

# We Wai Kai Citizens Assembly 2023



Quinsam Hall  
November 19, 2023



# *Principles for Treaty Negotiations*

**WE HAVE COMMITTED  
TO OUR MEMBERS  
THAT TREATY WILL BE  
ABOUT ENHANCING  
AND ADDING TO WHAT  
WE HAVE RATHER  
THAN TAKING  
ANYTHING AWAY.**

The objective of this process is to ensure We Wai Kai is economically self-sufficient, culturally vibrant, healthy and prosperous by becoming self-governing and having greater access to lands and resources.

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**CITIZENS ASSEMBLY AGENDA**

Saturday, November 18

9:00 am to 8:00 pm

**Doors open at 8AM for registration and breakfast**

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Meeting Blessing & Opening Comments

General Update

**Break**

Forward Harbour Update & Visioning

**Lunch / Lands Video**

Lands Priority / Lands selection presentation  
and community feedback

**Break**

TRM updates: Steve Earle & Rhy Mcmillan

Sea Level Rise / Erosion

QI Ground Water Study

Self Governance

Specific Claims Updates

General Q&A

Closing Comments

**Dinner**

Bingo

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## Year in Review

In recent years, negotiations between the government and First Nations have undergone significant changes, resulting in a transformation of the legal and political landscape of Indigenous title and rights recognition. This shift has led to changes in government mandates and approaches, with some being completely reversed.

Gone are the days of ceding, releasing, surrendering or extinguishing Indigenous rights. Instead, there is now a growing acknowledgement of the importance of recognizing and respecting Indigenous rights and title. This has led to a shift towards collaborative and mutually beneficial negotiations that aim to find common ground and build positive relationships between Indigenous groups and the government.

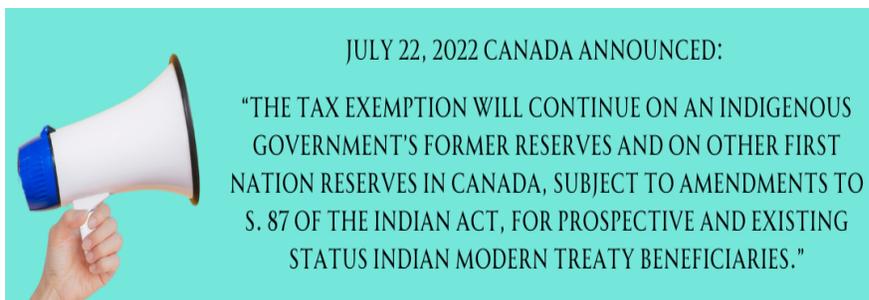
### **The most important changes include:**

- ✓ **The Negotiation debt has been eliminated.**
- ✓ **Nations can choose to keep their Section 87 tax exemptions under modern treaties, respecting First Nations' rights to self-determination.**
- ✓ **The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) is now established in federal and provincial law. Both governments have enacted whole-of-government policies and directives to ensure that treaty negotiations and promises will be upheld.**

These changes represent an important step towards building a more just and equitable future for Indigenous peoples in Canada. It is important that we continue to work towards greater understanding and respect for Indigenous rights and title, and to ensure that Indigenous voices are heard and respected in all aspects of decision-making.

## Tax Exemption and Status

Our team, in collaboration with other Treaty teams, has achieved a significant milestone by overcoming the most significant obstacle with Canada, eliminating the s.87 tax exemption. Prior to 2022, Canada's mandate was that to sign a treaty meant to surrender your tax exemption benefits. This is no longer the case. You do NOT surrender the benefit upon signing a treaty and



We Wai Kai will decide when and how to exercise its tax authorities under treaty.

This achievement is a substantial victory for all who previously could not

support a We Wai Kai Treaty. Indigenous governments now have the policy choice to take up direct tax powers on their own timeline, consistent with the commitment to advance the priority of Indigenous communities to reclaim jurisdiction over tax matters.

