

**HUL'QUMI'NUM
TREATY GROUP**

WWW.HULQUMINUM.BC.CA
RR#1 12611B
TRANS CANADA HIGHWAY
LADYSMITH, B.C.V9G 1M5
1-888-9TREATY
INFO@HULQUMINUM.BC.CA

TREATY TALK

VOLUME 15 ISSUE 2

FALL 2008



**SPECIAL
POINTS OF
INTEREST:**

- Assorted Photos
- Luschiim's Testimony
- Food Rights
- Organization of American States

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Delegation to Organization of American States October 28, 2008

International Human Rights and Hul'qumi'num Peoples Land Rights

I would like to start by expressing my very best wishes to each of our citizens and their families.

As we near the Christmas time of the season I hope that each of you will have a wonderful and safe time. I want to share some thoughts with you about

our activities involving international law.

Over 100 years ago Hul'qumi'num Chiefs were part of a delegation that went to England to petition the King regarding the land question and the fact that they did not feel they could get a satisfactory resolution

in Canada.

Over 100 years later we are still trying to get resolution to this issue, and we are once again forced to turn our attention outside of Canada.

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HTG Chief
Negotiator
Robert Morales

We hope that by reframing the debate over our title from “land claims” to “human rights” that we will find a way to break through our negotiation deadlock and reach an agreement.



(Continued from page 1.)

The Hul’qumi’num Treaty Group has petitioned the Inter American Commission on Human Rights to intervene in our plight to have our property rights in our territories recognized at the treaty table, in particular the portion of our territory made private by the 1884 E&N Railway Grant, which Canada and BC refuse to negotiate.

We say that Canada is failing to recognize our right to property, right to culture, and right to equality.

We, along with many other indigenous peoples around the world, are advocating that their land rights are, in fact, human rights.

We argue that while these rights are based in our historical connection to the land, it is the present day oppression and inequity that affects today’s indigenous peoples and their communities.

In particular we argue that the colonizing governments have failed to recognize indigenous peoples human rights including the right to property, right to cultural integrity and the right to equality.

The Inter-American Commission on Human Rights is an international organization that is empowered to promote the observance of human rights among the members of the Organization of American States, which includes Canada, and to act on complaints or petitions that allege particular violations of human rights.

In our petition before the Commission, the international human rights regime is being pressed to move beyond its traditional concern for the autonomy of the individual and to address claims that are being made by entire indigenous groups and that extend into the economic and cultural domains.

We hope that by reframing the debate over our title from “land claims” to “human rights” that we will find a way to break through our negotiation deadlock and reach an agreement.

From October 25 to 29 this fall, the representatives of the HTG traveled to Washington, DC to attend a hearing of the Inter-American Commission on Human Rights regarding our petition.

Those that made up the delegation included Chief Richard Thomas (Lyackson), Chief Cyril Livingstone (Lake Cowichan), Chief Lisa Shaver (Penelakut), acting Chief Bernard Norris (Halalt), acting Chief Arvid Charlie, *Luschiim*, (Cowichan), Chief Negotiator Robert Morales (HTG), Renee Racette (HTG legal counsel), Brian Thom (HTG technical support), Rosanne Daniels (HTG executive assistant), and Charlie Charlie (Cowichan) elder’s caregiver and youth witness. Our legal counsel included Robert A. Williams (University of Arizona) and Seanna Howard (University of Arizona).

HTG staff organized a VIP tour of the National Museum of the American Indian, part of the Smithsonian Institution which is located directly beside the US Capitol building in downtown Washington.

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The museum curators gave our delegation an inside look at the exhibits highlighting the few Coast Salish objects on display (including a beautifully carved, 100 year old bark creaser from Cowichan, an ancient stone bowl from Lummi, and a monumental Musqueam spindle whorl sculpture).

Following the tour, the museum generously provided us a meeting space in a room overlooking the US Capitol, allowing the chiefs and elder to spend valuable preparation time with our legal counsels. Seeing the importance of our trip, several of the American Indian staff at the museum gathered and offered prayers and tobacco in support of our efforts.

It was an inspiring day for the group and our hands are held out to the Smithsonian Institution workers who made us feel so welcome. The next morning the legal and support team met again to make final technical preparations for the hearing.

The hearing took place on October 28, at 7 pm. When we arrived at the Commission the chiefs and chief negotiator were dressed in traditional regalia. This made a significant statement and impact on the Commission. The lawyers for the Commission wanted to have their pictures taken with our group.

The hearing started about one hour later than we were

scheduled due to the fact that the Commission was running late.

Robert Williams then presented the Hul'qumi'num position and Arvid Charlie presented evidence of the impact that the development in our territory has had on the ability of the Hul'qumi'num people to practice their culture.

