

Kaska Dena News



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Winter 2015

Message From The Chair

The end of a year is a good time to look back, reflect on our achievements, and to look forward, to see what we still need to accomplish. As 2015 comes to a close there are many milestones and achievements to celebrate.

We are closer than we have ever been to reaching an Agreement in Principle; have participated in on-going discussions with Liard First Nation and Ross River Dena Council and signed an agreement with Yukon Government to move forward with Yukon Reconciliation. We have continued our work with the Three Nations advancing towards a Government to Government regional framework.

The first parcels of fee simple lands agreed to under the ITA were transferred to our Kaska Dena Lands Corporation. Another two parcels will be transferred in early 2016, including the Lodge at Turnagain River. Our SEA was renewed providing communities with three more years of funding to review, respond and engage government on lands and resource development issues and we have made advancements in forest tenure negotiations.

With the election of Justin Trudeau's Liberal government and his campaign promises for improved relations with Indigenous peoples, we have renewed optimism about working with the federal government. The Trudeau government's commitment to Indigenous people is evidenced by his appointment of Jody Raybould-Wilson, former BCAFN Regional Chief as Minister of Justice; and Hunter Too-too, MP for Nunavut, as Minister of Oceans.

Our Nation is ever-changing and evolving as we continue our work to protect our lands, resources and gain rightful recognition of our Aboriginal rights and title. We will meet each challenge with determination and positively shape our own future. We will work together as a Nation and a family, because with our collective strength we can do anything. As we celebrate our successes of 2015 and prepare to welcome in 2016, I want to personally wish you all the very best for the new year ahead.

Souga Sin La

George Miller, Chair KDC



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TREATY UPDATE

Reaching an Agreement in Principle

Kaska Dena are in the advanced stage of Agreement in Principle (AIP) negotiations – the closest we have ever been to reaching an Agreement in Principle.

Negotiation of the AIP chapters are now 90 percent complete. The next phase of negotiation is jurisdiction and ownership of land – arguably the most important element and purpose of treaty negotiations. To negotiate jurisdiction and ownership of land, Kaska Dena negotiators first developed a Kaska Land Model which would achieve 100 percent management of our Traditional

Territory. This land model was developed to be consistent with the Tsilhqot'in decision by the Supreme Court of Canada.

The Kaska Dena Land Model was presented to Kaska Dena leadership for their approval, and then reviewed with the communities. The Kaska Dena Land Model outlines an approach for 100 percent management of Kaska Dena Traditional Territory with three types of land designation:

- 1) Kaska Dena Lands (Kaska Dena owned and governed)

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Treaty Update Cont'd.

- 2) Shared Decision Making Lands (such as Kaska Dena have with the Strategic Engagement Agreement); and
- 3) Kaska Dena Stewardship Lands (Lands within the Kaska Dena Core area. Industry and government would require Kaska Dena consent before use or development of the land.)

Kaska Dena negotiators are in the process of visiting Kaska Dena communities and meeting with leadership and community members to identify areas of priority lands that would be negotiated as Kaska Dena owned lands (owned and governed by Kaska Dena) for AIP Negotiations for the Final Agreement

will address the Shared Decision Making Lands and Kaska Dena Stewardship Lands.

Once the Kaska Dena Lands have been agreed upon in the communities these lands will be negotiated at the Treaty Side Table with Kaska Dena, BC and Canada. BC and Canada will then make a land and cash offer. If the land and cash offer is agreeable, the AIP will be initialled by the Chief Negotiators and then brought back to the communities and leadership for review and approval. If the AIP is approved, then negotiators will begin negotiating the Final Agreement, which, if ratified by Kaska Dena, would become the Treaty and would be legally binding and protected.

Incremental Treaty Agreement Lands

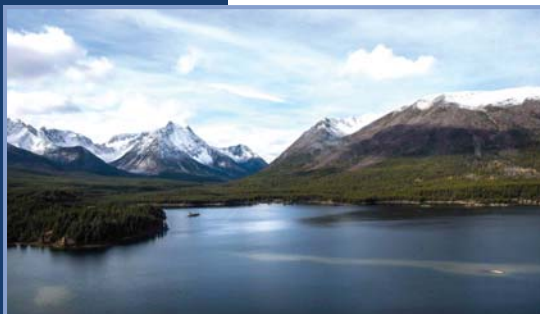
Through an Incremental Treaty Agreement signed in 2013, Kaska Dena Council treaty negotiators negotiated the early transfer of some Kaska Dena Lands to Kaska Dena so that we will have legally recognized title to these lands in advance of our Treaty.

