



Kaska Dena News

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TREATY UPDATE

A New Direction Recommended for Advancing Aboriginal Treaty Rights – Report by Doug Eyford

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In 2014, the Canadian Government commissioned Douglas Eyford to undertake a thorough review of Canada's Comprehensive Land Claims Policy. Canada has addressed Aboriginal Land Claims since 1973 and there have been many changes to Aboriginal law since that policy was last updated in 1993. As well, a low level of Treaties have been completed in comparison to the number of Aboriginal groups who have spent a substantial amount of time in the treaty process.

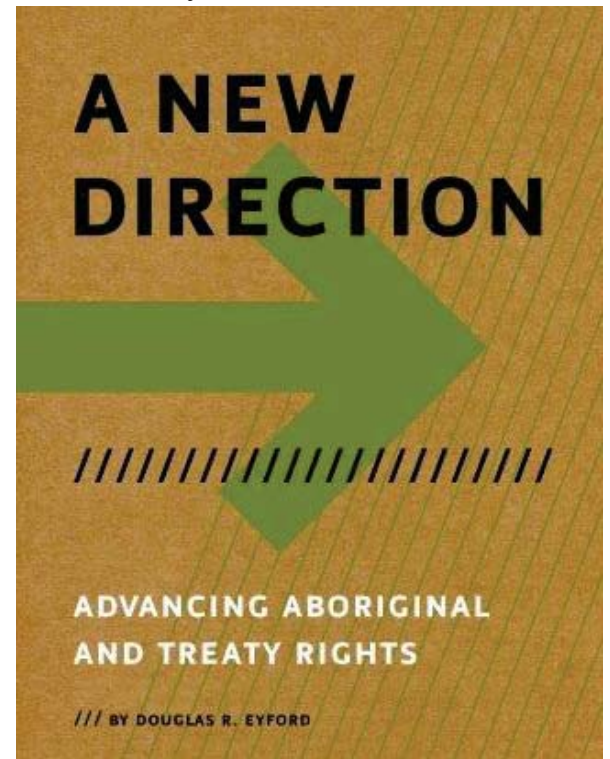
Mr. Eyford was tasked with identifying the issues that are in the way of completing treaties efficiently and constructing positive recommendations to the Federal Minister. Mr. Eyford held engagement meetings with over 100 representatives of Aboriginal communities and organizations across Canada (including Kaska Dena Council, Ross River Dena Council and Liard First Nation) to learn what the challenges are to concluding modern day treaties.

In his report, *A New Direction - Advancing Aboriginal and Treaty Rights*, Mr. Eyford detailed the issues and noted that in 42 years only 26 agreements have been finalized. He further noted that at the time of his report, 72 claims were being negotiated with 80 per cent of those tables being in the treaty process for longer than 10 years, some more than 20.

His report makes recommendations across four broad themes: Building Trust,

Fostering Inclusion, Advancing Reconciliation and Taking Action. Mr. Eyford presents 43 recommendations for the Federal Minister's consideration with respect to moving forward with reconciliation with First Nations and getting beyond the limitations of Canada's outdated and inappropriate comprehensive land claims policies.

The Federal Government has initiated a consultation process with respect to the Eyford report to allow for comment and discussion by October, 2015.



For a copy of Doug Eyford's report go to the Kaska Dena Council website: www.kaskadenacouncil.com News Highlights.



Treaty Building

The building of a Treaty begins with development of an Agreement in Principle. Just like developing a blueprint to construct a solid building, negotiating the Agreement in Principle is essentially developing a blue-print for a Final Agreement (Treaty). The Agreement in Principle may not be the exact language in a Treaty, but it lets us know that we have the correct ground work laid to build a Final Agreement on.

An Agreement in Principle is not legally binding. If Kaska Dena members find the AIP a good blueprint to proceed with and Kaska Dena members approve advancing to negotiate the Final Agreement, then the Kaska Dena negotiators will begin negotiating a Final Agreement. If the AIP is not approved then negotiations stop. The Final Agreement doesn't become a Treaty until it goes through a ratification vote with Kaska Dena members, is approved by BC and Canada and goes through Settlement Legislation.