Renee Racette responded to the Commission's questions regarding sacred sites and the *Heritage Conservation Act*. Robert Williams was able to refer to a large map of the territory that was prepared by MJ Churchill of our GIS department.

They all did a spectacular job and we believe that the Commission was impressed by the quality of the presentation. A copy of Robert Williams' presentation to the Commission, including the testimony of *Luschiim*, Arvid Charlie, is available on the internet. We will work to provide some of the pictures of the hearing on our website.

Audio recordings of the hearings have been streamed on the web by the IACHR. To link to audio recording of HTG hearing, go to <http://www.cidh.org/Audiencias/select.aspx>

Canada did not make any submissions or presentation at this session. The government had previously argued that they required additional time to prepare. The Com-

mission therefore granted Canada's application to present their case during the March, 2009 session. As a result of this, we will be required to attend the March, 2009 session to respond to Canada's submissions.

The Hul'qumi'num Nations and Treaty Group will continue to formulate their strategy and will be working hard over the coming months to strengthen our position before the Commission. We will be seeking support from other First Nations and the Summit and the Assembly of First Nations as we move forward in this important work.

I wish to thank the leadership for their support as we strive to accomplish the objectives that our communities are saying must be part of a modern treaty. I want to especially thank and recognize the staff at the Hul'qumi'num Treaty Group, they worked very hard in researching and preparing our legal team for this historic work.

Huy'ch q'u
Robert Morales
HTG Chief Negotiator

To link to audio recording of HTG hearing, go to <http://www.cidh.org/Audiencias/select.aspx>
 [click on 133 Period of Sessions]
 [select a date: October 28, 2008]
 [click 'download' on HTG Precautionary Measures & Petition]



OAS Petition Team



Traditional Food & Human Rights

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family



Traditional Food and Human Rights

Brian Thom, Senior Negotiations Support

Having sufficient, safe and nutritious food to meet dietary needs and food preferences is essential for an active and healthy life. Such food security is also a human

right. Article 25 of the Universal Declaration of Human Rights states

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

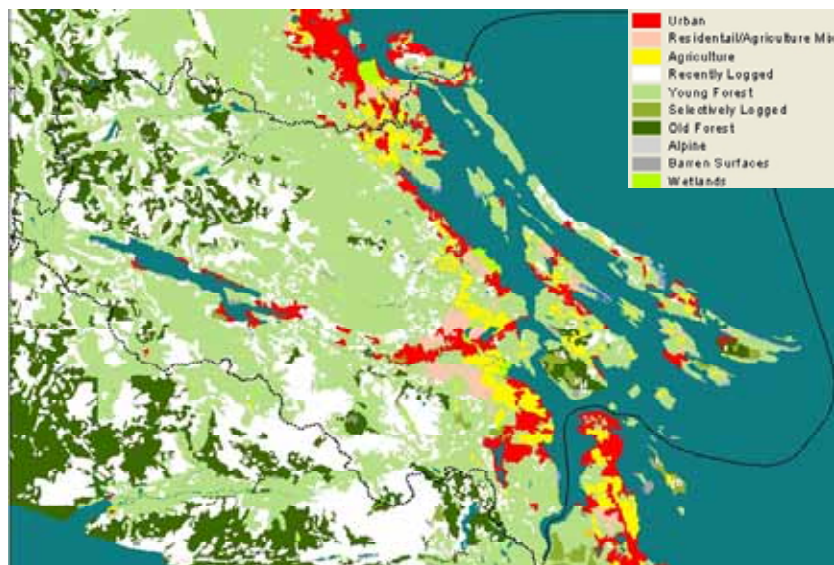
HTG's petition to the Inter-American Commission on Human Rights (IACRH) has pointed out how important Hul'qumi'num Territory is to the ongoing well-

being, and indeed to the human rights status of Hul'qumi'num people. The problem, as HTG has pointed out to the IACRH, is that because of the 1884 E&N Railway Grant, the vast expanse of Hul'qumi'num territory has been alienated to private interests, diminishing control, influence and even access to in these private lands.

Today, these E&N Railway Grant lands are private forest lands, locked from general access and on which industrial tree farming has produced wildlife and plant life that is wormy, sparse and

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Contemporary Land Uses in Hul'qumi'num Territory



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contaminated with pesticides and herbicides.

The salmon runs in every major waterway in HTG territory are decimated, largely because of habitat loss in privately owned agricultural, urban and industrial forest area.

For clams, oysters and crabs, foods which are still locally available in some abundance, there are significant risks in consumption due to contaminants, and difficulty in access because of government low-cost risk-aversion management decision-making.

