



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **Standing Committee on Aboriginal Affairs and Northern Development**

---

AANO • NUMBER 078 • 1st SESSION • 41st PARLIAMENT

---

**EVIDENCE**

**Thursday, June 6, 2013**

**Chair**

**Mr. Chris Warkentin**



## Standing Committee on Aboriginal Affairs and Northern Development

Thursday, June 6, 2013

●(0850)

[English]

**The Chair (Mr. Chris Warkentin (Peace River, CPC)):** Colleagues, I'll call this meeting to order. This is the 78th meeting of the Standing Committee on Aboriginal Affairs and Northern Development. Today pursuant to order of reference of Thursday, June 6, 2013, we are referring to Bill C-62, An Act to give effect to the Yale First Nation Final Agreement and to make consequential amendments to other Acts.

Today, first up, we have the minister.

We want to thank you, Minister, for being here and for being willing to be our first witness this morning. We'll turn it over to you and then we'll have some questions for you, as we usually do.

**Hon. Bernard Valcourt (Minister of Aboriginal Affairs and Northern Development):** Thank you, Mr. Chair. It's good to be on Algonquin land this early in the morning.

[Translation]

I wish to thank you for giving me this opportunity to appear before you and talk about Bill C-62, An Act to give effect to the Yale First Nation Final Agreement.

This bill is the final step in the ratification of the Yale First Nation Final Agreement. It crystallizes nearly 20 years of negotiations, consultations, compromises, accommodations and creative solutions. This agreement represents the aspirations of the Yale First Nation people for future generations. It contains the blueprint for self governance within, and protected by, the Constitution of Canada and will provide a future free of the constraints of the Indian Act.

The bill before the House contains a number of key elements, some of which I would like to highlight today.

Yale First Nation will receive a capital transfer of \$10.7 million; \$2.2 million to promote economic development; one-time funding of \$1.4 million and annual funding of \$1.25 million to implement the agreement. Yale First Nation will receive an addition of 1,749 hectares of provincial crown land to its existing 217 hectares of reserve lands. It will control these lands by using its law-making authorities set out in the final agreement.

Yale First Nation members will have the right to harvest fish in accordance with agreed-upon allocations set out in the final agreement for food, social and ceremonial purposes in a designated area of the Fraser River. The commercial fishery is set out in a harvest agreement, which does not form part of the final agreement.

It provides for fishing licenses to be issued to the Yale First Nation by Fisheries and Oceans Canada.

[English]

Mr. Chair, some neighbouring first nations have raised concerns regarding this agreement. I will now outline the steps that have been taken to address those concerns.

Sixty-nine first nation bands and related organizations claim asserted territories that intersect with the Yale First Nation's asserted territory. In January 2008, Canada and B.C. jointly invited each one of them to review what was then the Yale First Nation agreement in principle and convey any concerns regarding potential impacts the agreement might have had on their claimed interest. The vast majority of these bands and organizations have not raised any specific concerns with the Yale First Nation final agreement.

For those who did raise concerns, consultation meetings were conducted. During the course of these consultations, several accommodations were made, including within the final agreement itself. A brief summary of those would be as follows. Concerns were raised by the chief of the Chehalis band regarding a harvest area that included the eastern shoreline of Harrison Lake. With the support of Chief Hope, the Yale First Nation harvest area was adjusted to exclude the shoreline.

Next, Spuzzum band members expressed concerns during their consultation meetings regarding the access to a provincial crown land area, Frozen Lakes, which was offered as part of the land package that would eventually become Yale First Nation land. Yale First Nation agreed to add treaty language identifying these lands as open to the public.

●(0855)

Finally, during consultation with the Stó:lo Xwexwilmexw Treaty Association and the Stó:lo Tribal Council, we heard that their claim to aboriginal rights to access fishing and cultural sites in areas that will form Yale First Nation lands could be negatively impacted by the Yale First Nation final agreement.

Further, they strongly advocated that they required unfettered access to those lands and suggested that we remove all Yale First Nation reserves north of the town of Yale from Yale First Nation lands.

Regarding the timing of consultations with Stó:lo, Canada and B.C. shared the draft final agreement with Stó:lo in April 2009 and with the remaining overlap groups in July 2009. Throughout the remainder of that year, Canada and B.C. negotiated additional treaty provisions regarding access to Yale treaty lands in an effort to balance Stó:lo concerns with Yale's interest in concluding a treaty.

After meeting with Stó:lo to explain the changes made, the revised final agreement was shared with all 69 first nation entities in January 2012. The final agreement was initialled in February 2012.

A number of accommodations have been made.

The final agreement was amended to include a unique access provision to allow "reasonable public access" to Yale First Nation lands. When concerns were raised by the Stó:lo that the grounds for reasonable access might be too subjective, the parties agreed to a further change. This included the addition in the final agreement of objective criteria by which to consider access requests.

To address a Stó:lo concern regarding the scope of access that would be considered, the parties agreed to include in the final agreement first nation traditional purposes as a basis for the exercise of reasonable access.

Finally, the Yale First Nation proposed a long-term binding agreement with the Stó:lo that details an inclusive process to identify individuals and sites where access would be agreed upon, thus allowing those individuals access and use of Yale First Nation lands without requiring them to request access. The proposed agreement also includes a dispute resolution provision. As I understand it, this offer is still available to the Stó:lo.

Finally, Mr. Chair, I would like to respond briefly to a bill amendment proposal made by the Stó:lo representative at this committee earlier this week. The proposal would place a new requirement on Yale and Stó:lo to conclude a common understanding regarding a very significant portion of Yale treaty settlement lands before those lands could form part of the treaty.

The Yale-Stó:lo disagreement has been ongoing for decades, and I have, Mr. Chair and members of the committee, no reason to conclude that it will be resolved shortly. In fact, as you all know, I'm sure, the independent mediator appointed to seek a resolution confirmed this.

The Stó:lo proposal would also cover an area where a number of current and long-standing Yale reserves are located. It is not at all clear how the proposal could address the uncertainty created by such lands, including: current Yale reserves having a conditional status; who would own and manage the lands; and how long it might take before any actual certainty in the area could be achieved.

● (0900)

Mr. Chair, this fundamental and substantive change to Bill C-62 would require the B.C. government and Yale to rewrite a five-year agreement, causing a delay of years.

The chief commissioner of the British Columbia Treaty Commission has identified how the B.C. treaty process is intended to work and that overlapping claims cannot result in a veto by one first nation

over another first nation's effort to move ahead with a modern treaty, and improve the life of their members.

Yale has incurred loan debts over 20 years of good faith negotiations and should have the opportunity to benefit from its negotiated treaty. It is time, I suggest, to move forward, not backward, and to help create greater opportunities for the Yale First Nation and others who live and work in the surrounding area.

