

/THOMPSON-NICOLA REGIONAL DISTRICT &
SHUSWAP NATION TRIBAL COUNCIL

COMMUNITY TO COMMUNITY FORUM FINAL REPORT

Thursday, November 17, 2004

FORUM OBJECTIVES:

Although several topics were on the agenda for discussion, the main objective of the forum was to establish communication and develop relationships between members of the Shuswap Nation Tribal Council and other local governments in our region. It was agreed that both the Shuswap Nation Tribal Council and the TNRD have issues of mutual concern and there is a desire to work together in the future to address these issues.

PARTICIPANTS:

Thompson-Nicola Regional District/City of Kamloops:

Chair John, Village of Cache Creek (Mayor)
Director Andy Anderson, Village of Ashcroft (Mayor)
Director Harry Danyluk, Village of Chase (Mayor)
Director Roland Stanke , Village of Clinton (Mayor)
Director Mel Rothenburger. City of Kamloops (Mayor)
Director Joe Leong, City of Kamloops
Director Peter Sharp, City of Kamloops
Director Ella Brown, District of Logan Lake (Mayor)
Director David Laird, City of Merritt (Mayor)
Director Bert Walker, Electoral Area "A"
Director Stephen Quinn, Electoral Area "B"
Director Sally Watson, Electoral Area "E"
Director Barry Tait, Electoral Area "I"
Director Ronaye Elliott, Electoral Area "J"
Alternate Director Ingo Meierhofer, Electoral Area "L"
Director Joe Post, Electoral Area "M"
Director Mike Rose, Electoral Area "N"
Director Bill Kershaw, Electoral Area "O"
Director Fred Sawada, Electoral Area "P"
Mr. John Smith, Chief Administrative Officer, TNRD
Mr. Randy Diehl, Chief Administrative Officer, City of Kamloops
Mr. Jim McBride, Clerk/Director of Community Services
Mr. Sukh Gill, Director of Finance
Mr. Greg Toma, Director of Development Services
Ms. Liz Cornwell, Administrative Assistant/Deputy Clerk

Village of Chase:

Councillor Greg Holitzki
Councillor Dora MacQuarrie
Councillor Vic Skjeie
Chris Coates, Chief Administrative Officer

Shuswap Nation Tribal Council Members:

Chair Nathan Matthew, Chief of the North Thompson Indian Band and Chair of the Shuswap Nation Tribal Council
Chief Felix Arnouse, Little Shuswap Indian Band
Councillor Charlie Andrew, Adams Lake Indian Band
Nelson Leon, Adams Lake Indian Band
Councillor Gina Johnny, Adams Lake Indian Band
Councillor George Casimir, Kamloops Indian Band
Vicki Manuel, Kamloops Indian Band
Chief Arthur Anthony, Neskonlith Indian Band
Councillor Gary Wiens, Neskonlith Indian Band
Councillor Stan Felix, Spallumcheen Indian Band
Chief Eddy Jules, Skeetchestn Indian Band
Mr. B. Moody, Administrator, Shuswap Nation Tribal Council
Chief Richard Le Bourdais, Whispering Pines Indian Band

Provincial Government:

Kevin Krueger, MLA, Kamloops-North Thompson

PRESS:

Tim Peeling, CFJC TV
Cam Fortems, Kamloops Daily News
Susan Evans, Sun Peaks Independent News

ISSUES DISCUSSED:

Issues discussed included the history of the Shuswap Nation Tribal Council and their position on aboriginal rights and title, and the role of the TNRD. Although there were several issues identified on the agenda for discussion, there was only sufficient time to discuss the matter of a protocol agreement and an alternate road to Sun Peaks. The TNRD circulated a folder of information on various TNRD services along with a map of the region, and the SNTC distributed a booklet entitled "The Shuswap – One People with One Mind, One Heart and One Spirit" along with a map of the Secwepemc traditional territory. Minutes were also recorded at the forum.

OUTCOME:

It is anticipated that as a result of the forum, the relationship between SNTC and TNRD will continue to evolve and that regular meetings will be held to find ways of moving forward on issues of mutual concern.

Forum participants agreed that a protocol agreement is to be drafted over the next 3 months to be considered by both parties, to address understanding of each others roles, communication, and criteria surrounding future meetings to address issues of mutual concern such as those that were on the forum agenda.

