

# TSAYU CLAN MEETING



8/19/2009

FINAL REPORT

This report is a summary of the 3 day community forum which took place on August 14<sup>th</sup>, 15<sup>th</sup> & 16<sup>th</sup>, 2009 at the small feast hall in the Moricetown Multiplex.



# Tsayu clan meeting

DAY ONE – AUGUST 14, 2009

## Warner Naziel – Assistant Negotiator/Researcher

- I was working for CSTC and I received a job offer for this Researcher/Asst. Negotiator position and I gave it a lot of thought. I was with my children in Prince George and had a good job. I started working as Asst. Negotiator/Researcher in November, 2008. I am committed to not wasting any time if I am sacrificing my time away from children, so the work must be valuable.
- By the end of the three day Tsayu meetings you will have an idea where you want to go in your future. I have no memory of clans getting together to discuss the strategy of their future. Our ancestors knew our territories and looked after them; they were stewards of the land and managed it for their unborn children and us.
- Warner presented Tsayu clan information on maps.
- I encourage you to share stories about the territory, history of Tsayu you have been taught
- This afternoon the Natural Resources will discuss projects on the Tsayu territories.
- Judy and I went through all of the treaty documentation, sifted through and threw away duplicate papers. We ended up with a large table with the papers filed chronologically. This amounted to \$12 million dollars over 15 years. As a result of this, we have decided to create a Distinctly Wet'suwet'en Treaty which involves the clans input and decisions on what the clans want to see what they want on their territories. What does Tsayu want to see on their territory? On Day 3 you will identify which clan members will work hard for your future.
- At the Treaty table today we discuss the Wet'suwet'en way of doing business. The governments are used to dealing with bands rather than hereditary system and do not want to sit with clan groups. We told them they knew they were sitting with the hereditary system and had to talk to the people.
- On the trip tomorrow we will be around Equity Mines and Sam Goozly. This is one of the most significant territories for the Tsayu.
- We need to find our mandate to the treaty table that mandate comes from each of the clans. You don't need to depend on someone else doing the job for you. Don't wait for OW to do something for your clan. Your resources are within your clan. With those resources, you can deal with industry. You can decide your future. It might mean setting up your office, dealing with ministries. I ask you to think about that over the next 3 days, discuss your future.
- Our Elders talk about the days when clans sat together to discuss their territories. We can now make stories for the future generation rather than hear stories.
- You will see your territories tomorrow. All of your ancestors are here.
- Warner reviewed the history of Wet'suwet'en ( attached presentation)



## Discussion

It would be beneficial for our grade 10 -12 to have access to their history.

*There is a history book being put together by Melanie Morin. Participating in events such as this will be beneficial. This will encourage them to come back to work with our people*

Why don't we collect mining taxes on Wet'suwet'en land?

*Through the natural resources and treaty, we are approaching industry for these revenues.*

At the Treaty table today we discuss the Wet'suwet'en way of doing business. The governments are used to dealing with bands rather than hereditary system and do not want to sit with clan groups. We told them they knew they were sitting with the hereditary system and had to talk to the people.

- Enbridge pipeline – they want to bring crude oil from Alberta to the coast of Kitimat. It is a question of when the pipelines burst and wipes out our salmon stocks. They want to ship the oil to Asian markets.
- I worked in Ft. Chippewa for 3 months and attended 3 funerals within 3 months of members that died from a rare form of cancer.
- We decided on this way of doing business, what do you want to see in your treaty. We can make your ancestors proud of the people working together.

## Don Ryan

- The Court case was a loss but we won on a political scale. I spent a lot of time as a witness on the land. I had problems putting together the evidence and south side was one of the more difficult ones for me. The fight we are doing is a continuation of what Warner showed you. The issues are still the same for you and what we did in the court cases.
- The treaty discussions are very basic issues. I told the chiefs I would move quickly at the treaty table to put the chapters on the table which are now on the table. We need to continue to meet to discuss those chapters. What I am seeing is that it is not going to deal with your issues.
- My involvement is to set out places where you can use your legal interests to get what you need. I can help with litigation, the court. The treaty negotiations, I've done all that and I made a decision years ago not to do negotiations but here I am. You convinced me to come back to the table and I told you 15 years ago not to do that which is why I am disappointed. You said go do the court case and we got a victory on title and rights. They told us in court your title is un-extinguished all over your territory – 100%. They also said there is an economic component to that over all your lands. That is what you got in 1997. The government wants you to give up the title and rights in return you will get something simple. Warner and I have a plan to work with you. You will read every chapter put on the table from Canada and BC and Wet'suwet'en have to respond to it.