The Government of Canada, the Government of British Columbia, and the Yale First Nation remain willing to continue the consultation process, at least up to the effective date of the final agreement in 2015.

We are willing to receive any new information not previously considered and to continue to engage with the overlapping first nations to seek a neutrally satisfactory solution.

[Translation]

But Mr. Chair, this agreement is about reconciliation with the Yale First Nation. It will bring certainty to the Yale First Nation's rights and titles, and it will provide greater opportunities for the local economy, to the benefit of all Canadian citizens, First Nation or otherwise, who live in the area. It is the foundation for rebuilding a relationship and supports the realization of a better future for the Yale First Nation.

I ask that my colleagues join with me in support of this vital demonstration of our government's commitment, and the commitment of all Canadians, to completing the unfinished business of settling treaties in British Columbia.

Thank you, Mr. Chair.

[English]

**The Chair:** Thank you, Minister.

Minister, I forgot to introduce the officials that you have brought with you: Mr. Barkwell from the department, Mr. Hamilton from the Department of Justice, and Mr. Mitchell from the Department of Finance. Thanks so much for being here and joining us as well.

We'll begin our rounds of questioning with Ms. Crowder, for the first seven minutes.

● (0905)

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Thank you, Mr. Chair.

Thank you, Minister, and thank you department officials for coming before us. As I indicated in my speech in the House last night, New Democrats will be supporting this bill, with reservations.

We heard a very eloquent testimony from Stó:lo. We have before us a treaty which has unresolved issues. As all of the briefing documents and the 1991 framework agreement, signed in British Columbia, indicate, the look is toward first nations resolving overlapping and shared territorial disputes with some assistance from the B.C. Treaty Commission, but as we can see, in this case that hasn't happened.

Although the minister is indicating it will provide certainty, I would indicate that it may provide certainty for Yale, but it will not provide certainty for communities in the area, because Stó:lo has clearly indicated that they are going to continue to push their case forward in a number of ways.

With regard to the issue around overlapping and shared territories, Minister, you referred to reasonable public access. You did talk briefly about a couple of elements around reasonable public access.

Could you elaborate on what reasonable access looks like, and why it says "public" and not "Stó:lo"? It doesn't specifically note Stó:lō access. What will happen if access is denied? What does that dispute resolution look like if access is denied?

**Hon. Bernard Valcourt:** I'm going to try to briefly answer your query.

In terms of the efforts made by the parties to satisfy or settle the dispute—let's call it the conflicting claims to Yale First Nation land—my reading of it is that Yale has made all sorts of compromises to allow this access to the public, which includes Stó:lo members.

**Ms. Jean Crowder:** Was there a reason the Stó:lo weren't specifically named in that public access? I think that's a bit of a sticking point.

**Hon. Bernard Valcourt:** Well, the agreement was modified in order to ensure that the reasonable consent could not be unreasonably withheld. There are even criteria laid out in the agreement to determine what the criteria are that must be considered to grant access. That is in the agreement.

On your other question as to the general policy on overlap, of course first nations are encouraged in the first place to settle this among themselves, but you cannot let the whole B.C. treaty process become hostage to overlap claims that cannot be reconciled. What is important is that the general provision chapter in the Yale First Nation final agreement clearly sets out that, "Nothing in this Agreement affects, recognizes or provides any rights under section 35 of the Constitution Act, 1982 for any aboriginal people other than Yale...". So they are protected.

In addition, it says that if ever a court determines that any aboriginal people have rights under section 35 that are adversely affected by a provision of the Yale First Nation final agreement, the provisions would only operate so as to not adversely affect those rights. If those provisions can also operate, the Yale First Nation final agreement would be amended to remedy or replace the provision.

**Ms. Jean Crowder:** I'm aware of the provision, Mr. Minister.

I think the challenge is that the Stó:lo clearly don't acknowledge that their rights are protected, and they have indicated that they're going to take further action. That's undetermined at this point, but the

one part of my question you didn't answer was what are the elements of the dispute resolution mechanism if access is denied.

● (0910)

**Hon. Bernard Valcourt:** Perhaps I'll ask the official to give you the details.

**Ms. Jean Crowder:** That's fine.

**Mr. Jim Barkwell (Senior Director of Negotiations, South, Treaties and Aboriginal Government, Department of Indian Affairs and Northern Development):** Okay, I'll simply touch on a few of the points.

You asked what it looks like in the agreement. The provision is in paragraph 14.8.1 in the access chapter. It allows anyone to make a request for reasonable access to Yale First Nation land, and the Yale are only allowed to refuse it on reasonable grounds. If they accept the request, they can provide a permit, or they can otherwise allow an individual to have access to the lands.

**Ms. Jean Crowder:** I'm sorry, Mr. Barkwell, are "reasonable grounds" outlined in the agreement?

**Mr. Jim Barkwell:** Yes.

**Ms. Jean Crowder:** That's fine then. They're clearly outlined so there are clear criteria for what "reasonable access" would look like.

**Mr. Jim Barkwell:** We have objective criteria set out. It's a non-exhaustive list. "Reasonable grounds" include harvesting or extracting resources located on Yale First Nation land, unless authorized by Yale law; causing damage to land or resources; causing nuisance; or endangering the safety of any person on Yale First Nation land. Those are examples of the kind of reasonable grounds that might be used to deny access.

The definition of "reasonable access" is also set out in the agreement, and it says, "temporary site access for personal recreational and non-commercial purposes" as well as a part that was added very late in the treaty process, "access for first nation traditional purposes". That particular clause was added in response to comments made by the Stó:lo treaty association who were concerned they weren't reflected in the definition that had existed previously. So we added at the end of the definition "on reasonable conditions specified by Yale First Nation law."

In terms of dispute resolution, Yale First Nation law itself may set out how that would work and what opportunities an individual who was denied access may have to challenge the denial. An individual can also use court processes to challenge a denial of access.

**The Chair:** Thank you very much.

We'll now turn to Mr. Rickford for the next seven minutes.

**Mr. Greg Rickford (Kenora, CPC):** Thank you, Minister, for being here today, and thanks also to the officials.

Minister, before I begin with my questions, I'd like to take this opportunity to acknowledge all members of the standing committee. It has been a very busy year. I would extend the opportunity for you to comment briefly on some of the hard work that's been done here at committee.

We had an opportunity on this matter to listen to representatives from Stó:lo, and I appreciated very much the B.C. Treaty Commission, which is operating in the middle of some palpable tensions concerning in particular a section of land. I took the opportunity to ask some rather technical questions about watermarks and rock points, matters that get down to those tensions in so many ways. In your presentation, you have outlined the potential and the hope for some of these matters to be resolved and the mechanisms by which they will be resolved.