This complete package of AIP Chapters, Land and Cash offer will then be brought back to membership for extensive review and approval process.



AIP Progress Report

There are approximately 26 chapters in an Agreement in Principle. Twenty-three of these Chapters have been set aside by the Kaska Dena Treaty Table for the legal counsel of all three parties (Kaska Dena, Canada and BC) to review. Kaska Dena lawyers will be reviewing the chapters to ensure that there is language in the AIP that supports Kaska Dena rights and title and is consistent with the recent Tsilqhot'in decision (William Court Case).

The remaining chapters which Kaska Dena negotiators will continue to negotiate are Wildlife, Eligibility and Enrolment, Definitions and General Provisions.

Other components of the AIP

While the chapters of the AIP are important, there are other components that are critical to what will make up the AIP and, if approved, will ultimately become a final Treaty package that can be presented to Kaska Dena members for ratification:

1. agreement on the Kaska lands process; and
2. the financial package, including the amount of the capital transfer that Canada will provide to Kaska Dena after the Treaty takes effect.

Once the AIP Chapters have been signed off by the Chief Negotiators, and there have been negotiations with respect to the Kaska Dena land process, Canada and BC will make a land and cash offer to Kaska Dena. This will complete the Agreement in Principle. This complete package of AIP Chapters, Land and Cash offer will then be brought back to membership for extensive review.



Modern Treaty Self Governance Forum Building the Foundations and Embracing the Challenge

You and I are the Title and Rights; We are a Treaty Family, Leaving the Indian Act Behind, Treaty allows for our people to hope, strong First Nations means strong regions means a strong Province, these were just a few statements that were said during the *Building the Foundations and Embracing the Challenge* forum hosted by the BC Treaty Commission in Vancouver.

Kaska Dena Council representatives attended this workshop along with other First Nations in the Treaty process to hear from the experience of First Nations across BC who have achieved a treaty and self-government. The agenda consisted of topics such as planning for and implementing self-governance, developing plans, community engagement and self-government overlap and shared territories.

During this three-day forum, First Nations who are leading the way in the treaty process shared their experiences, challenges, successes and insight into what it means to be a self governing First Nation after finalizing their treaties. Areas of treaty negotiations that still need work according to the presenters are in the area of overlap territories, implementation funding, enforcement of laws and own source revenue.

The forum was very valuable and provided very pertinent information for the Kaska as we move forward in negotiating our treaty. The experiences expressed provide our team with the knowledge and foresight to move forward aware of challenges, lessons learned and successes in working

towards our Final Agreement.

Some key message that was expressed during the closing of the Forum was that the answers are among the nations in their cultures and traditions, that any process of reconciliation must be defined by the First Nations and that our future is not determined by what happened in the past it is determined by what we do now – we can write our own future!

If any of the members would like further information and/or hard copies of the handouts please contact Michelle Miller, Treaty Coordinator (250-779-3181).

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The proposed Kaska name for the Boya Lake Provincial Park is (Tachilla) Tuch'ita [a.k.a. Boya Lake] Park.

LAND USE PLANNING Ne'ah Conservancy

BACKGROUND

On March 31, 2013 the Ne'ah (Horseranch Range) was designated as a Conservancy (Protected Area) and the Gu Cha Duga (for our Grandchildren) as a Special Management Area.

Now that the Ne'ah has been approved by Kaska Dena and the Province of British Columbia, it will be managed collaboratively by Kaska Dena and British Columbia through a Joint Management plan that will be set out by the Parties over the next year that ensures the protection and maintenance of: (a) biological diversity and the natural environment; (b) First Nations' social, ceremonial and cultural uses, and (c) recreational values.

Other activities must be assessed to determine whether the development or use of natural resources occurs in a sustainable manner consistent with (a), (b) and (c) above.