FINANCIAL SUMMARY:

50 handouts – photocopying and binding charges	588.53
Room and flipchart rentals	125.85
Morning coffee break and hot lunch for 50	1454.88
In-Kind Contributions (Staff)	
Preparation/arrangements for forum \$31.00 X 15 hours	465.00
Set up hall (3 staff – \$31.00 X 1 hour, \$51.00 X 2 hours)	133.00
TNRD Info Package	
- material	100.00
- labour (31.00 X 4 hours)	<u>124.00</u>
TOTAL EXPENDITURES	2991.26

ATTACHMENTS

1. Agenda
2. Minutes
3. TNRD folder with handouts
4. SNTC booklet
5. Newspaper articles
 - Kamloops Daily News, November 18, 2004 “Protocol to guide region on native affairs”
 - The Clearwater Times, November 22, 2004 “First Nations seek cooperative pact with TNRD Board”
 - Kamloops This Week, November 19, 2004
 - “Native protocol welcome”
 - “Sun Peaks road still a contentious issue”
6. Photographs from event

COMMUNITY-TO-COMMUNITY FORUM

TNRD & MEMBERS OF SHUSWAP NATION TRIBAL COUNCIL

Wednesday, November 17, 2004

AGENDA

Time: 9:00 a.m.

Place: Crystal Room
Executive Inn
Victoria Street
Kamloops, BC

1 WELCOMING ADDRESSES

- (a) TNRD Chair
- (b) Chief Nathan Matthew, Shuswap Nation Tribal Council Chairman

2 OPENING PRAYER

3 OVERVIEW OF TODAY'S FORUM – Proposed Agenda

4 OPENING REMARKS

Introductions
Comments, Expectations

5 ISSUES AND CONCERNS

- a) Identification of Issues:

TNRD:

1. Relationships
2. Alternate Road to Sun Peaks
3. Communications
4. Environmental Land Use Plan
5. Emergency Management

Shuswap National Tribal Council Members

1. Working Protocol
2. Consultation and Accommodation
3. Overview of Aboriginal title and rights
4. Secwepemc never approved the Kamloops lands and resources management plan
5. Growth management plan
6. Neskonlith/Douglas claim
7. Mt. Paul Center

b) Prioritization of Issues

c) Action Plans

6 **OTHER**

Any other issues participants wish to discuss.

7 **NEXT STEPS**

Where do we go from here?

8 **CLOSING REMARKS**

THOMPSON-NICOLA REGIONAL DISTRICT &
SHUSWAP NATION TRIBAL COUNCIL

COMMUNITY TO COMMUNITY FORUM

Thursday, November 17, 2004

MINUTES of a Community-to-Community Forum held at the Executive Inn,
Kamloops, BC on Thursday, November 17, 2004, commencing at 9:00 a.m.

PRESENT:

Thompson-Nicola Regional District:

Chair P.A.J. Ranta	Village of Cache Creek
Director M.A. Anderson	Village of Ashcroft
Director H. Danyluk	Village of Chase
Director R. Stanke	Village of Clinton
Director M. Rothenburger	City of Kamloops
Director J. Leong	City of Kamloops
Director P.G. Sharp	City of Kamloops
Director E. Brown	District of Logan Lake
Director C. O'Connor	Village of Lytton
Director D. Laird	City of Merritt
Director A.G. Walker	Electoral Area "A"
Director S.P. Quinn	Electoral Area "B"
Director S. Watson	Electoral Area "E"
Director B. Tait	Electoral Area "I"
Director R. H. Elliott	Electoral Area "J"
Director I. Meierhofer (Alternate)	Electoral Area "L"
Director J. Post	Electoral Area "M"
Director M.C. Rose	Electoral Area "N"
Director W.T.A. Kershaw	Electoral Area "O"
Director F. Sawada	Electoral Area "P"

Mr. J.E. Smith, Chief Administrative Officer
Mr. J.R. McBride, Clerk/Director of Community Services
Mr. S. Gill, Director of Finance
Mr. G. Toma, Director of Development Services
Ms. L. Cornwell, Administrative Assistant/Deputy Clerk