However, I need to clarify the record on the basis of their testimonies just two days ago, and I want to revisit quickly a couple of points, if you'll indulge me.

First of all, the Stó:lo representatives referred to the Yale First Nation as Stó:lo. In your view or that of departmental officials, is this accurate? What is the significance of this affiliation for the purposes of the B.C. Treaty Commission process? I think it bears out in other work the B.C. Treaty Commission might do.

**Hon. Bernard Valcourt:** The B.C. treaty process permits first nations to self-identify for negotiation of a treaty and provides for interest-based negotiations. This arose from specific recommendations of the British Columbia Claims Task Force comprised of the First Nations Summit, Canada, and B.C.

The Yale Indian band is a separate band under the Indian Act. The Yale band, also known as the Yale First Nation, has self-identified as a separate entity from the Stó:lo and entered the B.C. process on this basis. So Canada respects the decision of the Yale First Nation to self-identify.

**Mr. Greg Rickford:** The Stó:lo representatives stated that Yale First Nation, in their view, had collapsed—I guess would be the best word—the remediation process intended to find a resolution to the differences as they exist between Yale and Stó:lo.

In your view, in the department's view, is this accurate?

• (0915)

**Hon. Bernard Valcourt:** The mediation process, as you may all know, is a without prejudice process, and so we are not permitted to comment on specifics.

Following the mediation's conclusion, the Yale First Nation—this is important to signal—has written twice to reiterate its desire to attain an agreement with Stó:lo groups. In its latest offer, dated January 31, 2013, the Yale First Nation proposed a 10-year binding agreement with Stó:lo groups to provide preferred access to Yale First Nation land. The proposed agreement contains provisions for a joint Yale First Nation and Stó:lo working group for renewal terms and for dispute resolution.

Yale First Nation additionally offered to draft Yale First Nation land law to address additional specific Stó:lo concerns over land disposition. In its offer, Yale First Nation wrote to extend an offer for discussions with Stó:lo groups with the aim of finding a peaceful and collaborative, if I may quote, “solution for the parties”. As I said earlier, this offer remains open.

**Mr. Greg Rickford:** That would give rise to the hope you spoke of in your speech, that there is a mechanism for and an ability of those groups to move forward without some of the difficulties that may have been suggested implicitly or even explicitly.

Following from that, the Stó:lo representatives spoke of having aboriginal rights and title confirmed by a court. In your view, is this the case?

**Hon. Bernard Valcourt:** The area Stó:lo claimed was traditional territories of approximately 1.33-million hectares. Within this claimed area Stó:lo groups have asserted aboriginal right and shared territory to the lower Fraser Canyon area. Stó:lo groups have outstanding civil claims in the B.C. Supreme Court respecting their aboriginal rights and title to their claimed traditional territory; however, no such civil claim has yet been proven in court.

**Mr. Greg Rickford:** Okay. Finally, Mr. Chair, if I have but a minute or two, these lands that were allocated to Yale under the agreement were referred to as “Stó:lo”. Could you comment on that in the context of this process and how that is moving forward?

**Hon. Bernard Valcourt:** As I just said, the area of Stó:lo claims traditional territories of approximately 1.33-million hectares, and Yale First Nation land of 1,966 hectares is located within this large geographic claimed area. Within the lower Fraser Canyon area there are also parcels of land designated to become Yale First Nation land, including Indian reserves that have been held by Yale First Nation for over a century. The largest reserve in the lower Fraser Canyon is held for the benefit of a Stó:lo group band. Stó:lo groups have asserted aboriginal rights and shared territory to the lower Fraser Canyon area, including parcels of Yale First Nation land within this area. This area is referred to by the Stó:lo as the five-mile fishery.

**The Chair:** Thank you.

Ms. Bennett, we'll turn now to you for the next seven minutes.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Thanks very much.

First, I would ask, Mr. Chair, whether there was a determination if the Stó:lo amendment was in order.

**The Chair:** Let me double-check; I believe I know the answer.

I can confirm that it was deemed to be out of order.

**Hon. Carolyn Bennett:** Thank you for being here, Minister.

As you know, we have some concerns, and I think that even in your opening remarks, where you said that the final agreement was amended to include a unique access provision to allow reasonable public access to Yale First Nation lands, like my colleague, I don't think that quite addresses what we heard here at committee on Tuesday. There are serious concerns with respect to how this bill meets the processes laid out at this time in Canada. There are serious concerns that the Department of Justice's narrow view as a strength of claim analysis, which many have called the first-past-the-post system, doesn't really deal with the overlapping shared territory issue. A sort of gentleman's agreement in terms of access or having to have permission to access is still, I think, viewed as not dealing with the issue in quite the same way as we saw with Eeyou, where there was actually shared territory out there on the map.

I mainly want to know how we go forward on this. The B.C. commissioner has sent you a letter with four recommendations, the first of which is how you assure the section 35 rights. I just want to know how you think you're going forward. There's a Senate committee report which says that the federal decision-making processes and negotiation mandates need to be revised to accord federal negotiators sufficient flexibility and authority to engage in open, genuine, and interest-based negotiations, and that the B.C. Treaty Commission should be provided with the resources to make sure they can appoint dispute resolution services or assist first nations in the resolution of overlapping claims within the B.C. treaty process.

I think the process as it is right now...even the chief commissioner was clear that the red light, green light that happens in terms of what's possible in the multiple approvals doesn't really give them the ability to do their job.

In its imperfection, this bill will go forward, but where are we going to go from here? What have we learned from this process such that this doesn't ever happen again, where something comes to Parliament without these overlapping rights being satisfactorily dealt with?

● (0920)

**Hon. Bernard Valcourt:** You raise a very significant concern. Aboriginal groups, provinces, and the private sector have long called for a more efficient and effective treaty and self-government negotiation process.

The current process, as you imply, allows negotiation to carry on for years with no guarantee of an agreement being reached, creating financial liabilities for aboriginal communities while impeding economic growth and investment. That is why in the little over three months since I inherited this exciting challenge of being Minister of Aboriginal Affairs, I have spent a considerable amount of my time trying to meet with stakeholders and the B.C. Treaty Commission, because it is critically important, elsewhere in Canada, but particularly in B.C. because of its particular situation. We are working on identifying how we can implement in an effective way what former minister Duncan announced in September, which is trying to get a process that will yield better and quicker results.

Many factors must be combined and synchronized into a new approach. That's why on my last visit to Vancouver, I committed to a review and a renewal of the comprehensive land claim policy that

hopefully will look at those four points you raised, which Commissioner Pierre mentioned. In addition, I'm hopeful that by the end of the summer the oversight committee that was created as a result of the January 11 meeting with the Prime Minister will come up with advice for the government on how we can implement a more effective and efficient comprehensive land claim policy. We're going to keep working on this and rely on the experience as you've referred to that we've had since—

● (0925)

**Hon. Carolyn Bennett:** Are you in favour of the idea of a reconciliation table where first nations would have the ability to sort these things out themselves? Obviously this is going to end up in court. Wouldn't it be better to give the B.C. Treaty Commission the resources to do the job properly such that you don't end up spending all this money in court?