CURRENT WORK

DKI, working with the Dease River First Nation and Daylu Dena Council communities, completed a Cultural

Report March 31, 2014. To gather this information, Kaska Dena with participation of BC Parks personnel held community meetings and helicopter trips over the conservancy in March 2014. Members were interviewed, and Kaska Dena traditional knowledge information was reviewed. Meetings were held in Good Hope Lake on Nov. 25 and again on Dec. 2 and Lower Post on Nov. 26 and Dec. 3. As information is gathered and drafted for the plan, there will be further review by the community and a final review towards March 31, 2014.

NEXT STEPS

The next steps include a review of the Ne'ah Cultural Values Report and a decision as to what TK information we would like to included in the management Plan. We will then begin drafting the plan and review the plan with BC. BC will put the plan out for public input and then Kaska will review and finalize the plan for approval.

BOYA LAKE PARK

The Strategic Engagement Agreement calls for the development of a Management Plan for the proposed Ne'ah Conservancy and Boya Lake Provincial Park. It also calls for a Kaska name for Boya Lake Provincial Park. The proposed Kaska name is: (Tachilla) **Tuch'ita [a.k.a. Boya Lake] Park**. The Management Plan will address other management considerations. The next steps include confirming the Kaska name for Boya Lake, gathering more information on Kaska Dena cultural values and setting up a meeting for review of the completed draft Management Plan.



Ne'ah (Horseranch Range)



LANDS AND RESOURCES

Kaska Dena Oil and Gas Accord with BC

An agreement has been struck between BC and Kaska Dena Council to negotiate a Government to Government agreement with respect to an Oil and Gas Protocol. This is important for Kaska Dena as there has been an announcement that the largest gas field ever discovered in BC are located in Kaska Dena Traditional Territory in the Liard and Horn Basin.

Chevron and Apache referred to the Horn River and Liard Basin as “two of the most prolific shale gas plays in North America, with more than 50 trillion cubic feet of resource potential.” As well, Kaska Dena have been receiving referrals by proponents interested in oil and gas development in Kaska Dena Territory.

An Oil and Gas Accord with BC and KDC (representing the interests of Daylu Dena Council, Kwadacha Nation and Dease River First Nation) will be an important step to assure that Kaska Dena rights and interests are adequately addressed through a Government to Government agreement on oil and gas resources in Kaska Dena territory.

Kaska Dena Wildlife Study

In 2014, the Kaska Dena Council received funding through a Treaty Related Measure (TRM) to conduct a Wildlife Study. The purpose of the study was to:

- ✦ Conduct community meetings to collect direction on wildlife, particularly moose population and management issues in the area between Dease River First Nation (DRFN) and Daylu Dena Council (DDC). A

population survey has not occurred in the area since 1997. Kwadacha First Nation has had surveys occur over the last several years;

- ✦ Work with the Province to determine the appropriate survey area to complete a regional population survey;
- ✦ Identify additional areas of concerns for moose to followed on after the regional survey;
- ✦ If feasible, conduct counts on sheep and elk in the same area; timing and available funding was considered after the initial surveys; and
- ✦ Support community initiatives on wildlife, such as information tools, signage, harvest data collection, and monitoring.

Community meetings occurred in Lower Post and Good Hope Lake in November, December and January to seek information and to inform DRFN and DDC on proposed activities. A number of areas were identified to survey as either part of the regional survey or site specific flights.

The regional survey area was decided

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Preliminary results of the Wildlife Study suggest moose numbers were similar to the previous survey, but the number of moose by square kilometre appear lower.





LANDS AND RESOURCES

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to use the same area as 1997 to try and make comparisons of the information collected. The survey occurred in late February with Jack Chief, Priscilla Carlick, Terrance Ball, and Robby Porter as observers. Dean Peard from the Province and Norm MacLean, LGL Ltd, were involved in the survey as well. In March, Robby Porter, Terrence Ball, and Jack Chief accompanied Norm MacLean on flights on specific areas identified by the communities for moose.

Generally preliminary results suggest moose numbers were similar to the previous survey, but the number of moose by square kilometre appear lower. However this could be a combination of factors including snow depth, temperature, predation, or harvesting. This is being reviewed in detail and will be brought back to the communities for review. In addition when a final report is completed it will be available on Kaska Dena Council website (www.kaskadenacouncil.com). As well, it is expected that a final update on the work will be provided at the upcoming Kaska Dena Council AGM.