The treaty process is not the right path for us. This process takes your title away from you.

- Treaty discussions tell you water is not on the table. If you own the bottom of the lake, you own those rights in there. You need to get involved in this and I can show you how this can be done, in courts, treaty discussions, discussions on consultation & accommodation.
- We are going to move quickly to asserting title and rights and we should move back to making a proper claim on these fronts
- There are a number of issues we cannot solve at the treaty table. Canada does not like me discussing submerged lands as you have a case here on what they have done to you. Hagwilget just got \$21.5 million. If that is the case for a rock in Hagwilget, what do you think the loss is to you?
- I am interested in discussing the forests which you will hear this afternoon. I'm not concerned about what remains, I am concerned about what is going to be here 100-200 years from now. It is a major issue; our children to come are going to ask themselves, what we did as chiefs today. Why did we not tackle these issues?
- I am excited about working with the Wet'suwet'en but this will take years. Most of us elders won't be around to see the results of the work we have started.
- I have been a negotiator most of my life. It requires 5% of my time to go to government negotiators. The big work is working with you. 80-90% must be dealt with people on the ground. If we don't do that, they will succeed in moving you off the land.
- The issues for us on the treaty table are a competing claim. You have people on the treaty table discussing these issues, and Carrier Sekanie is claiming the same thing in Prince George. The band councils are doing different things. We must sit and talk to them and bring everyone together. There will be tension on these fronts. You have a situation where pipelines and competing claims must be sorted out.
- The treaty process is not the right path for us. This process takes your title away from you. We need to be aggressive as to what we can do on the land. I can quickly take you through the treaty process. They have a formula and figure how much they will offer you in cash. Our neighbors in the Nass signed a treaty, speak to them and they will tell you the same story. \$750,000 per person is what they will offer you. When they give you that money, you will not own the land. They will also offer you land and that will be around Moricetown. They also have a formula, one section of land. They are still trying to get you off the land. I'm interested in discussing the options with you.
- The government is not sharing the rent with you they have earned through mining tax, forestry (stumpage), transmission lines. I've been pushing the government to deal with revenue sharing.
- A lot of people have fallen asleep since we did the court case. I've been away for 10 years from this area. I left to try to show other people around the province you can deal with these issues on your land and should be able to benefit from these resources. I want to move quickly and hope your will be prepared to engage in this process.
- I want to share what we do as Gitxsan. They are setting up their authority on the land. We have done all the policy for the whole tribe. We've done work on water, forest, wild life, mines and



minerals, oil and gas, those are huge areas. We are now working on regulatory regime. We are prepared to share this with the Wet'suwet'en.

- It has taken less than 1 year, we have all the chapters on the table. We want to meet with you again and discuss those chapters. By the time we finish you will see what the treaty can and cannot do. There are a lot of things it cannot do. I can barely contain myself at these sessions when I hear what the governments have to say. Warner must tone me down at times. What you hear at the table is amazing.
- You will see what your ancestors were doing on this land, it was so sophisticated. They understood the ecosystems. They were micro-ecosystem management. This is not taught in any university in the world. Look at land base, the objective was to ensure that salmon went to every household. The most sophisticated of medicines in the world is being lost and we need to change that.
- We want to see how we can work with you. We will show you all of the forums. Consultation & Accommodation, treaty, the court are all forums. This is the most important forum that allows you to come together and work together and manifests itself in the feast hall. The decision making processes you have is another institution you have. You have a form of government; it is a lot more sophisticated than what happens in parliament. It is a voluntary system and you must participate if you want it, if you don't, you will miss out.
- You will have to deal with fisheries, forestry, wildlife, caribou and industry. There must be coordinated effort by working with the clans and house groups. It cannot be solved by being in Smithers and relying on a small office doing your business or small bands. We must have a presence on the land.
- I am interested in engaging the house groups and feel this is the only way to go. We need to mobilize people on the land and have them provide for themselves. We will set out to work on this.
- I want to finish that all things are not so bad; we have done a lot of work over the years which are useful and can be used when taking these issues on. The court case, the treaty discussion, you need to use that work with people on you land base.