**Hon. Bernard Valcourt:** I will frankly admit to you that when I look at this example, the Stó:lō and Yale first nations and the efforts that have been deployed as much at the level of the B.C. Treaty Commission as with officials and negotiators, at some point I don't know how you can reconcile these claims, but what you must not do is hold reconciliation hostage to people not wanting to agree. What is important is that at the end of the process those asserted rights not be jeopardized, and I think they are fully protected, as is shown in this agreement.

We cannot let the B.C. process or any other process in the country be held hostage to overlapping claims. The first nations themselves are going to have to work them out in the first place. How can we help? I'm ready to look at options, and if you have suggestions as to how you think we should consider options to help them solve these overlapping issues, of course I'm willing to consider them.

**The Chair:** Minister, we thank you for your time this morning. We certainly appreciate your willingness to come. This rounds off the time we've allocated for you.

**Hon. Bernard Valcourt:** Thank you, Mr. Chairman.

**The Chair:** Colleagues, we'll suspend and we'll be ready to hear from Yale First Nation next.

● (0925)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (0930)

**The Chair:** Colleagues, I'll call the meeting back to order.

For the next hour we have with us Chief Hope. Thank you so much for being with us this morning. We certainly appreciate your attending. Obviously, this is an exciting day for your first nation and it's a privilege for us to have you here this morning.

Mr. Reiter, thanks so much for joining us as well.

Chief Hope, we'll turn it over to you now for you to give an opening statement, and then we'll no doubt have some questions for you. Again, welcome and thanks so much for being here.

**Chief Norman Hope (Chief, Chief Negotiator, Yale First Nation):** Thank you, Mr. Chairman.

Minister, members of Parliament, support staff, and other parliamentarians, thank you for this opportunity to speak to you at committee. I'd like to thank you all for taking the time to study Bill C-62, the Yale First Nation treaty bill. It's been 17 years in the making, a long and expensive negotiation with Canada and British Columbia through the B.C. Treaty Commission process.

We have dealt with many difficult issues over the negotiation, but with good faith and honest negotiations. At no time did any one party attempt to make a slick deal of any sort. There was respect for negotiators around the table.

At one time we called our treaty a fish treaty because we depend so much on the fishery resource. We always have. It's a big part of our life. But we found that we can't rely totally on the fish anymore. Times are changing. We worked on this treaty with the young people in mind. Therefore, I call it "the treaty for the youth". They are the ones who will have to implement this over the next number of years, should it be approved, and they will have to live with it. We have many very capable young people growing up, coming to work in our office and other places in the community. They're very capable. I'm confident that when the time comes to implement this treaty and carry on from there, they will be able to do it.

Treaties are about land, power, and money. Certainly the land is the key issue here. We have to have water with land. We hope to harness some of that water for hydro power in the future. Other resources on the land are the timber resource, gold and other precious metals, gravel, and of course wildlife, and fish in the Fraser River. These are very important to us and the future of our people.

As for the power part of this treaty, we are working towards building our self-government. We have a constitution that has been ratified by the people of Yale First Nation. The young people I talked about will have an opportunity to build this government from the ground up. They'll have a constitution that they actually took part in to follow on all the issues that we had to deal with.

The Yale First Nation government will not have a lot of duties, but they are important to us. The government will govern our land. They will govern the fishery resource, along with the Department of Fisheries and Oceans. We will decide who can fish and where they can fish within the Yale area. I'm talking about the Yale people, nobody else. We can't suggest for a minute that we will tell anybody where they can fish, only the Yale people.

Of course we'll work with the federal government, DFO, the fisheries. The government will create a membership act on who the Yale people will be, or are. The Indian Act will disappear. I will certainly be relieved. After 34 years of being chief I found that doing business through the Department of Indian Affairs is quite slow and restricted. Self-government is great. I think it's good for us. We'll finally be able to look after ourselves.

● (0935)

As for the money, there's not a lot of money involved in this treaty. As I said, it's been a long, expensive negotiation and we do have a large loan to repay, but I'm looking forward to the economic development part of the settlement.

We would really like to provide some jobs in the outlying area, not only for the Yale First Nation people, but for our neighbours, the

non-first nation people. We look forward to joint venturing with the businesses in the communities in the outlying area. Certainly, the implementation dollars will help us get set up to work with our new responsibilities. The fiscal finance agreement will be outside the treaty.

I would like to say a few things about our neighbours in the towns of Yale and Hope, and the outlying area, the Fraser Valley Regional District. We've met many times with these groups, and they have supported the Yale treaty since day one. We have a very close relationship with the regional district, area B, and the mayor of Hope, and the small community of Yale. We work closely with them. We grew up with them, and we expect good things in the future working side by side with them.

As for the first nation neighbours, we've spent a fair amount of time dealing with them. To the north of us are the Spuzzum and Nlaka'pamux nations. We have a very close relationship with them. They're very much like us. The formation of the land is very similar. They're in the Fraser Canyon. We'll continue to get along with them. We've always had an understanding of a boundary between Yale and Spuzzum, which we call Five Mile Creek. That's always been understood. We saw no need to put it in writing, and we haven't, at least to this date. It's clearly understood that there's a boundary between Yale First Nation and the Spuzzum Indian band. They are not in the treaty process.

To the west of us, up towards Harrison Lake, we have the In-SHUCK-ch people, our neighbours. We have trails up and over the hills that come out at Harrison Lake. We've met with the In-SHUCK-ch people many times, and we've determined that we do not have overlap concerns with any of the many Indian bands of the In-SHUCK-ch.

We've also met with the Chehalis, who are up in that same direction. The Chehalis are a separate nation. They're not Stó:lo people. They're a unique group of people. We've met with them and we have agreed that yes, we do have some shared territory, but they have said they do not want to hold up the process while we make up some sort of an agreement. We will at some point make an agreement in writing on how we will share the territory between Yale and Chehalis. As the crow flies, it's not really that far.

At the moment, with the Chehalis group, we have a handshake type of agreement. We've agreed that the Chehalis people may come up and camp on our land and fish in the Fraser River. In return, they have agreed that the Yale people can go over towards Chehalis and hunt and gather plants and pick blueberries. That is a really good historical agreement, at this point a handshake, but we will put it in writing. This is the type of arrangement we would like to do with all our neighbours.

● (0940)

We have the Spuzzum to the north. We have the In-SHUCK-ch and the Chehalis to the west. To the south of us are the Stó:lo people.