Prior to this shift, members often believed they were losing their status. **Your status was NEVER on the table. Before 2022 and now in treaty you were not going to lose your status or its benefits such as health and education.** To be clear after treaty, if you fall under Canada's status rules, you will keep status or can obtain it and will be funded like all others with status in Canada.

Citizenship is determined instead by We Wai Kai. We are pushing Canada to agree to fund all Citizens of We Wai Kai in the same way, regardless of status. We believe we are making progress in those negotiations.

### Property Tax

In October, 2023, We Wai Kai received notice that Ministry of Finance staff are preparing to present a new proposal for property tax on treaty lands to the Minister of Finance for decision in Fall, 2023 (for Budget 2024 implementation).

BC is proposing a legislative framework for a broad delegated approach to property taxation. What this means is that BC will withdraw from, and disapply all provincial real property taxation on treaty lands. Instead, We Wai Kai will receive, through a legislative framework, the delegated authority necessary to make its own laws with respect to assessment and taxation policy, including revenues, exemptions, and enforcement.

We Wai Kai can choose not to apply a policy of property taxation on treaty lands, or can exercise a real property taxation authority subject to the Nation's own assessment and taxation policies and laws as authorized under the delegated framework. This includes the ability for We Wai Kai to exempt its citizens from property taxation on treaty lands.

### Education within the Great Campbell River Community

In the past year, our Ethnohistory presentation has been delivered to the City of Campbell River Council, Strathcona Regional District, and various schools within the Campbell River School District.



Our main goal for this work is to educate those residing in Ligw'itdax<sup>w</sup> territory about the history of the Ligw'itdax<sup>w</sup> people. We are planning to do some workshops with the Sayward Council in 2024, such as our

Ethnohistory presentation, "Who are the Ligw'itdax<sup>w</sup> People?" and Reconciliation & Relationship Building.

### Breaking Down Silos

As the treaty moves forward, efforts have been made to bring people together. This is driven by the board of directors. For example, on fish, Ronnie Chickite, Ted Assu, and Nicole Assu all come from a lineage of fishermen and provide insights into what is happening in the waters of

our territory. Additionally, Nicole's employment with A-Tlegay provides close links to that organization and DFO, further strengthening our knowledge base. Art Wilson, another board member, brings expertise in hunting, forestry, and stewardship of the land, thanks to his background and employment with Nanwakolas. This diverse knowledge base is crucial as we navigate the complexities of treaty negotiations and our greater role in management and decision making.

Last year, the We Wai Kai Nation began operating the Guardian program, managed by Shane Pollard. His team provides "boots on the ground" for the Nation and is involved in discussions regarding lands in our territory, as well as special projects such as the Cemetery and Treaty Related Measures Projects such as shoreline erosion, Quadra Island ground water and the tenures review.

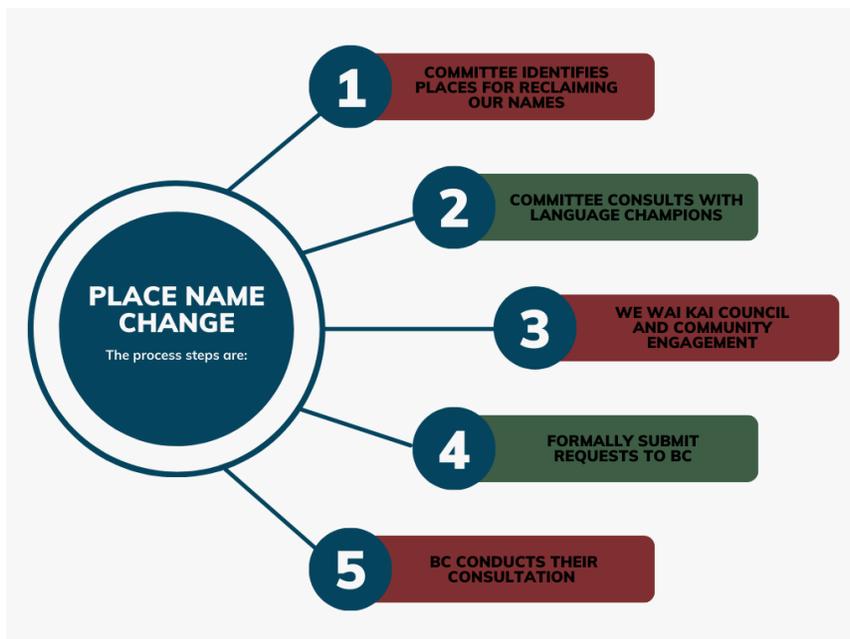
The board and treaty team are committed to creating an inclusive environment that facilitates a smooth transition as we move forward in treaty negotiations. By bringing together individuals with diverse knowledge and expertise, we can ensure that the best interests of the We Wai Kai Nation are represented and protected.