Provincial regulation of the foreshore has nearly choked out bivalve areas with private moorage and private aquaculture licenses, making nearly the entire foreshore (the real food basket of the Hul'qumi'num people) alienated for access — indeed there are no walk-on beaches fit for harvesting on Vancouver Island within core Hul'qumi'num territory, unless you go through expensive depuration to clean the shellfish.

For traditional medicines, the tiny remnant patches of older native ecosystems are locked up in parks. Traditional carbohydrates like camas root and wapato tubers, a major staple which Hul'qumi'num people have managed through burning rocky forest meadows for thousands of years, have been alienated through land privatization and fire regulation.

Many culturally significant species are no longer locally available, as is borne out by HTG harvesters, who today need to travel far beyond the local watersheds and islands of Hul'qumi'num territory to access traditional food.

Some data collected by Statistics Canada in the Aboriginal Peoples Survey is available on food harvesting and consumption by aboriginal people living on Hul'qumi'num Indian Reserves for 1991 and 2001.

In 1991, while nearly everyone indicated they eat fish and poultry, only 47% indicated they consumed these high protein foods every day, with 17% indicating they consumed them only once or twice a week.

One in six people indicated that the availability of food was a problem during the last year. Only 9% of Hul'qumi'num people indicated they obtained these high protein foods by hunting or fishing most of the time and 11% indicated they never obtained food from hunting or fishing.

More recent data from the 2001 Aboriginal Peoples Survey show that about one quarter of Hul'qumi'num people are directly involved in traditional subsistence activities. During the previous year, 12% of adults indicated they hunted, 24% had fished, and 33% gathered wild plants for food. So, while there is still traditional food being consumed at dinner tables, and being served in

Hul'qumi'num community events, it is nowhere near to the amounts desired by Hul'qumi'num people for a healthy diet.

With such reduced access to traditional food, Hul'qumi'num people must rely on market food — food bought from stores — to make up the balance of their healthy diet. However, in terms of access to these market foods, poverty is a crushing factor in these communities.

In Hul'qumi'num territory, the median 2005 individual income for aboriginal people was \$13,387, making over 57% of aboriginal people living in Hul'qumi'num territory well below the poverty line. The aboriginal off-reserve populations median 2005 income was \$16,392, while the aboriginal on-reserve population median 2005 income was \$9,254.

These figures are stark: half the aboriginal people over 15 living off-reserve were, in 2005, living below the poverty line, while 65% of those on-reserve were living below the poverty line.

These figures must be seen in stark contrast to the 'myth' that aboriginal people are non-industrious folk who rest on the good will of others.

The 2006 census reveals that there is a 61.1% participation rate in the labour force, closely comparable to 60.9% for the local non-aboriginal community, and 65.6% provincially in British Columbia.

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The salmon runs in every major waterway in HTG territory are decimated, largely because of habitat loss in agricultural, urban and tree farmed private land areas.



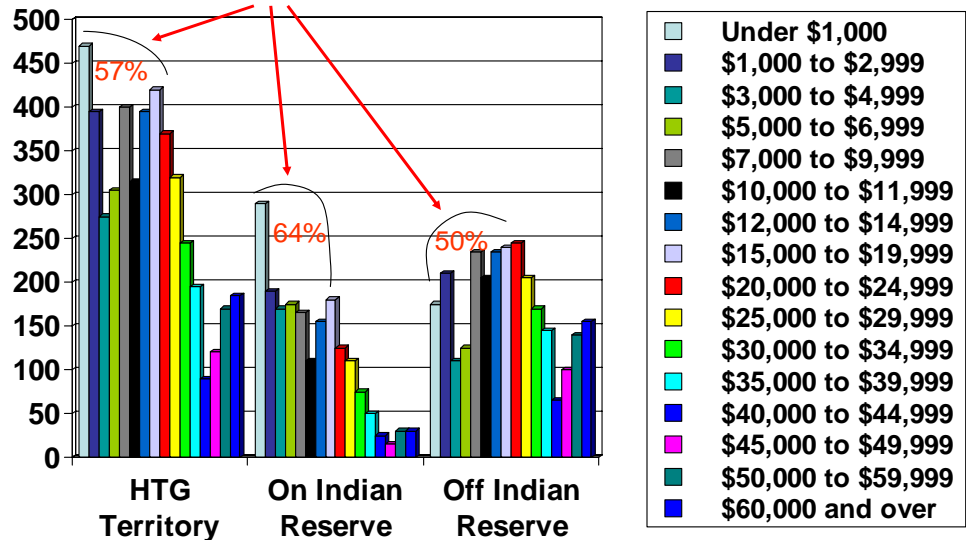
The Poverty Line – 2005 Income



It is critical that governments work to protect the human rights of Hul'qumi'num people by recognizing the Hul'qumi'num property rights that were violated in the 1884 E&N Railway Grant



Hul'qumi'num Adults Living Below the Poverty Line



(Continued from page 5)

Unfortunately the labour market is not good to aboriginal workers in Hul'qumi'num territory, with unemployment at 16.4% (jumping to 28.8% for those residing on Hul'qumi'num reserves), as compared with the 2.2% unemployment that the local non-aboriginal workforce enjoys, and 5.7% unemployment provincially.