The closest Stó:lo Indian band would be the Union Bar Indian band. It is a very small community. They have a river frontage like we do. They have found that they're having the same problems that the Yale are having. Many neighbours are encroaching on their land and fishing in the Fraser River. They have some really good fishing places. They have some good land to camp on. They have streams to get water from. It's a nice territory, but they have the same problems we have.

I have not been able to talk to Chief Andy Alex of the Union Bar Indian band at length about this issue, although he said he'll talk, and these are his words, "at the appropriate time". That has yet to happen, but I look forward to the day.

As for the other Stó:lo Indian bands, over the last 17 years we've attempted to meet with them. In many cases we were successful in getting a meeting, but they would not deal with the issue at hand. They wanted to negotiate with me and the Yale First Nation for our territory. Well, our territory wasn't on the table. What I was agreeable to do was to work out some sort of an arrangement for the Stó:lo people to come up and camp on our land and fish in the Fraser River. That's what I'd like to have discussed, but they would not deal with that. They wanted to negotiate some of the Yale land away from us. That certainly was not on the table.

We went through that for many years. As we concluded the negotiation of the treaty, the federal government arranged for a mediator, Vince Ready. He's a very well-known mediator. We agreed to this. For a year we attended mediation sessions to make an arrangement so that the Stó:lo people could come on our land, camp and fish, and enjoy the territory, but they had other ideas. They wanted to add on to the Yale treaty some provisions for the Stó:lo to come on our land. That was not on the table either. We would never.... It's impossible. It doesn't make sense. They wanted to add some Stó:lo clauses in the Yale treaty. That wasn't agreeable to Yale.

We found that the mediation was going nowhere. We were not agreeing on anything that would help us get along in the future. Myself, I came to the conclusion that I should be talking to the grassroots people. They're the ones on the ground. They're the ones who would be camping on our land and fishing in the river, not the grand chiefs. I don't believe the grand chiefs could have done an agreement with Yale. How could they bind 10,000 people to an agreement? I think it would be difficult. Anyway, it didn't go anywhere. The mediations stopped.

We hope to get on with concluding this treaty.

I am looking forward to questions regarding the Stó:lo in the next part.

I would like our negotiator Rob Reiter to say a couple of words about the treaty.

• (0945)

**Mr. Robert Reiter (Negotiator, Yale First Nation):** Thank you, Chief.

Ladies and gentlemen, I am legal counsel for Yale First Nation. I'm also legal counsel at several closing tables across the country on comprehensive claims.

The issues you see before you today aren't specific to Yale. In B. C., about 150% of the province is overlapped with competing claims by first nations. This is not something isolated to this treaty. What's unique about this treaty is the lobbying that was done by the Stó:lo.

I want to make it very clear that this treaty has been an exercise in compromise. We have, with respect to our neighbours, contracted our ambitions with respect to land to avoid overlaps. We have retracted our statement of claim over traditional area with respect to the Harrison so that we would not overlap with Chehalis or the In-SHUCK-ch people. We will only receive 1,966 hectares of an area that was claimed as 104,000 hectares. Of those 1,966 hectares, 266 are existing reserves. We have intentionally avoided selecting lands that about the reserves of our direct neighbours—Union Bar, Spuzzum, etc.—to avoid that overlap.

We have intentionally put in a clause, which is not found in any other treaty in Canada, that provides for reasonable access to any aboriginal group, because there are others that we overlap. That reasonable access turns on coming to do your traditional harvesting, leaving the land as it was, and respecting whatever occupants are there keeping law and order. This isn't the case right now under the Indian Act system. There's a lot of lands being abused. There's a lot of garbage. I'm told there are illegal activities. That can't go on for the health not only of the Yale, but also for the non-natives living in the valley.

This treaty is a mechanism of law to address that. It provides a small amount of land. It provides access to the general public. There are huge chunks of land up in the mountain that are open entirely to the public for recreational purposes. The only lands we would like title to are those lands that are the reserve lands. They were set up historically as reserves for us over 100 years ago through an Indian commission, exclusively for Yale. There are about 16 reserves. You really have to ask yourself why an Indian reserve commission would set up a reserve for a group of Indians. Clearly, they were the only Indians there.

There's been a lot of disruption in the Yale area. Yale was the colonial capital. The terms of union were signed there. There was a drastic influx of non-native people, and a lot of the native people who were indigenous there died as a result of exposure to smallpox, influenza, etc. The bottom line, though, is that the one main staying factor is that the Yale people are there. They're on those reserves. They weren't granted to any other Indians. Their direct neighbours, Union Bar, miles away from them, aren't claiming any of those lands. The people who are claiming them are in some cases 100 kilometres away.

You would have to ask yourself why people who are geographically that removed would be claiming lands up the Fraser River when they weren't there; otherwise, they would have been granted reserves. Their neighbours aren't claiming it. It boils down to that there aren't any reserve lands or further lands outside of the reserve system in Chilliwack or Mission. Hope is where there is a very sparse population. It's the only free lands, other than going up into the Harrison. There's great fishing there. Historically, when Simon Fraser came through in 1803, he saw two huge Indian villages, strongly guarded, which governed the fishing and salmon trade.

● (0950)

We, in this treaty, at the insistence of the DOJ and the AG of B.C., have put in a clause for reasonable access. We put it in the treaty; no other treaty has it. We tried to engage the Stó:lo for two years with a mediator. All they told us is that we are Stó:lo, which is not the case historically. Yale is not a Stó:lo. They are Nlaka'pamux; they're Thompson Indian people. They're not part of the Stó:lo, which are lower down the river system. You have a different language group, different culture. That land, prior to European occupation, was exclusively possessed by the Yale. The AG of B.C. and the DOJ have done risk analysis on their supposed claim. It is weak.

Notwithstanding that, we provided the provision for reasonable access if there are any interests and rights at all. That is not good enough for them. It has to be unlimited access, it has to be uncontrolled access, and that quite frankly undermines the whole rationale for doing the treaty.

**The Chair:** Thank you, Mr. Reiter.

I think we'll turn to questions now and try to ensure we get a few questions in at least. We'll begin with Ms. Crowder.

**Ms. Jean Crowder:** Thank you, Mr. Chair.

I want to thank Chief Hope and Mr. Reiter for coming today. I'm from British Columbia as well and I understand the challenges the treaty process presents in British Columbia. Part of it is to do with the overlapping claims and the shared territories. I live on the traditional territories of the Cowichan peoples and when Tsawwassen was signed, there were some issues around overlap and shared territories.