### Place Name Committee

As part of treaty work, We Wai Kai, Wei Wai Kum and Kwiakah are working with Elders, knowledge holders and speakers to identify places in our territory that should have our original Liḱʷala names. The committee is made up of people who expressed an interest to the treaty societies. Committee members are Sophie Dick, Lorraine Henderson, Sharon Maksymetz, Alvin Bear Scow, Martina Walkus and Albert Wilson. This group of Elders is supported by treaty and Laich-Kwil-Tach Research Centre staff.

The Committee has begun to review both the English names that are written through our territory and the Liḱʷala names that have been gathered over the years from Elders and

knowledge holders, including Elder James Henderson's place name map. Some of the places in our territory have names today that reflect colonial history and dark times like when gunboats visited our territory and caused grave injury to us. We are working to identify those places and find the correct name or, if we no longer know the name, we work with speakers to rename it according to our morals and values. In this



renaming process, we will work with BC to return the names and to provide information and recordings for pronunciation through BC's website.

The Committee has developed an initial list of places it would like to start with. We have shared these with Council. Now, using Survey Monkey, we are looking for your support and feedback on the first 10 places. We want you to have a voice in this process. Please take the time to complete the survey and if you have more questions or concerns, or if you want more information to help you answer the questions, please contact us at [LRC@wewaikaitreaty.com](mailto:LRC@wewaikaitreaty.com) and we will get back to you. You can also chat with any of the committee members when you see them. Finally, in the comment sections, if you know a name for a place, please spell it as best you can and we will contact you to learn more.



We are meeting with Elders on November 29th at 10:00 am and to register your spot please contact Brittany at the Research Centre by phone 250-287-9460 extension 3 or by email [LRC@wewaikaitreaty.com](mailto:LRC@wewaikaitreaty.com). We are hosting a meeting with the rest of the community in the evening (November 29th) from 6:00 to 8:00 on Zoom and 12 seats are available in the treaty office, to reserve a spot contact Brittany.

### Fish Table

As we updated previously, we are working with the other four A-Tlegay Member Nations to negotiate a fisheries agreement with Canada that is focused on;

1. Governance and Stewardship;
2. Commercial Access;
3. Aquaculture (non-finfish); and
4. Processing and Marketing.

We developed a mandate proposal in collaboration with DFO. Regionally, DFO supported our proposal and it is also now supported by the senior executive in Ottawa, which is a huge win for us. We have been waiting a year for it to go to Cabinet in Ottawa for approval. Unfortunately, it has not made it to Cabinet and has now stalled. We are now competing with other priorities at the Cabinet table from across Canada.

We are very unhappy with this inaction in Ottawa and are taking steps to move this. We requested a meeting with the DFO minister and plan to meet with her in Ottawa in early December. We will explain the importance of this deal and seek confirmation that we have her support. We need her to champion it through her system. We will also be clear that the alternative is legal action and the exercising of our rights rather than a negotiated agreement.

Fish and the fishery are important to us and we will communicate to the Minister that this agreement will benefit our Nations but also the entire region.

We are still hopeful that our mandate will be approved early in 2024, which will allow us to develop the agreement and move to implementation.

## Komoks

K'omoks is nearing the completion of the negotiation of their treaty. Consultation on overlapping territories must occur with BC and Canada. We have some issues that need to be cleared up before we can support a K'omoks treaty. As we have reported previously, K'omoks is seeking lands in the Salmon River area and their treaty makes space for decision-making relationships with BC throughout the area they claim, which includes almost all of our territory. This is an issue for us as we see it as an infringement.