A Kaska Dena land corporation has been established to hold these lands. The shareholders of the land corporation are the deputy chief and Chiefs of Daylu Dena Council, Dease River First Nation and

Kwadacha Nation on behalf of their members. These lands cannot be sold and are to be held for the use and enjoyment of Kaska Dena future generations. The Shareholders Agreement identifies what uses these lands may be developed for through a lease agreement with each community's Economic Development Corporation,

The lands are first surveyed by BC and are then transferred to the Kaska Dena land corporation. Additional ITA lands are being negotiated.

ITA Land Description	Survey Date	Transfer Date
Troutline in-take & powerhouse	2014	2015
5 Mile	2014	ASAP
Kwadacha North	2014	2015
Finbow	2015	2016
Turnagain	2015	2016
Obo Lake	2015	2016
Rapid River	2015	2016
Old Faddy	2016	2017



Obo Lake



View from Rapid River Site

Contributors:

Dave Crampton
Maureen Garrity
Vanessa Law
Bill Lux
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Scott Back (Ne'ah photos)

Photo Credits:

Scott Back
Novalee Blake-Johnny
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Kenny McMillan
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Lizann Porter

Kaska Trip into the Ne'ah Conservancy

The Ne'ah Conservancy was established on March 31, 2013 following the recommendation in the Dease-Liard Sustainable Resource Management Plan. 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.

As part of drafting the joint management plan, more information on the land needs to be gathered. A joint trip between government and Kaska was planned for September 1st to 3rd. The intention of the trip was to do site visits and gather information to further inform the joint management plan for the Ne'ah. BC Parks representative Scott Back, Dease River First Nation Chief Ruby Johnny, Daylu Dena Council Deputy Chief Walter Carlick, Daylu Dena Council Land and Resource Officer Vanessa Law, KDC Assistant Negotiator Bill Lux and Guide Outfitter Bill Oestreich all participated on different parts of the trip.

On the first day the group travelled by boat down the Dease River from Rapid down to Harvey Creek to determine what access sites are being used and by whom. This brought the crew to the site where the mushroom pickers camped and picked mushrooms in 2014. The Crew found the mess that was left by the mushroom pickers and needs to be cleaned up.

The Crew proceeded to hike some 15 kms from the boat launch up and around towards Harvey Lake, taking in the whole area of the wildfire burn that the mushroom pickers were at and found more area with debris left. The Crew also stopped off at the Tibbit's cabins but no one was home.



L. to R.: Vanessa Law, Chief Ruby Johnny, Deputy Chief Walter Carlick (in boat), Bill Lux and Scott Back At Rapid River site

The second day was spent boating on the Dease River going from the French Creek Recreation Site down to the Daylu Dena Council's cabins where lunch was provided. On the third day the Crew were taken by float plane from Tū Ch'elā (a.k.a Boya Lake) where the crew flew throughout the Ne'ah area with the Guide Outfitter, Bill Oestreich. The Crew gathered valuable information on this trip, all of which will be used to help develop the joint management plan, particularly on the management of access.

On the third day the Crew were taken by float plane from Tū Ch'elā (a.k.a Boya Lake) where the crew flew throughout the Ne'ah area with the Guide Outfitter, Bill Oestreich.



L. to R.: Bill Lux, Chief Ruby Johnny, Bill Oestreich and Deputy Chief Walter Carlick at Tū Ch'elā

DEASE RIVER CULTURAL DAYS

From July 21-24th, Dease River First Nation hosted Dease River Cultural Days, a celebration of Kaska culture and families. The gathering, which close to 100 people attended, took place at Gāchō Tué (Rapid River), approximately 25 kms from Good Hope Lake.

A central focus of Kaska Cultural Days was family re-unification. Not only did Kaska come from the Kaska Dena communities but they were joined by family members from southern Canada and the United States. Kaska came from as far away as the east coast of Canada, Los Angeles and San Diego.

Kaska Cultural Days was a time for true family re-unification. Grandparents met grandchildren for the first time, cousins met cousins and together, Kaska Dena celebrated their families, their land and their culture.

Kaska family members from southern Canada and USA rarely have the chance to come back to the land, so it was a time for celebrating being back home, getting out on the land, taking part in cultural activities and eating traditional foods.