Chief Hope, because your nation has been in negotiations for 20 years—that's a long time—I wonder if you could make some recommendations for the committee about how the treaty process could be improved in British Columbia. That's probably not a question that you came.... I hear you say things like the department has been difficult to deal with. That's nothing to do with the staff in the department; it's about the process. If you could make it easier for another nation to negotiate a treaty, what would that look like?

**Chief Norman Hope:** Oh boy. For me it would be very difficult to answer that, but Robert Reiter has an answer.

**Ms. Jean Crowder:** You said you moved to the grassroots to look for some resolution. My understanding is you have signed at least five agreements with families around access. Could you say a little bit about that?

● (0955)

**Chief Norman Hope:** Yes, that's in the handouts I provided. We have a real minor agreement that is not binding. It's based on friendship and respect. The people from several Stó:lo communities have approached me about fishing in the Fraser Canyon on Yale land. We've signed off on a real minor agreement, a memorandum of understanding. Elder Rita Pete from Chawathil, which is near Hope...that family has fished in the same place for many years. I told the elder I'd like to see her extended family fish in that very same place for many generations into the future, as with other extended families they have met with, five in total. It's a good arrangement. They are comfortable with it, and we are as well. They keep a good clean camp.

I know there's concern about the violence and theft in the canyon and other issues, so we hope this treaty will have a positive effect on their time when they're fishing in the Yale area. In the package there are examples of the actual five agreements, but I will remind you that they're really informal and not binding.

**Ms. Jean Crowder:** Chief Hope, I think the challenge is the committee doesn't have the packages. Is that correct? We need things in both official languages so we don't actually have the document in front of us.

If I may ask you a question about the implementation, my understanding is the implementation plan does not form part of the final agreement, and that it has a term of 10 years which can be extended by both parties. Are you comfortable with that implementation plan? Other nations have had challenges with their implementation.

**Chief Norman Hope:** It's going to be a challenge, sure, but we're looking forward to that.

Take the fishery, for example. Back home we're really involved in the fishery, and we believe we could implement the fishery part with no problem, as with the finance. The young fellow in the office is very capable and we're working with a large firm to help him along as needed.

In all the areas now.... We have to create a land act. We have a constitution that we can amend if we need to. I feel pretty comfortable with being able to implement this treaty over a period of time, and in 10 years would probably be possible.

**Ms. Jean Crowder:** When the minister was before us I asked him about the dispute resolution. My understanding is that it will be within the powers of Yale to develop a dispute resolution process. I think where it falls is under the certainty of principles.

Is that correct, Mr. Reiter or Chief Hope?

**Chief Norman Hope:** Yes, we look forward to the opportunity of building a dispute resolution with the Stó:lo when we set up this proposed working group.

Do you have a comment on the dispute resolution, Mr. Reiter?

**Mr. Robert Reiter:** The dispute resolution is modelled in the treaty already. What we would do is map it onto a dispute that would arise with any overlapping first nations. That dispute resolution model is based on the B.C. commercial arbitration legislation, and it's been well used in that jurisdiction and has morphed...or been used in other jurisdictions. It's a staged approach where there is information given, mediation and arbitration, and in some cases, depending on the subject matter, it could even lead to binding arbitration. The whole point is to prevent going to court.

**Ms. Jean Crowder:** Are you relying on a tried and true model of dispute resolution already?

**Mr. Robert Reiter:** It's one that's used in the context of first nations and further afield, yes.

● (1000)

**Ms. Jean Crowder:** I probably only have 30 seconds left.

Do you have any final comments about the treaty process itself?

**Mr. Robert Reiter:** I have one closing comment, and it's about the question you posed to the minister about the solution to this impasse we face.

We've been waiting for two years. It's a drain on the community, which was poised to implement this right away. The courts have given us two major cases which, in the context of preserving aboriginal rights when third parties are developing their lands, work fine. Those were the Haida and Taku cases at the Supreme Court level. Unfortunately, first nations that are in the initial stages of negotiations are using those cases to prevent closing tables from completing their treaties. That is the main impediment to doing treaties as other first nations at this point in time.

What I've found at this table and at other tables in the Northwest Territories and the Yukon is that something more than an assertion of a right or interest in an overlap area has to be provided. That would be some sort of proof of claim, at least on a balance of probabilities, in advance of triggering a very long and detailed mediation or arbitration, which is what we're faced with in every one of these treaties that are coming before you now. Sliammon will be next; they'll go through the same process.

A mere assertion of aboriginal title or rights doesn't provide a knock-down argument that a court decision would. None of these are supported by court decisions. The mere assertion is undermining the process. There has to be some validation of those rights before you trigger the process of detailed and costly arbitration or mediation on these overlaps.

Thank you.

**The Chair:** Thank you, Mr. Reiter.

We'll turn now to Mr. Strahl, for the next seven minutes.

**Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC):** Thank you very much, Mr. Chair.

I would like to thank my colleagues on this committee. I'm not a regular member of this committee, but the Yale First Nation is in my riding of Chilliwack—Fraser Canyon, and I would tell anyone who wants to see one of the most beautiful parts of British Columbia to make their way up to Yale and the Yale First Nation territory. It's a beautiful drive. Fraser Canyon is a beautiful part of our province.

Chief Hope, it's good to see you again. Going forward, I'm sure that you look forward to spending more time in your first nation territory and less time in Ottawa.

I did want to talk to you. You would have read the testimony from the meeting on Tuesday. It's very similar to newspaper articles that have been going around in Chilliwack, Hope, and the Fraser Canyon for a number of months now, where the Stó:lo grand chiefs, while not perhaps endorsing it, have certainly indicated that there's a real threat of physical violence should the Yale treaty be allowed to proceed.

What's your reaction to that sort of provocative language? They've also struck a war council, for instance, and things like that, which we're not used to seeing in first nation to first nation relationships. Could you give your reaction to those comments and let us know what you're planning to do to ensure that your people are safe and that there isn't an unnecessary escalation in your territory?

**Chief Norman Hope:** Thank you, Mark. It's good to see you again.

I should share with the group that I saw Mark at the graduation ceremonies on Saturday in Hope. I was surprised. He was a long way from here, and he was there within 24 hours.

Regarding the violence, I don't appreciate that sort of language. It makes no sense. I don't believe that it will get us anywhere. We can't make progress when somebody makes those kinds of comments.

What I did note in the session here the other day with the Stó:lo is they were saying that they will not, I guess, attack Yale First Nation people. That's the first time I've seen that. I've always assumed that any violence they did would be towards Yale First Nation people, but they finally admitted that no, that's not the case; the violence will be directed at, as far as I could understand it, the Fisheries and Oceans officers. I'm sure they can look after themselves, but...

I'd like to share with the committee what we hope to do starting this year and into the future. We've been working on a map with the RCMP, as well as with the fisheries officers. We've put every fishing site in the area on a GPS map. We've put the trails and the fishing campsites on a GPS map. We've done that so that if there is an emergency or a problem somewhere in the area, we can direct them to the location. We would both know the area, and they could get to the problem or the emergency in a very short period of time.