City of Kamloops

Mr. R. Diehl, Chief Administrative Officer

Village of Chase

Councillor G. Holitzki
Councillor D. MacQuarrie
Councillor V. Skjeie
Mr. C. Coates, Chief Administrative Officer

Shuswap Nation Tribal Council

Chair N. Matthew
Chief F. Arnouse
Councillor C. Andrew
N. Leon
Councillor G. Johnny
Councillor G. Casimir
V. Manuel
Chief A. Anthony
Councillor G. Wiens
Councillor S. Felix
Chief E. Jules
Chief R. Le Bourdais

Chief North Thompson Indian Band
Little Shuswap Indian Band
Adams Lake Indian Band
Adams Lake Indian Band
Adams Lake Indian Band
Kamloops Indian Band
Kamloops Indian Band
Neskonlith Indian Band
Neskonlith Indian Band
Spallumcheen Indian Band
Skeetchestn Indian Band
Whispering Pines Indian Band

Mr. B. Moody, Administrator, Shuswap Nation Tribal Council

Provincial Government

Mr. K. Krueger, MLA, Kamloops – North Thompson

PRESS:

T. Peeling – CFJC TV
C. Fortems – Kamloops Daily News
S. Evans – Sun Peaks Independent News

1. WELCOMING ADDRESSES:

(a) TNRD Chair John Ranta

Chair Ranta welcomed all those present and commented that the first Community-to-Community forum was held in Vancouver in 1997 and out of that forum came the idea that similar locally focused forums would be beneficial to identify issues of mutual concern and find mechanisms to work together, to leave the world a better place.

(b) Chief Nathan Matthew, Shuswap Nation Tribal Council Chairman

Chief Matthew commented that he hoped this would be the start of a good relationship, advising that we have not taken the opportunity in the past several years to get together and hoped the forum would establish a better understanding of one another's interests, areas of jurisdiction and that those present could deal with issues in a respectful way. Chief Matthew advised that he expected this would be the first of a number of sessions we can plan together.

2. OPENING PRAYER:

Chief Arnouse led words of thanks to the Creator in the Shuswap language.

3. OVERVIEW OF FORUM – Proposed Agenda:

Chief Matthew referred those present to the agenda and advised that it is anticipated the issues on the agenda can be prioritized in order to take action together, and develop a better understanding of each other or take action in a particular area.

4. OPENING REMARKS:

Introductions were made throughout the room.

MLA Kevin Krueger commented that it was a pleasure to attend and he is looking forward to moving through issues in a way that brings hope and prosperity.

Chair Ranta commented that all of us, especially in smaller communities in the region, have a personal relationship with native bands throughout the regional district. Participants at this forum can draw on relationships and find areas of common ground. The TNRD recognizes there are longstanding issues between First Nations and the federal, provincial and local levels of government; however, it is hoped forum participants can focus on issues where we can move forward and work together for the betterment of us all. Chair Ranta advised that in the absence of a treaty settlement, he is hopeful that the forum can find areas to work together that do not necessarily require resolution of all grievances, and did not feel that all participants have a full understanding of the nature of the issues that seem almost unresolvable between First Nations and the federal government. He commented that perhaps we can work with First Nations to foster a better understanding between senior levels of government and First Nations.

TNRD Background

Chair Ranta advised that from a physical perspective, the TNRD includes approximately 120,000 people and is 45,000 square kilometers in area. The TNRD has been designated as the local government to adjudicate requests for zoning changes, land use decisions resulting in opportunities for economic development, and building. The provincial government has given the TNRD a box we work within under which the TNRD operates; this also means the TNRD is limited as to its authority under provincial legislation.

Mr. John Smith, TNRD Chief Administrative Officer advised that the TNRD is a product of the provincial government and has legislative authority through the Local Government Act, letters patent and bylaws. The TNRD must get assent of the people to provide services in the region and represents the interests of people through Directors and requesting the provincial government to take action. The TNRD has no role in the treaty negotiation process but can assist in fostering senior levels of government to take First Nations concerns to heart.