## NATURAL RESOURCES

### *David deWit – Natural Resources Manager*

#### Introductions made to the Natural Resources Team

It is important to note we work on behalf of our hereditary chiefs who represent our clan members. At the 1987 Delgumuukw court case, the Supreme Court of Canada recognized aboriginal title to land has never been extinguished and brings us here to today. The government and industry have a duty to consult for development on the land. We have been doing this from our department without a lot of success and we need the support of the clans.

We must engage clans, this has been a weakness in the past, and we could have done a better job if we had open communication. We need to share information we receive and get direction from the clan and this is how we can move forward. This policy allows us financial resources to research projects. The pipeline proposed goes along the Morice River and crosses Gosnell. We researched our activities in the past, trails, what impacts would there be if they dug a big hole to bury this pipe. The impacts from this hole will impact water quality and fisheries. It will open a road that hunters will use with ATV's and areas not opened before.

We had a number of community meetings to share this information with you. It is for us to look at proposals to see benefits and impacts. It is your territory and we want to stimulate this conservation to blaze a trail to the future. If projects are not approved, we are here to support you. We will support you if you agree.

Revenue sharing and joint ventures are possible but it takes everyone to work together. We cannot do it alone in our department, we need your direction. The clan should give us direction, we really need that. It is a huge territory, 22,000 sq km. We only have 5 staff but we have a lot technology that we are willing to share with clans to achieve their goals.

Maps show where government gave away mineral rights away without asking you. Along with them are water rights and private land that the government plans to sell. We need to bring this information to you. On our tour tomorrow we will show you areas around that are open for Tsayu to do something with. Also land on Ootsa Lake is owned by Rio Tinto. Yellow dotted map are home places of your ancestors. Purple lines were Wet'suwet'en highways. Over time we have been put onto reserves, been distracted on what we could be doing on the territory. We want to show you opportunities and what is being proposed.

Plantations or tree farms are being created. The shrubs underneath the trees are being brushed aside. One project is hiring berry pickers and there is a project with Woodmere where we can take seeds from berries, grow huckleberry and soap berries in greenhouses. Clans are travelling far to harvest berries. We want the clans to grown berries that suit their needs, closer to home, decide to have a cabin on the territory. If we do the work and put those berries back, we are taking ownership.

Our ancestors protected these lands in war and in court. We need to manage our lands for the future.



Cabins: It is up to clans to decide where they want cabins. Look at the home place maps, take youth out and there is potential for tourism. Our kids could be tour guides, processing berries. We are discussing possible partnership with Woodmere Nursery. Our territories were a garden, we did not have to plant them, and we utilized them. A greenhouse makes it easier to grow inside and put out on the territories. 1/2 of our territory has been logged. Industry is planning to log again. I hear the need for botanicals, devils club and berries. We want to support the stewards of the land and help it heal. A lot of trees are dying from beetle kill which shade the waters. Industry is looking at how they can make money, not what they are leaving behind. There are a lot of solutions and opportunity. We need this discussion.

On your trip tomorrow, solutions will come up. On Sunday, you will do some brainstorming ideas for your future. Those plans will provide us direction how we can work for Tsaya.

We are developing a Wet'suwet'en Accommodation and Consultation policy. Consultation to date is designed by government. It is a process where government said aboriginal title has not been extinguished. Prove to us you use the lands. We have lost a lot of information, we have information our elders have given us. Information in your names, in songs, dances at potlatches, we would like to try to enhance and promote. We need to be proud where we came from and show our youth. That is where our title comes from. With the consultation process, we need to report to clan member the proposed activities.

It will be beneficial to give us direction, coming from your hearts and Tsaya. A lot of great things can happen working together.

We use Facebook, our website, newsletters, faxes to Band offices and Friendship Centres, Bulkley Browser, CFNR and The Peak radio stations to try to communicate with the clans and invite them to the clan meetings. We need to work on sharing with our families. It is empowering the clans. Genealogy charts need to be updated. Through registrations from these meetings, we now have mail out addresses and emails. Clans need to have their own clan meetings. There are not as many feasts as there used to be. After this weekend, tell clan members what they have missed. We are open to other avenues.