Indeed, while proportionately more aboriginal people are participants in the labour force, dramatically fewer are able to get work, even in a white-hot local labour market.

The result of all this for food security is that market foods which are available on low incomes are for Hul'qumi'num people, as

any other low-income community, high in carbohydrates (especially sucrose), high in fat, low in protein, and low in fruit and vegetables.

In these tough economic circumstances, access to traditional food can be the difference between cultural and physical illness and health, hunger and a comfortable diet.

In the 1991 and 2001 Aboriginal Peoples Survey by Statistics Canada, an increasing number of Hul'qumi'num people – 21% in 1991 and to 28% in 2001 – indicated that their health was 'fair to poor', with a requisite decrease in people who indicated their health was excellent or very good –

38% in 1991 and 32% in 2001.

Given the situation of real food insecurity in Hul'qumi'num communities, treaty negotiations have become a life-and-death struggle over land, food and culture.

It is critical that governments work to protect the human rights of Hul'qumi'num people by recognizing the Hul'qumi'num property rights that were violated in the 1884 E&N Railway Grant, and all the rights to food and culture that continue to be violated by this alienation of Hul'qumi'num people from their territorial lands and resources.

Safeguarding Human Rights



It was with much honour that I attended the HTG hearing on Admissibility and Precautionary Measures to the Organization of American States Inter-American Commission on Human Rights on behalf of the Hul'qumi'num people, in hope of seeking to safeguard their human rights and to prevent ongoing violations.

Robert Williams Jr., our legal counsel from Arizona, did an exceptional job of bringing the Hul'qumi'num peoples' historic and ongoing violations of their property and other human rights to light.

Cowichan elder, Arvid Charlie, gave himself fully to this work and provided important oral evidence of the plight of his people. I would especially like to thank Arvid Charlie, the HTG Chiefs, the very dedicated HTG staff who helped us prepare, and the many others who supported our work.

The Hul'qumi'num Treaty Group is asking the Commission to make an order for Precautionary Measures (like

an injunction) to safeguard the Hul'qumi'num peoples' property rights in their territory by requiring the State to formalize a process where Hul'qumi'num participation is guaranteed in ensuring the First Nations territory is preserved.

Robert Williams, Jr. explained how the Hul'qumi'num people have more than 6,600 members that are engaged in a life and death struggle for their cultural survival as indigenous peoples living upon their ancestral lands.

He explained that the Hul'qumi'num can identify over 500 place names and over a 1,000 monuments, burial places and irreplaceable sites with deep cultural and religious importance to them as indigenous peoples.

He further explained that the Hul'qumi'num continue to hunt, gather and fish for their continued existence, practice their religion and ceremonies and collect medicines and plants upon their lands in pursuit of their traditional way of life.

The main issues that we ask the Commission to address in this case involve Canada's continuing, systemic failures to protect and guarantee the cultural survival of the Hul'qumi'num on their ancestral lands as indigenous peoples, as required by these human rights declarations.

In 1884 Canada's largest uncompensated grant confiscated some 237,000 hectares from the Hul'qumi'num for the benefit of a private railway corporation. What this means today is that approximately 84% of the Hul'qumi'num territory is privatized.

This creates vast barriers for the Hul'qumi'num to practice their culture and access their traditional lands. In addition, further alienation of these lands is of critical concern given the Hul'qumi'num are in negotiations intended to settle this outstanding and ongoing issue.

The Hul'qumi'num peoples' rights and interests have been greatly subordinated and virtually ignored which has resulted in dire consequences for their communities.

Canada's legal counsel attended the hearing but only as observers at this point.

HTG will have to return to the Commission to hear from Canada in March, 2009. It is incredibly difficult to predict the potential outcomes of the hearing but we are hoping to hear something positive with respect to an order for Precautionary Measures soon.

Article Submitted by HTG Legal Counsel

Renee Racette



Cowichan elder, Arvid Charlie, gave himself fully to this work and provided important oral evidence of the plight of his people.





Fishery Report

HTG has been working with our member First Nations on exploring pre-Treaty opportunities that relate to achieving our Fish Chapter objectives.