We're also going to share that map with the Hope search and rescue group, the Yale volunteer fire department, and the ambulance service, so that when there is a problem the appropriate agency could go directly there. The Fraser Canyon is a really wild bit of country. There are no street lights. We only got cellphone service in the canyon this past year. There's very little...well, you're all by yourself at times, way out in the middle of the canyon.

That's what we hope to do. I think that will have a positive effect on the people who come to fish, camp on the land, and enjoy the scenery and the river.

• (1005)

**Mr. Mark Strahl:** I think the hope is that the heated rhetoric will die down and cooler heads will prevail. There's definitely an opportunity for cooperation there.

You proposed a 10-year renewable agreement for access outside the treaty process. Can you describe some of the high-level ideas you were willing to include in the proposal? What would that look like, and how has that offer been received?

**Chief Norman Hope:** We've written letters to the Stó:lo groups and invited them to take part in a working group that would include both Stó:lo and Yale people who would be knowledgeable about the fishery and knowledgeable about the outlying area, the land. We're willing to work with them and come up with a process whereby they could come onto the future Yale First Nation treaty settlement land. That's an opportunity to deal with this issue, and I hope they come to the table and work through this.

**The Chair:** Thank you, Mr. Strahl.

Ms. Bennett, we'll now turn to you for the next seven minutes.

**Hon. Carolyn Bennett:** Thank you very much. We were all concerned about the hearing on Tuesday morning as to how we go forward with neighbourliness in terms of the issue of access.

Could you explain again how you think this would work? You've said that only the Yale people would decide where they fish. The Department of Fisheries and Oceans would obviously be there to enforce some of what happens on the river. How does this work? What happens if somebody comes on to the river in Five Mile Creek and you haven't issued permission?

• (1010)

**Chief Norman Hope:** Let me start with a brief outline of the five-mile fishery as the Stó:lo call it. It's not five miles long. It's considerably shorter, but it happens to be near a creek that we call Five Mile Creek. We haven't decided what sort of a permit system we would use. If the people who did not have permission to be there were trying to barge in and remove somebody who had equipment, the people with a permit, with our permission, would have priority, if they conducted themselves in a reasonable manner, keeping the place neat and tidy. In the summertime it's hot in the Fraser Canyon and there's always concern about a forest fire. We're going to be asking people not to have fires right in the middle of the fire season. If they abide by a few simple rules, we see no reason why they should not be allowed to come onto the land.

The other point I don't think everybody's aware of is that not all the fishing area in the canyon will be Yale treaty settlement land. It'll be spotty. There'll be some crown land, and then a piece of Yale treaty settlement land, and so on up into the canyon. I attached a map for you to view. The Stó:lo use many trails and they can get down to the river and not have to cross our land. They can also reach a fishing area with a big, high-powered aluminum boat. They'll have ample opportunity to fish in the area. We have no intention of removing it in any way unless they're out of order in some way.

Does that help?

**Hon. Carolyn Bennett:** Obviously you hear from them that their having to get a permit breaches their traditional way of life. Could you explain how we fix these things going forward? There's a picture of a gravesite, and they think they have a history there. We hear what you're saying about assertion.

If you were going to design a process so the next treaty negotiation doesn't have to go through what you've been through, what would it look like?

**Chief Norman Hope:** Well, I'm glad you brought up the issue of this cemetery. Just this past week, I and some people from my community conducted a ceremony at this graveyard or cemetery in the canyon. The Stó:lo elder wanted to do this before fishing season started. That's just an example of how we're working with the grassroots people.

At least for this treaty, I think that the Stó:lo management has to work with the grassroots people, because what I hear from the grassroots people is that they have no problem with coming to the Yale office and getting some sort of document or permission to enter our land. The actual papers we have show that we worked out an agreement in a reasonable manner. Clearly, the grand chiefs are not talking to the fishers and their extended families. They're not communicating with them, the ones who are on the ground, fishing,

which is unfortunate. They seem to be fearmongering. They're saying, "It's not me saying that you're not going to be allowed on the land; it's somebody else." It's causing fear in the Stó:lo people. They are scared because they think we're going to chase them off, but that's not the case. It would be a very rare situation where we would ask people to leave and it would be because they've been out of line. They're up at the canyon stealing things or selling drugs, or maybe making a fire, which is really dangerous in the middle of the summer. They could burn down a whole territory. That's one of the main reasons we need an arrangement, so that we can manage the land and look after it.

• (1015)

**The Chair:** Thank you, Chief.

We'll go to Mr. Strahl, again.

**Mr. Mark Strahl:** I'm hogging all the time from our side today.

You mentioned the young people in your community. I want to congratulate you because you mentioned there were two graduates at the Hope Secondary School graduation. Congratulations to them and to your community. I also want to congratulate Sophie Pierre and the B.C. Treaty Commission for their work on this file and for being here again today as observers.

Something I learned throughout this process is that in the existing reserve system, it's a first nation custom that if another first nation wants to come onto a neighbouring reserve, there is already a protocol. It's considered proper etiquette to check in with the chief.

Am I correct in that understanding?

**Chief Norman Hope:** Yes, that's only right and proper; it's the right thing to do. That is a custom of sorts.

**Mr. Mark Strahl:** The issue has been that certain members of the Stó:lo have never recognized even the current reserve under the existing Indian Act.

Am I correct in that?

**Chief Norman Hope:** Yes. The reason at least in part would be that the Department of Fisheries and Oceans gave members of the Stó:lo and other native communities a licence to fish anywhere between the Port Mann Bridge and Sawmill Creek. That's a large area. But they have the opportunity to fish wherever they choose, regardless. They do not have to come to me to get permission to fish in the area.

I want to add that post the effective date, it will require two governments to manage the fishery. The Yale First Nation will govern the land. People have to either camp on the land or cross the Yale treaty settlement land. That would be the Yale First Nation's responsibility. Managing the fish would be the responsibility of the Department of Fisheries and Oceans. They're responsible for fish and fish habitat.

I believe that with some communication and work with the Department of Fisheries, we could set up and manage a very well-run, well-enforced, and well-managed fishery.

**Mr. Mark Strahl:** How many band members are in the Yale First Nation, and how many are living on reserve right now?

**Chief Norman Hope:** There are 154 Yale people. We have adopted a few through this process, but it's running pretty close to half and half. Some live in Vancouver, Toronto, and down in Seattle. I'd have to say it's about half at this time.

**Mr. Mark Strahl:** Could you give us an indication of how your people are feeling about this final step? What are their hopes for the future going forward?