Shuswap Nation Tribal Council Background

Chief Matthew advised that the Shuswap Nation Tribal Council is made up of representatives from nine Indian Bands which is either the Chief of the Indian Band or their designate. The membership of the SNTC has varied over time and the Shuswap Band near Invermere, BC is considering joining the SNTC. The SNTC structure includes a forestry division and a planning unit. The planning unit is currently working on aboriginal title and rights resolution. The Shuswap Fisheries Committee operates in the North-Thompson watershed and is involved with assessment and planning around fisheries. The SNTC also has a family and child services agency and a cultural education society.

The SNTC established an economic development corporation following the 2003 wildfires and will be looking at various economic development ventures.

The history of the SNTC is part of a political movement. After the federal department of Indian Affairs removed themselves from the picture, responsibility devolved to Indian Bands for services and they supported a Tribal Council initiative, although there was some support from Indian Affairs to provide revenue for services. From a political perspective, the SNTC believes that First Nations people have an inherent right to title, rights and ideas, and self-governance. A great amount of energy is directed to dealing with the provincial and federal government.

First Nations – Aboriginal Rights and Title to Lands

First Nations want to govern themselves in a way they see fit, and believe that aboriginal title and rights predate colonialism, based on the fact that First Nations were here first as an organized society, with their own language. First Nations have gone through colonialism, and Confederation and in that process there was a loss of recognition that First Nations are not significant as a governing group and have no right to title. The assumption was made that explorers had all rights to land and the British stated by proclaiming Confederation that jurisdiction of land could be divided between the federal and provincial governments. The reserve system was subsequently established in the 1870's and 1880's. The Chief and Council structure was established and after completing a census, the federal government gave the Shuswap people numbers. In the 1900's, it was generally accepted by the federal and provincial governments that this was the way it should be. The expectation was that First Nations would be assimilated into the general population, but that did not happen. When human rights issues arose through World War 1 and World War 2 through identification of cultural groups around the world, governments began recognizing indigenous people had rights.

In the 1960's, First Nations started challenging governments rights to land through the Supreme Court. A federal land claim process was established in the 1970's. The process was so slow that in the 1980's, it was decided that a "hurry up" treaty process would be established, which was abandoned in the early 1990's. None of the SNTC members in TNRD boundaries are in the existing BC Treaty process. The Supreme Court began giving more weight to the rights of aboriginal people with regard to ownership, access and use of traditional lands in the 1980's and 1990's.

In 1982, the Constitution of Canada was repatriated and recognized existing aboriginal title and land rights in Canada. First Nations have not been able to resolve self-

governance issues to date. These issues appear very broad to the TNRD but they are fundamental to the SNTC. Based on history and Supreme Court decisions, First Nations are building their case for recognition of title and rights to their lands. The SNTC's main role is to deal in an organized fashion with how our lands and resources will be governed, and is building awareness with the public and in our own communities about their role.

On question, Chief Matthew advised that under the Indian Act, it is the responsibility of band councils to look after local governance issues on their respective reserves. Currently, band councils are responsible for reserve lands, health, education, housing, economic development, community infrastructure, roads, and water systems. Reserves are owned by the federal government, and the Indian Bands in the SNTC are not interested in obtaining fee-simple title to reserve lands as reserve lands are so tiny and are therefore not economically or culturally sustainable for their people. The SNTC wants recognition of right and title to all lands within their territories.

Recognition of right and title to all lands within their territories would involve establishing another type of title – not crown grant or fee simple lands. Title would be granted over lands forever and would not be exchanged for any kind of benefit. Anyone who purchased land would be encumbered by a notice of aboriginal title on the title to that property. Another type of title to recognize aboriginal title to lands could involve the establishment of another level of government to pay taxes to. First Nations believe this is feasible as the Courts have said that the federal and provincial governments have justifiable infringements on First Nations title and rights to lands.

Chief Le Bourdais noted that First Nations and governments will have to negotiate for compensation for loss of use of traditional lands. First Nations do not want privately owned land, although there may be private land with special spiritual and/or cultural relevance that First Nations want returned to them, but it is anticipated that government would compensate the private landowner appropriately.

BC Treaty Commission Process

Discussion occurred regarding the current BC Treaty negotiations process, a 6-step process of negotiations that is fairly costly and the Commission has a limited mandate to make agreements. Chief Matthew commented that those areas where there have been agreements in principle between governments and First Nations have resulted in First Nations groups obtaining very small pieces of land for the benefits exchanged; the money and benefits offered do not sufficiently reflect current aboriginal title and rights.

