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Ministry of Aboriginal Relations and Reconciliation
Government of Canada
Tla'amin Nation

Tla'amin Nation, B.C. and Canada initial final agreement

SLIAMMON – Chief negotiators for Canada, British Columbia and the Tla'amin Nation (Sliammon First Nation) today initialled a Final Agreement. This initialling marks an important step toward a treaty that would bring economic and social benefits to the First Nation and the Powell River region.

“The Tla'amin treaty negotiators have completed negotiations with British Columbia and Canada. It has taken many years to complete the negotiations. The intent of the Final Agreement is to provide a solid foundation for our children and grandchildren,” said Clint Williams, Chief of the Tla'amin Nation. “Now that the agreement has been reached, staff will be focused on explaining the benefits of the agreement to the Tla'amin community, in preparation for a ratification vote.”

“Our government recognizes the importance of this treaty to the Tla'amin Nation and remains firmly committed to the treaty process. Today's initialling shows what can be accomplished when parties work together to find solutions,” said the Honourable John Duncan, Minister of Aboriginal Affairs and Northern Development. “Today marks a major step toward a bright and prosperous future for the Tla'amin people, and I congratulate the negotiators and leaders on achieving this milestone.”

“With 50 per cent of Tla'amin Nation's population under the age of 25, I believe this agreement will ensure that the Tla'amin people have the ability to provide increased economic opportunities for future generations, while continuing to honour their traditions and culture,” said Aboriginal Relations and Reconciliation Minister Mary Polak. “As well, the excellent working relationship that has been developed between Tla'amin Nation and its neighbouring local government serves as a model for other First Nations and helped create forward momentum during negotiations leading up to this point.”

The Tla'amin Final Agreement contains provisions for self-government, financial and land transfers. The land component will consist of approximately 8,322 hectares of treaty lands that include surface and sub-surface resources, and comprised of 1,917 hectares of former Indian Reserves and 6,405 hectares of former Provincial Crown lands.

The Tla'amin Nation will receive a capital transfer of approximately \$29.7 million over 10 years, economic development funding of approximately \$6.9 million, and a Fishing Vessel Fund of \$250,000. B.C. and Canada will each provide \$331,292 annually in resource revenue sharing for 50 years.

The treaty also provides for the ownership of forestry resources, as well as domestic fishing, gathering and harvesting rights. Commercial fishing opportunities will be licensed by the Minister of Fisheries and Oceans and managed under the terms and conditions that apply to other commercial fishers.

The Tla'amin Final Agreement will provide certainty with respect to Tla'amin Nation's Aboriginal rights and title throughout its traditional territory. The Final Agreement will also provide opportunities for the First Nation to increase its participation in the regional economy and reduce its reliance on government transfers.

Through self-government, treaty First Nations exercise law-making authority over matters integral to their community, such as health, education, and child welfare. Self-government may also include authority to raise revenues, to manage lands and resources on their lands, and to negotiate with other governments on such matters as joint service delivery and economic development.

As part of the approval process, agreements are signed by chief negotiators and then voted on by eligible First Nation members to ratify. Following community ratification, the provincial and federal governments will undertake their ratification processes.

The Tla'amin Nation has approximately 990 members. Their traditional territory and reserve lands are located just north of Powell River. There are six reserves on just over 1,917 hectares.

For more information about the Tla'amin Nation and treaties in B.C. and Canada, and photos available for download please visit these websites:

<http://www.aadnc-aandc.gc.ca>

<http://www.gov.bc.ca/arr>

<http://www.sliammontreaty.com>

A backgrounder follows.

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BACKGROUND

TLA'AMIN FINAL AGREEMENT

The Tla'amin Nation (Sliammon First Nation) is one of the tribes of the northern Coast Salish. Their traditional territory covers approximately 317,000 hectares in the Sunshine Coast region and a marine area of approximately 292,000 hectares. Tla'amin's main reserve north of Powell River is home to nearly 70 per cent of Tla'amin band members. Tla'amin has very close relationships with the Klahoose and Homalco First Nations. In fact, historically, the three First Nations were one entity and share a common ancestry.

The Tla'amin Nation has already taken steps toward treaty by adopting a constitution that will form the basis for a democratically accountable Tla'amin Nation Government and includes a process for enacting laws, a system of financial administration and conflict of interest rules – all components of the Final Agreement.

Once the Final Agreement is ratified by all three parties and after the Final Agreement comes into effect, the Sliammon First Nation will be known as Tla'amin (pronounced Tla ah men) Nation.

Financial components

The Tla'amin Nation will receive a capital transfer of approximately \$29.7 million (all figures in 2010 \$) over 10 years, less outstanding negotiations loans. In addition, Tla'amin will receive economic development funding of approximately \$6.9 million, and a Fishing Vessel Fund of \$250,000. B.C. and Canada will each provide \$331,292 annually in resource revenue sharing for 50 years. All resource sharing payments will be indexed to inflation.

The Tla'amin Nation government will deliver agreed upon programs and services under the terms of a Fiscal Financing Agreement. The Fiscal Financing Agreement provides annual transfers from Canada and British Columbia to support the delivery of agreed upon programs and services by Tla'amin to its members and residents, as well as funding to support activities to implement the treaty. Tla'amin will also receive \$550,000 from Canada prior to the date the Final Agreement comes into effect to establish its government.

The Fiscal Financing Agreement provides for one-time and ongoing funding, including: one-time federal funding of \$4.6 million; on-going federal funding of approximately \$8.0 million per year for the first five years; and on-going provincial funding of approximately \$446,000 per year for the first five years.