We had the first consultation meeting with BC and Canada on September 7th and continue to remind them that We Wai Kai expects the Crown to honour its November 30, 2022 commitment that before moving to a Negotiators' understanding, they must, in collaboration with We Wai Kai avoid, mitigate or accommodate infringements on Ligw'ildax™ title and rights.

We are working with K'omoks and our Ligw'ildax™ partners to develop an understanding and Nation-to-Nation protocol, but unfortunately, K'omoks cancelled our meeting set for Oct. 27. We plan to meet again in early December and will meet with Canada and BC again after that time. Our goal is to develop a Nation-to-Nation protocol agreement. Our December meeting with K'omoks and will include We Wai Kai elders Keith Wilson Sr., Donna Moon and Ralph Dick. They will share our history of Salmon River and be there to support as we seek a way to support K'omoks on their road to treaty while also ensuring our rights and title are respected and not infringed upon. ITA Lands

## Land Transfer Update

In September 2019, We Wai Kai signed an Incremental Treaty Agreement (ITA) with BC to transfer 7600 acres of land in the Upper Campbell Lake area. These lands were chosen predominately for forestry purposes and We Wai Kai has developed a sustainable harvest plan.



Last year at our AGA, we reported that the transfer of the first parcel, Greenstone was imminent. We have come to realize, over the last 4 years since the Agreement was signed, that BC has a very complicated process of surveying, documenting and registering Crown Land before it can be transferred back to the Nation. BC continues to tell us this is the largest land parcel transfer it has engaged in so far. In some ways, they are creating a new way to deal with this as we work through the process



together. However, we have pressed BC and we are happy to report that we are preparing for a November 16 closing date.

We have already begun work on the transfer of the next two parcels, which with lessons learned in the first transfer, we anticipate will be completed in a more streamlined and timely manner.



#### Actions by We Wai Kai

Over the last year, Chief and Council became very frustrated with the land transfer process and took actions to move forward and start treating the lands as if the Nation already had ownership of them. The Nation proceeded with logging on the Greenstone parcel this past year. The result was 22,500 cubic metres were harvested with revenue of \$4.9 million before logging costs. This was a very bold move for our Nation but it resulted in very good outcomes, as BC has now changed its policy on early access to Incremental Treaty Lands.

#### Cost of Delays

The delay in land transfer caused We Wai Kai to miss one of the strongest timber markets in a generation. The Nation also incurred additional staffing costs in participating in the extended process of transferring the lands.

Council and the treaty team raised this issue with BC and we feel there is positive reception to the request that We Wai Kai be made whole for the cost of delays and lost opportunities. A request for repayment of the amount of \$12 million has been forwarded to the province and we hope to have this result in acquisition of fee-simple lands equal in value to this revenue loss. This will aid the Nation in reaching some of its land acquisition goals without using part of its treaty mandate to do so.

We will keep the Membership updated as these negotiations move forward.

#### Communications

Over this year we have been making efforts to fulfill your responses to the communications survey from last year. We have used different media to fulfill the various ways that our members asked to receive information and updates.

We encourage you to stay informed by accessing our podcasts and past meeting videos. We are eager to answer any questions you may have. If you're new to the discussion and unsure where to begin, don't hesitate to contact us. We'd be more than happy to arrange a meet-and-greet to provide a seamless entry into the conversation. Remember, there's no wrong place to start, and we're here to support you as you discover the significance of the Treaty for our collective future.

**Meetings**

Your treaty team is dedicated to keeping the community informed and up-to-date by hosting bi-monthly meetings. To accommodate as many members as possible, we find that Zoom participation is the most cost-effective solution. Additionally, for those living in the Campbell River area who prefer in-person meetings, the treaty office is always open and ready to welcome you. The recorded meetings are available in the Members Only section of the website.

**Website**

Our website update is now complete and information continues to be added to the Members Only section including the recordings of meetings, our newsletters and audited financials. To access the website scan the QR code to register.



