- ✓ acknowledge North Coast Municipalities Association Craig Caruso, and Sue Clark
- ✓ 2 MLA's, Rodger Harris and Bill Belsey,
- ✓ Minister Neufeld, Jose - rep from the oil and gas,
- ✓ our visitors from the West Coast of Vancouver island,
- ✓ AFN Vice-Chief Satsan. Continue to communicate regularly, NWTT work on a clear strategic plan.
- ✓ We must finalize a charter within a 12-month period; develop our action plan & strategy. Self-government, title issue, accommodation and consultation on environmental issues.
- ✓ Continue our political effort i.e., MLA, Members of Parliament, Municipalities.
- ✓ We have a media responsibility. We have recently circulated a media release under the name of your co-chairs.
- ✓ We have Ken Buchanan of the NCMA, the clarification on the heartland beyond what Rodger Harris has stated. NCMA is also trying to find out what it means for them.
- ✓ We are to continue our economic strategy; the first step in gathering information, such as if you have resources to share, what have your studies come up with, forestry, shellfish, fish, those are the kinds of things we want to package up.
- ✓ We will craft a concept of an energy council and we need to decide if it will be First Nations only or in partnership with the government.
- ✓ Oil and gas, we have consent to fact find.
- ✓ The option from Huu-ay-aht and an option from Matt Vickers.
- ✓ Protection of our Aboriginal Rights & Title.
- ✓ AFN election. NWTT has not taken a position with that regard.
- ✓ Within a year we must prepare for a new Prime Minister of Canada. How do we take advantage of the campaign? First Nations relationships with Canada are critical at this time.
- ✓ Be aware of information that we have circulated and provided to you members, we have looked at legal perspectives last year. This year we took an economic approach.
- ✓ Thanks to volunteers, staff and Tribal Council.
- ✓ Justa reflected on an appreciation, I will add my appreciation to that.

Justa Monk adjourned 11:55 am.