## Discussion:

In 1960 a natural gas pipeline went through. Can you open up discussions on that? It goes right through the territories. CN goes through lots of territories and we should put a claim on them too.

*In late 1950/60's the first pipeline was put through before a duty to consult. At that time we were organized to take this challenge. There have been a couple of explosions due to landslides coming down. The same company wants to build another pipeline, 36" instead of 8". The Chiefs are very concerned. We are very active on that issue. The company says we will not deal with the past project but will work on the new pipeline. A 36" oil pipeline is proposed and they want to ship condensate used to dilute tar from tar sands. Our chiefs are opposed to having oil transported through the Bulkley and Morice. When there is a spill or accident, or oil tankers coming into Kitimat, there is potential to wipe out salmon stocks.*



## John Ridsdale – Referrals

- Google earth map shows Wet'suwet'en territories. Blunt creek area, shows cut block and agricultural areas. Each year we need to know what is going on the territories.
- I have 1800 referrals in my system. Our hope is you will send people to assist the OW. Our schooling with the technicians is to bring it to the people. We have requested someone with each clan, environmental monitoring assistant program at NWCC. These assistants will be out learning how to research and information will come back to the clans. Clans can decide if the project can proceed.
- We are against industry when they do not clean up their mess.
- We want more of our own people trained. It is an opportunity for youth to stay home and take care of their territory.
- We have 38 house territories we have coded and now government is using our system and recognizes our system. They accepted rights and title when they started using our maps.
- All maps displayed have been done in-house at OW
- Wind power projects, they send digital information and we overlay this information over our territorial maps.
- A lot of information came through the court case. Our department works day and night for the Wet'suwet'en people.
- Warner and Don spoke about telling the public we have a right to be on the territory. I made a few copies of an announcement we sent out (attached). It shows that all projects must be done with full consultation. David spoke of pipelines, chiefs worry if you let one pipeline in, it becomes a corridor. CN will transport this but they follow our river systems.
- All trails were one ridge above a water system. Highways were built over our trails. When transporting, our water is at risk.
- I spoke about the price of water. They are taking water tenures throughout BC. On the lower mainland it is 700 on the waterways.
- Warner spoke about land titles. We send letters and maps showing our concerns. We have Layers for moose, berries, medicines and show them our concerns and they come back they will issue the tenure anyway.
- We sent a letter to the senior land officers, province and federal. It is an important statement, we did not cede our territory, and they dismiss us and do not take us seriously. This letter says they are infringing on our rights.
- Parks: Access, can we still do our hunting and trapping, they cannot stop Wet'suwet'en traditional practices. Our aboriginal rights have not been relinquished. We need to be consulted before any projects go on the territories.
- As Tsaya, you need to tell us what to do, you need to be informed and we need to inform you.
- David Belford will give an update on mineral exploration.
- BC has a logging practice and they were logging across the lake and building roads and looking for gravel to build roads. They came across depressions and did not know at time, before refrigerators,





we wrapped our dried meats in skunk cabbage leaves and stored in holes in ground called food caches. We cooked in ground ovens. We had cache pits and ovens by Uncha Lake. BC timber sales dug up gravel and destroyed pits. We did not know if there were bones. We served a writ and sued BC timbers sales, you destroyed our cultural heritage.

- The Government likes Indians to fight amongst themselves, divide and conquer mentality.
- Our case was held up as the government said they will compensate Skin Tyee and Nee Tai Bhun to agree. That held us up. We could not go anywhere due to no unity. The case is still there but it is dormant right now. We could unite together to overcome this. We can't let government stir the ant pile and make us fight between each other. I hope in time more clan members will come as there is strength in numbers. In late 2006 we served that writ.
- We are working on a protocol agreement with these communities.

## David Belford – Minerals Liaison

The exploration of minerals, and mine development on Tsaya House territories presents challenges, threats, and opportunities to Wet'suwet'en.

The challenge for Tsaya House members is to determine which mineral resource development projects to support, and which projects to oppose as a threat to other, higher values on the house territories.

Threats can include potentially negative impacts to water, fish, wildlife, the environment and cultural values from the release of toxins, acid rock drainage, increased road access, and infringements to title and rights.

Opportunities presented by mineral exploration and mine development include training, employment, business development, and negotiating a share of the revenue generated from mine development to be deposited into the Holh Kun Trust for the benefit of all Wet'suwet'en.