**Chief and Council Engagement**

In 2022, the treaty board grew from three members to five, which allows for more comprehensive coverage of treaty matters. Additionally, we meet four times a year to keep the council informed on relevant updates.

**Social Media (Instagram and Facebook)**

Stay Connected with Our Social Media Channels. Get the latest updates and interesting tidbits by following our social media channels. We share valuable information and other engaging content that you won't want to miss out on. Scan the QR Codes to join.



## Listen to our Podcasts

We have a created episodes:

Episode 1: Section 87

Episode 2: Fiscal

Episode 3: A Path to Reconciliation

Episode 4: The Fish Common Table

Episode 5: Huu-ay-aht and Tla'amin First Nations

Episode 6: Chickite Family Art



Our podcasts can be found on many platforms such as Apple, Spotify and Anchor. Scan the QR Code to listen.

## ᐱᐳᐳᐳᐳᐳᐳᐳᐳ (Forward Harbour)

### Background

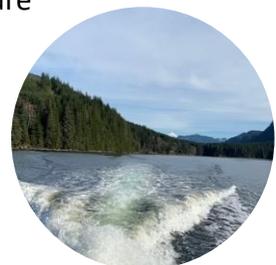
When it came to We Wai Kai's attention that the tenure holder for the Forward Harbour fishing lodge was planning to sell, we informed BC that the only transaction that would happen would be for it to transfer to We Wai Kai. We worked with BC to make that happen and in August the tenure transferred to We Wai Kai. This tenure sits within a larger area that we have identified for treaty lands and is a good fit within our overall lands vision and plans.

### Lands Tour

On Nov. 17, 2023 a group of members travelled to Forward Harbour. They walked the site, saw the heritage sites there including the midden. They toured the buildings and they travelled to neighbouring places including Taka and discussed opportunities that we have now that the tenure is in our hands.

### Vision for the Land

Later today we are going to ask you to think about Forward Harbour and share your thoughts on what it means to have this property with our



Nation. We will ask those who travelled to Forward Harbour to share their experience and thoughts and we will have a round table to discuss visioning for the property.

Treaty Lands Selection Work

## Approach to Lands

Lands work began in the late 1990s with a lands committee at the treaty society. This committee was tasked with reviewing crown lands and developing a package for Council to consider. Once complete, the work continued with the treaty team with regular check-ins with Council and community. This resulted in large sections of the territory identified as “Areas of Interest”.

More recently, with the Canada and BC agreeing to a “title recognition” approach, our thinking on lands changed too. We can now gain decision making authorities through relationships and agreements with BC. We can acquire economic opportunities through tenure acquisition and industry partnerships. This allowed us to focus lands on community development, local economic interests and very specific cultural lands.

Today we will share our land process and vision that we have developed in collaboration with the Treaty Board and shared with Council for direction and input. Through shared decision making opportunities with BC Parks, Ministry of Forests other Crown agencies, we have an opportunity to once again be stewards in our territory. Once we share this vision with you our package will be updated. We are also planning lands-specific community meetings and communications materials so you can be very familiar with the lands and provide input and feedback. We want this to be a community package, one that we can all get behind and support as we move ahead in negotiations.

Our treaty lands process to date is captured in the chart below. We will discuss this in more detail during the presentation today.

## TRM Projects

There are three Treaty Related Measures (TRMs) projects this year. This simply means that funding for the projects comes directly from Canada to advance negotiations and not from the BC Treaty Commission like other treaty funds. Each project will be shared in more detail through the meeting.



Quadra Island and Treaty Lands Sea Level Rise: We all know the oceans are rising, but the rate varies around the world and its impact depends on many factors. We are working with Dr. Steven Earle and Dr. Rhy McMillan to better understand how the ocean is rising in our territory and its future impact on our village at Cape Mudge and on our future treaty lands.