Kaska Dena Strategic Engagement Agreement Renewed for Another Three Years

Minister Rustad signed the Kaska Strategic Engagement Agreement on March 23rd, 2015. The SEA renewal gives the Kaska communities through their respective lands and resource officers another three years of government-to-government engagement between their offices and BC government.

Thanks to the Kaska Dena Council Chair, and the three BC Kaska Chiefs the agreement was signed and sent to Victoria where the Minister signed five days before the initial agreement was to expire. The SEA renewal provides the communities with three more years of funding to review, respond and engage government on lands and resource development and issues.

The SEA process has been working well for the Kaska Dena Council and for BC government as well. Over the past few years, the BC government has provide additional support in human and financial resources to ensure that the Kaska SEA process works efficiently for both parties. The SEA coordinator would like to thank the communities, Lands and Resource Officers, KDC leaders and negotiators, Kaska NRC members, BC government staff in Prince George, Smithers, MacKenzie, Ft. Nelson, and a special thanks to Katy Dillion who has been a great support and leader for the agreement within BC government.

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Kaska Dena Water Strategy Study

In 2014, the Kaska Dena Council received funding through a Treaty Related Measure (TRM) to conduct a Water Strategy Study. The purpose of the TRM was to conduct the following:

- ◆ Coordinate and summarize existing work done on energy potential areas focusing on hydroelectric sites;
- ◆ Conduct a review of existing surface and groundwater data or monitoring sites;
- ◆ Identify existing water licenses and applications; and
- ◆ Set priorities for short term & long term actions as well as support negotiations for water reservations, land selections, and the water chapter for AIP.

Working with the Barkley Group, and Kaska Energy the final reporting on the

potential hydroelectric sites with digital information was completed. The information is quite thorough and has assisted in the development of an overall strategy and support treaty negotiations in relation to water. In addition, Hydrologic Inc., provided a gap analysis of existing information, monitoring sites, and water licenses in the traditional territory in British Columbia. As expected there is limited surface and groundwater information, limited active surface water monitoring sites (nine long term sites, many were removed in the 1990's), and no groundwater aquifer mapping.

The Water Strategy is in draft form and being reviewed. It is expected to provide a final update on the work at the upcoming Kaska Dena Council AGM

The Water Strategy is in draft form and being reviewed. It is expected that a final update on the work will be provided at the upcoming Kaska Dena Council AGM.

The KDC General Assembly has been postponed. New dates will be sent out once they are confirmed.

MARK YOUR CALENDARS! Cultural Days – July 21 - 24, 2015 at Rapid River

Dease River First Nation (DRFN) would like to announce that they will be hosting DRFN Cultural Days from July 21-24 at Rapid River. You are invited to join us in an array of activities which would include traditional hand games, drum making, moose hide tanning, fishing derby, music and dancing and much more. Free camping at Rapid River and there will be a Concession Stand on site.

The draw for the prizes for the DRFN Raffle will take place during the DRFN Cultural Days on July 23rd. If you have not bought your ticket please contact Chief Ruby Johnny at the DRFN Band Office or purchase a ticket at the DRFN Cultural Days.

Congratulations to Cole Abou-Tibbett

2014 has been a breakthrough year for Cole Abou-Tibbett. He won the Nationals in TaeKwon-Do and qualified for the World Championships which are held every two years. The World Championships this year were held in Italy. Of his experience in Italy, Cole said:

“Although I didn’t win a medal I did gain a lot of knowledge and more experience by competing internationally and was honored to represent not only Canada but the Kaska people as well as every other First Nation out there. I promise to keep going strong in Tae Kwon-Do and be a World Champion in the next World competition.”

Cole is also proud of his Kaska Dena heritage and was raised on the land near his grandfather’s trap line near the Dease River in northern B.C. “It means a lot to be from the Kaska Dena First Nation,” he said. “I can stand up, put my culture out there and be a role model for other kids. I can also be a role model for younger people in the sport and can help out others, be a mentor.”



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www.kaskadenacouncil.com/newsarchives/newsletter-archive.

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