Every day the cooks prepared traditional foods, including moose, salmon, sheep and porcupine cooked on



Chief Ruby Johnny roasting moose antler

the fire. Activities were well planned and everyone had a great time playing traditional games such as Hand Games, as well as archery and horse shoe contests, horse-back riding and a fishing derby.

Dease River First Nation held a draw for prizes including a river boat, which was a huge hit with people. The winners of the draw were:

1st place – 6ft River boat, 25 hp jet motor, trailer – Chris Wardrop, Fort Ware, BC

2nd place – Round trip for two Vegas by Air North – Darcy Fjellner, Vanderhoof, BC

3rd place – 2 X 10 Cnavas Tent with stove and Cot – Michael Johnny, Good Hope Lake, BC

4th place – \$1000.00 cash – Geraldine Dennis, Dease Lake, BC

5th place – \$500.00 cash – Eileen Melnychuck, Whitehorse YT

6th Place – Moose hide slippers – E. Edzerza, Telegraph Creek

Thanks to the sponsors, to Air North for supplying the air tickets, and to Dease River Development Corporation for all of their support.

Kaska came from the Kaska Dena communities and were joined by family members from southern Canada and the United States.



Faye Seymour showing perfect form in archery

CELEBRATING OUR FAMILIES AND CULTURE



WILDLIFE MONITORING PROGRAM

The Wildlife Monitoring Program objective is to alleviate potential land use conflict with outside hunters.

The Daylu Dena Council and Dease River First Nation, with the assistance of the Dena Kayeh Institute, obtained funds through the BC Capacity Initiative to do a wildlife monitoring program to help assess hunting concerns that we've heard from the communities over the last several years.

Two wildlife monitors were hired for the 2015 season: Lizann Porter and Kenny McMillan. They monitored various areas throughout northern BC travelling west to Smith River and Skooks landing and south along the Cassiar Highway to Dease Crossing and various areas throughout. The objective of the program is to alleviate potential land use conflict with outside hunters. The monitors were a presence on the land, recording how many hunters they saw and if they witnessed anything that looked like it was an infraction against the hunting regulations.

Various signs were produced and placed at key access points to inform the public where Kaska areas of high cultural use are. A wildlife brochure was created to educate the public on measures the Kaska are taking to manage the wildlife in our Traditional Territory. The monitors handed it out to hunters and the guide-outfitters within Kaska Traditional Territory in BC were mailed a copy of the brochure. We've asked hunters and guide outfitters to donate any unwanted meat to our communities. In Daylu, we had



Wildlife monitor Lizann Porter at installed sign

one donation of moose meat from a local guide outfitter. We called in a bison that was hanging at French Creek, the conservation officer checked on it and it was legal as the hunter had a tag and it had come from Pink Mountain.

We are asking our Kaska hunters to turn in the moose incisor tooth as detailed within the brochure, so that we can also collect wildlife data. The moose tooth is used to verify the age of the moose. The wildlife monitors also GPS'd cultural use sites such as community member cabins. This allows the Dena Keyah Institute GIS Technician, Tanya Ball, the ability to update the Traditional Use data in our database to precise locations.

The Kaska Dena Council website has been updated to include the hunting information including Permission to Hunt in our traditional territory application and brochure, see

<http://www.kaskadenacouncil.com/lands-and-resources/resource-mgmt/wildlife-management>.

We are looking to make wildlife regulation changes for next year's hunting synopsis and we will continue to analyse the data collected from our wildlife monitors and will report out on that in the next newsletter.



Wildlife monitor Kenny McMillan talking to a hunter

FORESTRY UPDATE

In a meeting with the Minister of Forests November 5, 2014, the Minister provided the opportunity to set up a Kaska Forestry Task Force. The Task Force was mandated to establish Forest Tenure for the Kaska Dena in three separate Forest Districts. The Districts include the Mackenzie, Fort Nelson, and Skeena Stikine Forest Districts. Two Kaska companies will hold the apportionment of Forest Tenure. In Mackenzie, Obo Forestry Ltd. will hold the Tenure, and in the Skeena-Stikine and Fort Nelson Districts Koh Wuh Cho Ltd will hold the Tenure.

In October of 2105, the Kaska met with the Minister of Forests to update him on the progress of the Task Force and to present him with a summary Business Plan for the Kaska Forest Tenures in BC. In the first step of the apportionment process, the Minister has provided the Kwadacha First Nation with the mandate to negotiate a First Nations Woodland Licence with an Annual Allowable Cut of approximately 200,000m³, which would reduce to 180,000m³ in 15 years. As it will take more than 18 months to negotiate the Tenure, the Ministry has provided a bridging tenure of 200,000m³ to bridge the Kwadacha First Nation's forestry opportunities until the Tenure is apportioned.