In terms of the Fisheries Chapter the governments and HTG are at odds in a number of critical places.

HTG's vision of a Fisheries Chapter revolves around getting back the wonderful way of life that the Hul'qumi'num communities enjoyed in the not so distant past.

That way of life was, in a large part, focused on the ocean, rivers, fish, and the sustenance and economy they provided, including education opportunities such as fathers teaching their son's the importance of the sea and its resources.

With this in mind HTG takes to the negotiating table three main objectives for the Fisheries Chapter.

Firstly – to increase the amount of access and fish available to Hul'qumi'num Mustimuhw;

Secondly – to increase Hul'qumi'num participation in management of fisheries and fish habitat in the Hul'qumi'num territory; and

Thirdly – to increase economic opportunities in fish harvest and other related businesses and fish habitat

restoration and protection activities, including the right to sell.

Although on the surface the governments interests seem to be similar there are key parts that would have the effect of minimizing the fisheries benefits that Hul'qumi'num can enjoy and are entitled to after Treaty.

These have been identified as roadblocks.

In order to resolve some critical roadblocks at the Fisheries Chapter negotiation HTG has been focusing efforts on the Common Table process along with pre-Treaty solutions and achieving immediate benefits.

The Common Table process concluded the initial phase this summer. The main idea was to join forces with other First Nations experiencing the same issues in negotiating a Treaty and to work at achieving key parts of the fisheries Treaty vision in the present to demonstrate to the government that it can be done.

The nations involved are currently waiting for a response from the Government on the opportunities identified.

HTG has been working with our member First Nations on exploring pre-Treaty opportunities that relate to achieving our Fish Chapter objectives.

For example, over the past six months HTG has been working with the Hul'qumi'num First Nations to access a government program called the Aboriginal Aquatic Resources and Oceans Management program (AAROM).

To date, technical representatives from both HTG and our member First Nations have been working together to generate a proposal to access this funding. The next step is to get each Chief and Council's support to access this funding.

If you have any questions or want more information on the status of the Fisheries Chapter, roadblocks and direction to resolve them please give me a call at the office.

Wishing you and yours the very best over the holiday season,

Cheri Ayers

HTG Resource Manager

Referrals Update



Crofton Advisory Forum – CAF

The Pollution Prevention Sub-Committee is currently encouraging Canada and BC to work with Catalyst on the development and implementation of continuous stack sampling for Dioxins and Furans at the Crofton pulp mill. This type of sampling is common and a requirement in some European countries. The Sub-Committee is meeting with Canada on Monday, November 17.

NMCAR

The feasibility study for the National Marine Conservation Area Reserve is scheduled to conclude this fall. However, we have not been able to finalize with the six communities what the process that the Hul'qumi'num wish to follow to review this project will look like. This is an important step to receive funding from Canada to review this project as none of our six communities has funding for this review and after the severe cutbacks from the BC Treaty Commission, HTG has no additional funding for this review.

As well, the NMCAR review builds pressure under a much larger issue and that is the Hul'qumi'num need for a comprehensive traditional use study

(TUS), or HTG's Phase III TUS. There are still large gaps of information in the original HTG traditional use studies as those studies were not designed for referrals response purposes.

Although we have a Strategic Land Use Plan, having a First Nations comprehensive Water and Water Use Plan would permit us to engage effectively in referral response in a proactive manner.

A comprehensive water and land use plan is critical to fully understand the National Marine Conservation Area Reserve's benefits and impacts to the Hul'qumi'num and then to be able to make an informed decision.

If we could get these two projects completed - the Phase III TUS and the Hul'qumi'num LUP - we would be able to use this information for strategically responding to referrals in a timely manner.

Islands Trust Protocol Agreement

We have visited most of the communities Chiefs and Councils for reviewing the Islands Trust Protocol Agreement.

This agreement would increase the protection of not only those First Nation heritage sites that can be identified by middens, but also places that have cultural importance to our six communities in the Southern Gulf Islands. It would also make the Islands Trust more accountable to our six communities. The Agreement still has to be taken to Halalt and Chemainus for their review and those arrangements are being made by Allison Geddes. As well, it will be returned to Lyackson for additional discussion around concerns they have expressed.

The good news is that the Islands Trust have approved the Agreement in Principle, in the meantime, they are hopeful the Hul'qumi'num can agree to the protocol.

Gulf Islands National Parks Reserve Environmental Assessments

Parks Canada have regular projects they must assess in keeping with their environmental assessment legislation. Any project or activity in the GINPR likely triggers an environmental assessment from pit toilet upgrades, to campsite relocation, to finding ways to protect the shoreline from erosion.