Finlay Minerals Limited. is the only mineral claim actively explored in the past three years on Tsaya territories. This claim (Silver Hope) is a Silver/Copper prospect located south west of Equity Mines, on Tsa K'ex Yex (Namox) House territory.

In 2007, the company drilled 4 holes, and completed preliminary prospecting and research. In 2008, the company cleared a 15 km grid for an IP survey, and conducted geo-chemical surveys. No work plan received for 2009.

In May 2009, a public announcement was placed in the media stating that all land use, and resource development proponents are required to contact the Office of the Wet'suwet'en's Natural Resource



Department to initiate discussions leading to a Memorandum of Understanding based on the Consultation & Accommodation Guidelines.

A Memorandum of Understanding, including funding support will be required from all mineral exploration companies active on the territories for 3 years or more.

Grants in support received from companies entering a MoU will support the Natural Resources capacity to process mineral exploration and mine development applications, permits, and ensure meaningful consultation.

Consultation & Accommodation Guidelines (C&A):

The Mineral Liaison follows Wet'suwet'en guidelines for consultation and accommodation, when receiving, reviewing, and responding to Mines Act applications, and permits required by mineral exploration, and/or mine development proponents.

The Consultation & Accommodation guidelines require;

- the Crown to honor their obligation to consult on all land use and resource development on Wet'suwet'en territories,
- private sector land/resource development proponents to recognize Wet'suwet'en title, rights, inform and meet with OW – Natural Resources staff to discuss proposals.

Mineral Resource Policy:

The Mineral Resource policy developed in 2008 is based on the Consultation & Accommodation Guidelines, and governs all Crown and private sector activities Wetsuwet'en territories.

1. Mineral Exploration & Development on Tsayu House territories.

- Dj akan yex (Kweese)
  - no active mineral exploration
- Tsa K'ex Yex (Namox)
  - Finley Minerals Ltd. (Silver Hope) Silver/copper prospect located south east of Equity Mine site.
    - 2007 - 4 drill holes/sumps
    - 2008 - 15 kms of brushing for IP grid survey, Geo-chem surveys



- DJ akan Yex (Kweese):
  - No active mineral exploration
- Tsa K'ex Yex(Namox)
  - No active mineral exploration

### Conclusion:

The OW Natural Resources Department is seeking input and direction from Tsaya Chiefs and House members on their concerns, and interests related to mineral exploration activities and potential development of mines on their territories.

Opposition to mineral resource exploration, and mine development may lead to litigation with the BC government over infringement of title and rights.

Support for mineral resource exploration and development in areas already disturbed, alienated, or with minimal environmental impacts could lead to negotiation of exploration and accommodations agreements to support Wet'suwet'en training, employment, business opportunities, and negotiating revenues that will build the Hohl Kun Trust for the benefit of all Wet'suwet'en.

World demand for natural resources will continue to impact Wet'suwet'en territories in the future, and Wet'suwet'en are now in a position to determine who, what, where, when, and how Wet'suwet'en will benefit from resource development.

## Francois Depey – Provincial Parks

6 new provincial parks have been created in Wet'suwet'en territory in 2008. Chiefs supported the decision during the Government to Government (G2G) forum that followed the Morice Lands and Resource Management Plan (LRMP) in 2007. They recommended to include Wedzin Bin (Morice lake) as one of those parks as it is a very critical spawning area for Wedzin Kwa (Bulkley/Morice rivers) salmon.

The 6 parks are (in brackets: **CLAN - HOUSE / Chief**):

- Burnie-Shea Lakes (TSAYU - DJAKANYEX / Kweese)
- Atna River (GILSEYHYU - C'INIGGIT NENIKEKH / Goohlaht)
- Morice Lake (GILSEYHYU - C'INIGGIT NENIKEKH / Goohlaht & GITDUMDEN - LHUDI BIN / Woos)
- Nenikëkh - Nanika Kidprice (GILSEYHYU - C'INIGGIT NENIKEKH / Goohlaht & GITDUMDEN - LHUDI BIN / Woos)



- Nadina Mountain (GITDUMDEN - KEEXWINITS / **Gisday Wa**)
- Old Man Lake (GILSEYHYU - KAYEX / **Samoooh & LAKSILYU - GINEHKLAIYEX / Hagwilnegh**)