5. ISSUES AND CONCERNS:

(a) Alternate Road to Sun Peaks

Chair Ranta noted that during the 2003 summer wildfires, it became apparent there should be another evacuation route from the Sun Peaks Resort other than the existing road. The proposal for an alternate road to Sun Peaks became a component of the TNRD report "A Route to Recovery", a road that would provide economic development and tourism benefits to the area as well as being an additional evacuation route. The TNRD has had discussions with the provincial government and has submitted an application for a federal/provincial infrastructure grant to cover a portion of the estimated 12 to 18 million dollars cost to construct the road.

Chief Arnouse advised that the Little Shuswap Indian Band is interested in establishing a second route through the Village of Chase, and in the past 6 months the Band has met with Sun Peaks Resort Corporation and representatives from the Ministry of Transportation and have agreed that this route may be feasible.

(b) Protocol Agreement

Chief Le Bourdias commented that before considering this issue, the SNTC and TNRD should be developing a protocol agreement so scheduled meetings can be arranged to address issues such as an alternate route to Sun Peaks. The protocol agreement could provide for the ability for individual First Nations groups and individual Directors to establish their own individual working relationships.

Chief Matthew noted that other issues the SNTC would like to meet with the TNRD about include emergency planning, growth management planning, and lakeshore development; however, a protocol should be established first wherein we have a mutual understanding of each other's roles. The SNTC wants to work with the TNRD based on a foundation of mutual respect. If the SNTC sees the benefit of working with the TNRD, it is well worth their efforts to communication and work together in complementary ways.

Director Rothenburger commented that he agreed with Chief Le Bourdais and that a concept of the protocol and what it would achieve should be developed and a structure and means of regular communication to discuss issues should be created.

Chief Anthony advised that the Neskonlith Indian Band is not interested in discussing issues and concerns until a protocol agreement is in place and a relationship has been established. The Band needs to understand what the TNRD is and what it stands for. The issue of an alternate road to Sun Peaks is volatile in his community.

Councillor Stan Felix of the Spallumcheen Indian Band advised that he came to the forum as an observer to see how the SNTC and TNRD would resolve issues on the agenda. The Spallumcheen Indian Band will be holding forums with the CSRD and NORD, and he agrees that a working protocol is the best way to start.

Consideration was given to including the Nicola Valley Tribal Association (NVTA) in the protocol agreement; however, it was decided that as the SNTC has no involvement with the NVTA, the current focus should be on relationships and communication between the TNRD and SNTC.

Chief Matthew advised that there are some areas that are difficult such as development within their traditional territory, and the degree to which we can succeed will be determined by agreement and respect for each other.

Councillor George Casimir stated that he spoke on behalf of the Kamloops Indian Band and that they have enjoyed years of meetings with the TNRD. Our issues and challenges are so similar, and the Band would be willing to assist in any way and/or have our own agreement in place.

It was agreed that the agreement not refer to aboriginal rights and title.

6. OTHER ISSUES:

Chief Le Bourdais advised that the Whispering Pines Indian Band will be deferring discussion of the issue of a bridge over the North Thompson River with the TNRD until the bridge is complete. The Band has other issues within their specific area they wish to address.

7. NEXT STEPS:

It was the consensus of the group that staff from the TNRD and the SNTC draft a protocol agreement over the following 3 months to be considered by both parties, to address understanding of each others roles, communication, and criteria surrounding future meetings.

8. CLOSING REMARKS:

Chair Ranta commented that he is optimistic that as a result of this forum, the TNRD and the SNTC can work together on a broader range of issues, and the TNRD looks forward to an ongoing relationship with the SNTC. Chair Ranta thanked the SNTC for their participation.

Chief Matthew commented that although the political players may change, the institutions we represent will be here for a long time. We both seek a way of life that is secure, safe, comfortable and sustainable. We see our future as bright and we wish to live in this world in a good way and leave our children a better world. The SNTC wants to be part of the solution to negative human relationships. It gives us hope and comfort to talk to the TNRD and others regarding how we can create a better world today.

9. ADJOURNMENT:

The forum adjourned at 11:50 a.m.