The HTG Referrals Office reviews these projects to provide advice to the GINPR committee managed by Lea Joe.

OAS support

The HTG Referrals office assisted Robert Morales and Renee Racette in researching background information for the Inter-American petition about Hul'qumi'num human rights concerns that Canada is not addressing. It was a huge effort for the HTG office and we hope it will assist the Hul'qumi'num in getting past the stumbling blocks in treaty negotiations.

We developed a report on referrals deficiencies and issues with the referrals process. We conducted research into the number of referrals received from the various governments. We found that from May 2, 2005 to mid-October 2008, we had received approximately 1276 referrals.

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Luschiim's Testimony before the Organization of American States



**Hul'qumi'num Elder
Witness: Luschiim –
Arvid Charlie**

Testimony

Luschiim: I do affirm that the testimony I am going to give is true.

First of all, I'd like to thank the commission for making the time to listen to us. *Huy ch q'u*.

As you heard Rob say, my name is Luschiim. To us, in our community, our Indian name is very special. My great grandfather also carried the name Luschiim.

As I am told, when I was two years old, he gave me his name and also his spiritual mask or the right to use a spiritual mask, and also the responsibility to carry on our language and culture. Right about that time he started to teach me things.

He started by teaching my sister and I all the names of the plants, shrubs, trees. Some of them had several names and we had to know them because some of them are very similar to others.

You had to know which one was medicine and which one might be toxic. It is our responsibility to know these, my sister and I, because

when elders came it was our responsibility to go and get medicines for our people.

After the walks - he was feeble by this time in his late 60's and early 70's - he would rest and we had his own bed for him at our house. He'd stay for days at a time. He'd lay there and he would always put me in his right arm, the strong or proper side.

He'd be teaching me things about our territory, about our lands, and more about plants again, also our kinship.

He described many places by metes and bounds. Up to that bluff or above the bluff, over at that ravine or creek. He'd say what was there in the way of plants or maybe it's a good place to hunt or fish. I was to find these places later which I did.

One of the special places he mentioned, many parts of it, was *Pip'aam*, now called Tzouhalem mountain. There were many good places but there was also some places where you weren't too successful in hunting or gathering medicines. For hunting he mentioned the northwest end, the Oak

Meadows. There was always an abundance of deer there all the time. He cautioned us that you only go there when you really need to take home some meat, and only when you really need it because you need to save it for those kinds of time if you really need it you go straight there.

Today the Oak Meadows is a subdivision, ecological reserve, and golf course. We are not allowed to hunt there anymore. Another example is *sh-hwthiimulh*.

Sh-hwthiimulh means a place to go and gaff trout. We did this at night with torches.

This was very important because it was abundant from December to March, a time when there were not many salmon in the river. It remains a very special place.

Today that particular creek *sh-hwthiimulh*, there are houses on both sides and signs posted that trespassers will be prosecuted, in fact, it's outlawed to fish there now. If we went there we would be thrown in jail and prosecuted.

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This special place called Paldi has those kind of special qualities.

You can go there and get medicines, plants or berries.



(Continued from page 10)

So, this special place called Paldi has those kind of special qualities. You can go there and get medicines, plants or berries. There are many types there. Also, it has several creeks where we go to bathe.

I do need to explain bathing, it is a very special cultural practice for us.

We call it *kw'ay thut*. *Kw'ay thut* means you go there to physically, emotionally and spiritually cleanse yourself in preparation to receive a spiritual helper.

Those special helpers are like the wild animals and birds. If this place is disturbed too much it will be gone.

So, if this place is developed at the density that they want to put houses there all those qualities will be gone – the food, the medicines and our spirituality for a place for bathing.

Today we still practice our culture and pass on knowledge and traditions the same way my great grandfather *Luschiim* done.

In fact, that young man over there is called *Luschiim*.

He now carries the same name I carry and I have passed down the mask down to him. It will be his responsibility to carry on our language and our culture.

I also have another nephew who I also teach our language and our culture.

At home I take school walks and teach children our language and culture. With that I thank the commission for listening to our crisis.

I thank you all, *huy tseep q'u siem*.

Thank you all.

Kw'ay thut means you go there to physically, and emotionally and spiritually cleanse yourself in preparation to receive a spiritual helper.



Dr. Arvid Charlie, (*Lushiim*) giving testimony on behalf of the Hul'qumi'num Citizens to the Inter American Commission on Human Rights in Washington D.C. on October 28th 2008.