Quadra Island Groundwater study: Our community at Cape Mudge relies on groundwater for all of its water needs. The population on Quadra is growing and our summers are becoming longer and drier. We need to better understand the quantity and quality of groundwater on Quadra so

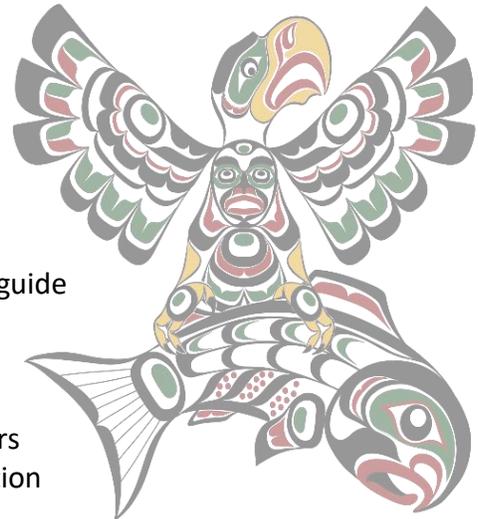
we can be the drivers behind decisions in the future. We are working with Dr. Rhy McMillan and Dr. Jerome Lesseman on this study.

Tenure Review Desktop Study: In order for treaty and our relationship with BC to be successful, we must be stewards and decision makers in our territory. Annually, BC issues numerous tenures, leases and other privileges to people in our territory. While we receive “referrals” on these and our decisions have grown stronger over the years, for us to be full participants, we need to fully understand the tenures and their impacts. In this study, we will review the tenures and tenure types and identify ways to build a stronger and better decision making relationship with BC. While this is “desktop,” it includes a component for the guardians to review some of the tenures, as we know that many are not in compliance.

## Governance

As negotiations proceed, we can vision We Wai Kai as a self-governing Nation. Instead of delegated authorities under the Indian Act, the Nation would govern under its own Constitution and its own laws. Our We Wai Kai government would be recognized by other governments, and would be funded by the Federal government through transfer payments, not band support funding under the Indian Act. The vision is a We Wai Kai government that has authority over its lands, resources, and social services, with a broad administration to deliver services to We Wai Kai citizens.

In preparation, we are developing organizational charts that guide the positions that will be available in the We Wai Kai government. We are negotiating financial support to facilitate the transition to self-government, including education, training and other supports necessary for members who see themselves as contributing to the success of the Nation by participating in the government.



It is an exciting time as we develop the foundation for our government and self-sufficiency and will be holding more focused sessions to discuss the opportunities that are before us.

## Specific Claims Update

### Colonial Reserve Specific Claim

On August 8, 2023, Canada notified We Wai Kai that it has accepted the Colonial Reserve Specific Claim for negotiations.

The Claim alleges that the Colony of British Columbia set aside a 2,500 acre reserve at Cape Mudge for We Wai Kai’s benefit in 1863, and that Canada breached its legal obligation to the Nation when it reduced the reserve to 1,117.5 acres in 1888.



We Wai Kai and Canada have now begun negotiations on compensation to We Wai Kai for Canada's breach of legal obligations. The first step in the negotiation is to reach agreement on the "Study Area"; we will then engage an expert to study the Current Unimproved Market Value of the area, and then the Loss of Use to the Nation of having those 1,300 acres of land removed from the reserve.

This negotiation will take some time, but this is expected to be a high value claim.

### IR # 10 Roads Specific Claim

We Wai Kai is in negotiations with Canada on compensation to We Wai Kai for Canada's breaches of fiduciary duty by Canada in respect of roads on IR 10, Weway Road, Green Road and Wharf Road.

The areas and dates subject to the negotiation are:

We Way Road 6.07 1951 to Present

Green Road 12.12 1965 to Present

Wharf Road 0.64 1954 to Present

The Nation has made a preliminary proposal to Canada based on a report produced by an expert. We are awaiting response by Canada.

We expect to be able to bring a settlement forward in 2024.

Have a question?  
Send us a text at (833) 676-4322  
and we will do our best to answer  
it quickly!

Please keep questions  
strictly to treaty  
matters. Band  
questions will be  
answered at the band  
meeting on November  
20th.



Or scan this  
QR code to  
send a  
message!