• (1020)

**Chief Norman Hope:** Everybody is excited about this. These are very exciting times for the Yale First Nation. I believe they can see opportunities for the future. We're talking about economic development projects and joint ventures, with the hope of providing employment to some people who have a hard time getting a job. The area has been economically depressed for quite some time. A few jobs would mean a lot to our community.

I've been encouraging them to take some training. There are a lot of training opportunities out there. We hope to, when this comes into place, do joint ventures. With the resources we have, I think we can create jobs, especially in ecotourism.

**Mr. Mark Strahl:** Thank you very much. Again, congratulations to you and the entire Yale First Nation.

**Chief Norman Hope:** Thank you.

**The Chair:** Thank you, Mr. Strahl. Thank you, Chief.

I just want to note that we do have translation devices if you need them. If you're not good in French, you may need them for our next questioner.

We'll turn to Mr. Genest-Jourdain for the next five minutes.

[Translation]

**Mr. Jonathan Genest-Jourdain (Manicouagan, NDP):** Good day, gentlemen.

Is everything working all right?

[English]

**Chief Norman Hope:** Yes.

[Translation]

**Mr. Jonathan Genest-Jourdain:** Chief Hope, in his presentation, your legal counsel indicated that some territories covered by this treaty belong exclusively to the Yale First Nation. Chief Hope, how do you say "exclusive ownership" in your language?

[English]

**Chief Norman Hope:** I don't speak my native language at all. Throughout my life I've concentrated on getting a good handle on the English language, so I'm sorry, but I don't know my language.

[Translation]

**Mr. Jonathan Genest-Jourdain:** Chief Hope, regarding the concept of exclusive ownership, to your mind, what does exclusive ownership of territories covered by this treaty include?

[English]

**Chief Norman Hope:** All the Yale treaty settlement land will be private property post the effective date, with the exception of the Frozen Lakes area, which will be open to the public for recreational purposes. The land, being private property, will be similar, I guess, to that of anybody else, of any other taxpayer in British Columbia or Canada. Private property is their own to enjoy, with the exception of the areas that we allow people to come on. It's all subject to reasonable access.

[Translation]

**Mr. Jonathan Genest-Jourdain:** Chief Hope, does this exclusive ownership imply that traditionally—let us say 1,000 years ago—your band or nation was able to prevent other Indians from accessing these territories or to restrict access to them?

[English]

**Chief Norman Hope:** Yes, we've always protected our land. We have continued occupancy for our land.

There are stories that have been passed down from generation to generation on how we protected our land. Some are very vicious stories, where we would have a battle—this is pre-contact—with other first nations right in the Fraser River, in the rapids. There are stories like that. We have war trails that head up west towards Harrison Lake which the warriors would use to go to war. They were not easy trails that would gradually go up the mountain or around the hill the easy way. They would go up and over the mountain. The warriors would hit these trails at a run and go to whatever war was happening in the day. We have always protected our territory.

• (1025)

[Translation]

**Mr. Jonathan Genest-Jourdain:** How much time do I have left, Mr. Chair?

[English]

**The Chair:** About a minute.

[Translation]

**Mr. Jonathan Genest-Jourdain:** I have one last question for you.

In his presentation, the minister indicated that, if this treaty process was put forward, it was first and foremost with a view to reconciliation with the Yale First Nation and that it would help rebuild the relationship with that nation. That implies that this relationship has deteriorated over the years.

Has your relationship with the Canadian government and the Department of Indian and Northern Affairs always been clear sailing or has there been a certain deterioration over the past 100 or 200 years?

[English]

**Chief Norman Hope:** There was one issue that included a portion of land right in the heart of our territory. I'll ask Mr. Reiter to explain this.

**Mr. Robert Reiter:** There is an ancillary issue which has been resolved. It was a specific claim. It was a reserve that encompassed about 300 acres. Again, it was a fishing station. For some reason, due to misadministration, that land was lost in DIAND's administration throughout the twenties, thirties, and fifties. We've settled that issue.

We wanted it to become treaty settlement land, but it was given to another first nation in error. Specific claims policy only allows compensation through monetary means. The lands were not returned; however, the treaty does provide for us to access that reserve and to harvest timber and to gather other plants. That is covered in the treaty. That's the best we could do.

As I said at the beginning, treaties are a matter of compromising. You don't get everything you want; you get what works. That was sufficient for Yale. We've rested the case with Canada to our mutual satisfaction, so that issue is over.

**The Chair:** Thank you, Mr. Genest-Jourdain.

Thank you, Mr. Reiter, for coming.

Chief Hope, you maybe have a final comment.

**Chief Norman Hope:** Yes, I have one last comment.

I would like to say that since I've been chief—and I've been chief for 34 years—we have either formed good relationships with our neighbours or they already existed. For example, the people in the regional district, the Hope RCMP, and most recently, the Department of Fisheries and Oceans.... We co-manage the fishery resource with DFO. We have a very good, strong working relationship with all our neighbours. I just wanted to point that out.

Thank you.

**The Chair:** Thank you, Chief Hope, for being here today.

It may be premature and presumptuous for me to congratulate you just yet on this treaty. I don't want to presuppose what will happen here at committee, but congratulations for coming thus far.

**Chief Norman Hope:** Thank you.

**The Chair:** We will undertake to finalize the review. We'll let you know as it proceeds. Again, congratulations on the work thus far.

Colleagues, we'll suspend for a few moments, and then we'll probably go into clause-by-clause consideration.

•(1025)

(Pause)

•(1030)

**The Chair:** We'll return to order.

We have the officials joining us again from Finance and from Justice.

Colleagues, we will now proceed to clause-by-clause study.

Pursuant to Standing Order 75(1), consideration of the preamble and clause 1, the short title, are postponed until we call them at a later point in time.

It has been suggested, and I am seeking consent on this, to consider all of the clauses, from clause 2 to clause 25, together.

**Some hon. members:** Agreed.

**The Chair:** I call the question on clauses 2 to 25 inclusive.

(Clauses 2 to 25 inclusive agreed to)

**The Chair:** Shall the short title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the preamble carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill carry?

**Some hon. members:** Agreed.

**The Chair:** Shall I report the bill back to the House?

**Some hon. members:** Agreed.

**The Chair:** Ladies and gentlemen, thank you so much for your work.

Colleagues, at next Tuesday's meeting we will proceed with the consideration of drafting instructions for our analysts for the report we have been working on for some time, so prepare for that. A document from the analysts will be circulated to give some direction on that.

Colleagues, before we leave we do have the budget that needs to be considered.

**Mr. Mike Wallace (Burlington, CPC):** I so move.

**The Chair:** Mr. Wallace has moved the budget for this study.

(Motion agreed to)

**The Chair:** Colleagues, the meeting is adjourned.









Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>