Hul'qumi'num Treaty Group

Newly Elected HTG Board of Directors

President - Cowichan Chief Lydia Hwitsum

Vice President - Lake Cowichan Hereditary Chief Cyril Livingstone

Secretary-Treasurer - Halalt Chief James Thomas



www.hulquminum.bc.ca

1-888-9-TREATY

Info@hulquminum.bc.ca

Gulf Islands National Park Reserve



Lea Joe
Gulf Islands
National Park

The key in this community consultation is getting the input of knowledgeable people and elders.



“Life of the saltwater is the greatest gift my grandparents gave me”

Uy’ skweyul. The HTG-Gulf Islands National Park Committee has embodied this statement in the approach we have taken in cooperatively developing an area plan for Portland Island with Parks Canada.

Over the past several months, we have worked with our elders to document their history and experiences with Portland Island. The elders shared many of their reflections and experiences, giving quotes such as “Everybody dug clams. My uncles used to row to Portland, took them seven and a half hours to row. There were big canoes in them days”.

They remembered longhouses on Portland Island where people from several villages camped while clam digging, gathering seaweed, or fishing.

“I used to hear them dancing at where them bighouses were, heard ‘em from Cowichan Bay. A lot of bighouses where different tribes camped there”

“My grandfather picked seaweed while fishing for ling cod and halibut”.

Although Portland was visited any time of the year, it was especially visited in spring. “Spring time is when the seaweed comes out.”

“The old people knew where the spring salmon went by the island, that’s when they went there.”

Like any island with any given resource, the old people knew when to travel and gather resources, usually by boat or canoe.

In addition to gathering marine resources, physical features of Portland Island had history. According to an elder, there is a “Flat rock that never goes dry, faces north”.

Being such an important site for resources, Portland Island was bustling with activity, sometimes with people other than our Hul’q’umi’num’ members.

One elder recounted memories of sharing the island with Hawaiian people, “near Kanaka Bluff, there were black people with Hawaiian blood.”

An area plan is devel-

oped by our Parks Committee and Parks Canada when a high level of visitor activity warrants special attention to balance the objectives of protection, education, and visitor enjoyment.

Once we have agreed on the places in the park that need an area plan, an initial draft is prepared by Parks Canada staff for review and recommendation from the HTG Park Committee.

Plans sometimes propose impacts, changes or developments to an otherwise natural environment or landscape, so our Parks Committee considers this a consultation issue and we make it a priority to consult with our communities prior to commenting on the plan.

The key in this community consultation is getting the input of knowledgeable people and elders. We did a number of one-on-one interviews and a focus group with our elders, we also organized a boat trip with two older people who had a lot of history to share about Portland Island.

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The visit jogged their memories and helped them see and remember their experiences and the uses of Portland Island.

During these interviews, we explained the proposed trails, campsites, re-routing trails, and other issues that the draft area plan raised.

This gave us the opportunity to get the elders comments on how they thought the plan would impact the cultural and natural landscape that they knew so much about.

Listening to the elders talk about Portland Island was an interesting and invaluable experience, and we think it was helpful and fun for the elders.

On the way back from Portland Island, we stopped outside of Cowichan Bay and gathered some *xixwu* as a snack for the elders.

After compiling the information from the interview, boat trip, and focus group, we

summarized the input and made recommendations to Parks Canada on behalf of the HTG Parks Committee.

Based on these recommendations and the input from other First Nations and stakeholders (such as kayakers), Parks Canada finalizes the area plan and sets their processes in motion to use and protect the area as documented in the plan.

Recommendations for the Portland Island Area Plan included:

- Avoid creating/modifying new and existing trails, particularly near archaeological sites;
- Avoid creation of new campsites and picnic tables;
- Ensure protection of cultural or sensitive sites;

Ensure that the HTG Parks Committee review any public education or interpretive material prior to their being distributed.

Recommendations for future area planning processes & outcomes:

- We recommend that more of the information shared by elders be used in designing the area plans;
- Where possible, always try to include a field orientation visit with knowledgeable people. This allows the elders/knowledgeable people to jog their memory from seeing the area firsthand, and to offer more information;

Host workshop with all neighbouring First Nations in attendance.

That way, First Nations people can hear each others views and concerns so as to avoid replicating or jeopardizing others suggestions. This also gives a unified voice to the area plan and its' intentions.

Lea Joe

Gulf Islands National Park Reserve Committee (GINPR) Coordinator



We need your help to locate missing treaty citizens. If you can provide the address or contact information of one citizen that is not on our mailing list we'll enter you in a draw to win a Treaty Board Game. Chances are good because we've got approximately 6,000 citizens and only 1,800 addresses.

To enter just call or e-mail the HTG office and provide the contact information of another Hul'qumi'num citizen (Chemainus, Cowichan, Halalt, Lyackson, Lake Cowichan or Penelakut) and you'll be entered in the draw.