In the Skeena-Stikine Forest District, the Kaska are beginning the negotiations for the Tenure opportunity that has an Annual Allowable Cut of 97,000m³. The Business Plan will provide for the opportunity to negotiate this volume in the next few months. Once completed it will be held by Koh Wuh Cho in a First Nations Woodland License.

The Fort Nelson Forest District is undergoing Timber Supply Review 4. The Kaska have submitted their planning document for inclusion into the review process. In TSR 3, the Kaska submitted a request for 500,000m³ to be set aside for a Forest Tenure opportunity. The TSR 4 review will determine what Allowable Annual Cut is sustainable given the restrictions in the Kaska's Liard North Plan. We have submitted the Business Plan for the area that allows us to continue to negotiate Forest Tenure for the Fort Nelson Forest District in the Kaska

Traditional Territory. Once the TSR 4 review is completed a First Nations Woodland Licence will be negotiated and ultimately managed by Koh Wuh Cho.

Once forest tenure is allocated to the Kaska, a variety of business opportunities will arise that are sustainable for the life of the tenures. These tenures are available to the Kaska as long as the Kaska want to manage the forests of the traditional Territory for forestry. Opportunities will exist for a sawmill, a cogeneration plant that provides energy for the mill, kilns, etc. with the excess being sold to Watson Lake, Lower Post, and Kwadacha. A pellet plant would be established locally to provide jobs and revenue to all communities, and a bio-energy plant to meet the heat and electricity needs as well as a means to deal with the residuals of the saw milling process – bark, sawdust, and chips. We are also in the process of establishing relations that may take the form of Joint Ventures with large forest companies to provide the necessary capital to build mills, cogeneration plants and any other infrastructure and capacity to eventually own and manage the various components of the forestry enterprise.

It is the objective of the Kaska Forestry Task Force to provide sustainable long-term jobs, a forest industry owned and managed by the Kaska, and capital for the Kaska Dena to invest in their communities.

The Kaska Forestry Task Force was mandated to establish Forest Tenure for the Kaska Dena in three separate Forest Districts.



Liard River

TSILHQOT'IN SUPREME COURT OF CANADA RULING – A YEAR LATER

On June 26th, 2014 the Supreme Court of Canada released its decision in *Tsilhqot'in Nation vs British Columbia*. This was an historic decision for Aboriginal people as the Supreme Court gave a definitive ruling on Aboriginal Title. The Supreme Court ruling said that Aboriginal Title includes the rights to: control the land and decide how it will be used, use the land for traditional and modern purposes and full economic benefit of the lands and resources. A significant outcome of the Supreme Court ruling was government or industry's need for consent from the Tsilhqot'in with regard to use of their land where Aboriginal title had been proven.

Over a year has passed now since this historic ruling and there is substantial interest as to what changes have occurred for Tsilhqot'in as a result. At a recent seminar put on by the Pacific Business & Law Institute, lawyers, Tsilhqot'in representatives and guest speakers spoke to what has changed now that over a year has passed.

After the ruling, Tsilhqot'in engaged with British Columbia, the result being a Letter of Understanding recognizing the need to heal from the past wrongs and make best efforts to negotiate a Protocol Agreement by March 31, 2015, the intent of which is to set out a comprehensive

framework for negotiations. The date of March 31, 2015 was not met, however protocol negotiations are on-going.

With respect to title implementation, Tsilhqot'in and BC have developed bridging agreements to protect health and safety of residents and operators in the Declared Title Area, for example: Emergency Protocol (wildfires), Guide Outfitter Agreement, Protected Areas/Parks & Recreation sites. The Tsilhqot'in decision allows for law making within the title area. The first law that they enacted was the *Nemiah Declaration*, which establishes a vision and management framework for lands and resources. They have also created a title transition team and title rangers. There is still a lot of work to do as a Tsilhqot'in representative stated that decisions are still being made on their Declared Title Area without their consent. Legal opinion is that not a lot has changed since the Tsilhqot'in decision and that there is a significant delay between court decisions and government action when it comes to Aboriginal rights and title cases.

The Tsilhqot'in Nation is comprised of six Tsilhqot'in communities, unified as one nation. The Supreme Court declared Aboriginal title to 40 percent of the Claim Area (1800 Km²), or approximately 5 percent of the Tsilhqot'in Traditional Territory.



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