Taxation

Taxation is an important element of the Tla'amin Final Agreement as it contributes to the foundation of future revenue capacity for the Tla'amin Nation Government. The *Indian Act* tax exemption for Tla'amin members will be phased out after eight years for transaction (i.e., sales) taxes and 12 years for other taxes, including income tax. The Tla'amin government will have the ability to levy direct taxes on its members within Tla'amin Lands.

Lands

Tla'amin Lands do not form part of any municipality or electoral area, nor do they form part of any regional district. Tla'amin is responsible for managing its intergovernmental relations and may enter into agreements with local governments for the provision and delivery of services. Tla'amin will have land management and self-government authorities on Tla'amin Lands as defined by the Final Agreement.

Tla'amin Lands will consist of approximately 8,322 hectares, composed of 1,917 hectares of former Indian Reserves and 6,405 hectares of former Provincial Crown lands. Tla'amin will own surface and sub-surface resources on Tla'amin Lands. Tla'amin will also own 0.3 hectares of land on Savary Island and a 0.08 hectare parcel on Wharf Street near the Powell River ferry dock; however, Tla'amin will not have law-making authority over this land. Approximately 1,200 hectares may become Tla'amin Lands if acquired by Tla'amin on a willing seller, willing buyer basis and in accordance with of the Final Agreement.

Self-government

Tla'amin will have law-making powers for matters related to lands, resources and delivery of programs and services, including health, education and public works, on Tla'amin Lands.

Wildlife and plant harvesting

Tla'amin members will have the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within the Wildlife and Migratory Birds Harvest Area. This right is limited by measures necessary for conservation, public health or public safety.

Forestry

Tla'amin will own, and have authority to manage, all timber and forest resources on Tla'amin Lands. Tla'amin is responsible for the control of insects, diseases, invasive plants and animals on Tla'amin Lands which may affect the health of forest resources on those lands. Provincial law with respect to the protection of resources from wildfire and for wildfire prevention and control applies to Tla'amin Lands.

Tla'amin will receive a total of 78,000 cubic metres of annual allowable cut, which includes 28,000 cubic metres per year under B.C. timber sales. In addition, Tla'amin will receive \$350,000 to acquire additional annual cut on a willing seller – willing buyer basis from private tenure holders

Fisheries

Tla'amin will have a treaty right to harvest fish and aquatic plants for domestic purposes within the Tla'amin Fishing Areas. Fishing will be in accordance with a harvest document issued by the Minister of Fisheries and Oceans. Tla'amin members' fishing rights will be limited by measures necessary for conservation, public health or public safety.

Tla'amin commercial fishing will be fully integrated with the general commercial fishery and licences issued to, or acquired by, Tla'amin will be fished according to comparable terms and conditions applicable to other licences in the commercial fishery. Tla'amin commercial fisheries will not be conducted under a harvest agreement. Access to the commercial fishery will be obtained from existing capacity within the commercial fishery.

Access to Tla'amin Lands

Highways will remain provincial Crown land and are specifically excluded from Tla'amin Lands. Tla'amin will allow reasonable public access for temporary recreational purposes to those portions of the Sunshine Coast Trail that are on Tla'amin Lands.

Tla'amin will allow reasonable access to non-members to hunt on Tla'amin Lands in accordance with federal and provincial laws and with Tla'amin laws respecting access to these lands.

Shared Territory Agreements

In British Columbia, traditional territories claimed by First Nations often overlap. First Nations may establish a process to resolve shared territories among themselves. The governments of British Columbia and Canada also consult with any First Nations that assert that they have Aboriginal rights and may be adversely impacted by a treaty. Tla'amin has positive relationships with its neighbouring First Nations and has signed shared territory agreements with K'omoks First Nation, Klahoose First Nation, Sechelt Indian Band, Hamatla Treaty Society, and Nanoose First Nation. British Columbia and Canada continue to engage in consultations with the remaining First Nations that may be affected by the Tla'amin treaty.

Next steps

Through the Tla'amin community approval process, Tla'amin members will vote on the Final Agreement according to a formal ratification process. If the Tla'amin community approves the Final Agreement, British Columbia will then proceed with its approval process, seeking approval to sign the Final Agreement and introduce settlement legislation. After British Columbia settlement legislation receives Royal Assent, Canada will then proceed with its approval process. Once federal approval to sign the Final Agreement is obtained, the Final Agreement will be signed by all three parties and become ratified. Following that, Canada introduces settlement legislation to enact the treaty as federal legislation. The treaty will come into effect on a date agreed to by the parties.

Treaties

Canadian courts, in considering section 35 of the *Constitution Act, 1982*, have encouraged Canada and provincial governments to negotiate with First Nations in order to resolve questions of Aboriginal rights and title and to establish greater certainty over lands and resources. Treaties also help to close the socio-economic gaps that separate most First Nation members from other Canadian citizens.

The British Columbia Treaty Commission (BCTC), an independent, neutral body, helps facilitate negotiations among the three negotiating parties and provides funding to First Nations to participate in the process. The BC treaty process was established in 1992 and is open to all First Nations in the province on a voluntary basis. It is up to First Nations to decide how they organize themselves for the purposes of treaty negotiations. Some tables involve negotiations with a single First Nation while others involve a group of First Nations.

The treaty process consists of six stages as follows:

- Stage 1 – Statement of intent to negotiate
- Stage 2 – Readiness to negotiate
- Stage 3 – Negotiation of a Framework Agreement
- Stage 4 – Negotiation of an Agreement-in-Principle
- Stage 5 – Negotiation to finalize a treaty
- Stage 6 – Implementation of the treaty

There are currently over 100 First Nations in the treaty process in British Columbia.

Fact sheets and a summary of the Tla'amin Final Agreement are available online at:
www.gov.bc.ca/arr.

Connect with the Province of B.C. at www.gov.bc.ca/connect