Call us toll free at: 1 888 987 3289 Or E-mail: april@m-hulquminum.bc.ca

THE INFORMATION COLLECTED WILL BE KEPT CONFIDENTIAL AND USED ONLY TO KEEP CITIZENS UPDATED ABOUT TREATY. IT WILL NOT BE SHARED OR DISTRIBUTED TO ANY THRID PARTY.



The Memorandum of Understanding between Arch Branch and the Hul'qumi'num signed in the Spring of 2007 doesn't seem to be providing any relief or effective methods to stop these terrible desecrations



(Continued from page 9.)

HTG has successfully concluded negotiations to receive review funding for only one of those referrals. A few negotiations are as yet incomplete or were not completed for a number of reasons.

It is important to know that if we simply averaged out the number of referrals received per year, it would end up being 365 referrals.

There are only 365 days in a year and it takes 2.6 days to review and develop a response to one simple referral, if they were all or at all simple!

Most referrals are very complicated and require a full team to review them, which we don't have at HTG and most of our six communities do not even have one fully trained and qualified referrals response staff.

For some of our communities the Chief is directly responding to referrals on top of his or her other work for the community.

However, the average number received is misleading, because this year alone since April 1, we have received almost 365 referrals to the middle of October.

Some of our communities are currently training staff to conduct referrals response and HTG has of-

fered to host these trainees at the HTG office and to create training opportunities as well.

Archaeology

There have been a serious number of unpermitted activities coming to our attention in the last 3-4 months. It has been very hard on our communities to see these desecrations happen, with very little enforcement or concern expressed from Archaeology Branch in Victoria.

The Memorandum of Understanding between Arch Branch and the Hul'qumi'num signed in the Spring of 2007 doesn't seem to be providing any relief or effective methods to stop these terrible desecrations either.

We may need to conduct a review of the Memorandum of Understanding to see if we cannot reach an agreement to improve it to the standards of the courts.

If we cannot reach an agreement with Arch Branch then we should question whether or not it's worth maintaining.

Hul'qumi'num member First Nations

As reported in the OAS support section, more and more, the HTG member First Nations are asking

for support from the HTG Referrals Office.

We are offering on-the-job training for our communities referrals responders and other training opportunities.

So far MJ Churchill has arranged for mapping training from two different organizations, one called ICIS and the other from BC IMap program. We are hosting a series of workshops for our communities' staff on how they can review archaeology referrals and will continue to host or develop other training opportunities at HTG to help our communities.

A Quick Recap

Chemainus First Nation

Chemainus has been under a barrage of unpermitted archaeological disturbances and struggling to protect each one. George Harris has even been able to make Arch Branch staff attend an unpermitted site disturbance on a Saturday. This was amazing to hear, well done George.

Cowichan Tribes and Lake Cowichan

Cowichan has an unusual number of large land developments occurring on and affecting their communities these include Paldi, Youbou and Timberwest seeking to sell off forestry lands they've clear cut.

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All of these sites have one thing in common they are currently zoned for forestry activities.

This zoning is very important because the courts have stated that some private land uses and Aboriginal uses are not mutually exclusive and this court decision was specifically around forestry lands. What this means is if lands are currently used for forestry purposes and are privately owned, some of our traditional uses and cultural practices can still happen on privately owned lands that are currently used for forestry.

However, if these same lands become zoned for residential

purposes we may not be able to use these lands anymore. According to the courts that is an infringement of our rights and must be seriously considered by the government making the decision to change the zoning on those lands.

Lyackson First Nation

Cardale Point un-permitted archaeology site disturbance.

While Chief Rick Thomas was touring Valdes Island to make sure the island was not being vandalized, he found a new log home built on a known archaeology site and reported it to the RCMP.

Chief Thomas is insisting on the protection of this site and

HTG is recommending that Lyackson ask for a meeting of everyone involved, this includes the RCMP, Arch Branch, the CVRD, the Islands Trust and Northern Trust Planning Office and maybe even the Ministry of Transportation.

Penelakut has asked HTG for assistance and advice on a few referrals, but there are no current specific projects to report on.

Halalt has not specifically requested assistance on any referral per se, but has asked for advice on occasion.

Article by Kathleen Johnnie
HTG Referrals Coordinator.

What this means is if lands are currently used for forestry purposes and are privately owned, some of our traditional uses and cultural practices can still happen on privately owned lands that are currently used



Luschiim, Arvid Charlie and Charlie Charlie in Washington D.C. at the Organization of American States as part of the Hul'qumi'num Delegation which presented our Petition concerning the E&N Railway Lands and halting development in our traditional territory.