#### Milestones:

- 2008: The office of the Wet'suwet'en Natural Resource department requested that Parks boundaries should match Wet'suwet'en house territory boundaries as much as possible. BC government/Ministry of Environment (MOE) complied with this request for some parks.
- September 15, 2008: first meeting to work collaboratively with BC MOE/Parks on management plans for the 6 new parks.
- September 29, 2008: presentation of the project at the chief meeting.
- November 6, 2008: Park naming meeting in Moricetown – opportunity Moricetown students to get together with elders and listen to stories that could be used to rename parks with Wet'suwet'en names.
- November 25, 2008: report on parks at chiefs meeting.
- February 11, 2009: Parks meeting for all clans in Moricetown.
- March 2009: “Nenikëkh” is adopted as new spelling (suggested by Wet'suwet'en Language Authority) for Nanika park.
- May 1, 2009: presentation for Gilshhyu clan meeting at Francois Lake hall.
- Summer 2009: hiring of Karen Plasway by BC Conservation Corp for Cultural Heritage research and input in management plans.
- June 26, 2009: presentation for Gitdumden clan meeting in Moricetown.
- July 30, 2009: All clan meeting to discuss park co-management ideas at Wedzin Bin
- August 17, 2009: presentation for Tsaya clan meeting in Moricetown.

In September 2009 we plan to organize another day on the territory to go with boats to some historical fishing camps at the outflow of Wedzin Bin in Wedzin Kwa and to see the Chinook spawning dunes in the river.

We also intend to have a full day meeting with chiefs (open to clan members) to discuss various options in terms of co-management agreement with BC government based on experiences from other first nation. We would like to invite representatives of the Haida and possibly from the Champagne Aishihik (Yukon) nations.



The Logo was designed by Warner Naziel for the Natural Resources department and we now use it for this co-management project..

There has been a cabin built by people in Houston, actually located on the border between Tsayu and Gitdumden. It is a Century Cabin – BC parks asked if we want to cut pine trees and bring a small sawmill in and improve the cabin.

#### Where is this cabin?

*It is on Morice Lake, on a small arm towards Atna River by a small creek. By that place there was mining prospecting by New Moon. We drew a boundary around their claim. This claim is surrounded by 2 parks and they have no access to go there except to fly in. It is on entrance to Atna Bay. I have been there a few times.*

Another benefit from the natural resource plan is we agreed with government we should have water management to monitor the water on Morice River. It was started last year and was one by fisheries department. They collected water samples to test and monitor how the water quality is now and should exploration come in, see how it affects the water in future. Lorraine Naziel was in charge of it last year.

We need to try to find people have knowledge of this area to promote and protect it. A job was advertised for a Wet'suwet'en person to get involved in our planning and the time to work is for 3 months to spend time in the parks. If you know of anyone who has knowledge in this area, let us know. You said you had no chance to know your territories; we want elders to come with us and have a chance to go there. It can be rough weather, but it is a great opportunity to know your territory. We must find ways for the parks to benefit Wet'suwet'en people.

We encourage young Wet'suwet'en to apply for a ranger position with BC parks. We did not hire anyone due to a budget. Hopefully next week we will hire a planner and want it to be a Wet'suwet'en. 3 Wet'suwet'en of 17 have applied. We are short listing for 3 on Wednesday. We will know by next week.



Atna River is within Tsaya territory. We expect your clan to give us feedback. It is very remote. You cannot go by power boat. It is difficult to get information about that park. It does not prevent your input on what you want on that park, trails etc. It is important to get feedback as soon as next week as we have a meeting with the planning team MOE, parks and independent contractors. Public meetings will be done to have feedback on these parks. Better to express your opinions before these meetings.

Nanika – Used for by Wet'suwet'en and meaning is told it means meandering river, canoe following river. It indicates people used to have canoes there. Idea before fishing in Moricetown, leave this area and portage at bottom of waterfall, flow to Moricetown. The park is split between Tsaya and Gitdumden. We can get together with Gitdumden and yourself to come up with a plan. We have had some good experience when co-managing with the province and it is good to have Wet'suwet'en think of the decision process and get as many people from FN government, decisions are made unanimously.

Haida Gwaii had a watchman program involved in management of parks. It would be good to train people under the OW and we will have a broader knowledge than what a basic ranger has. We are exploring solutions.

NWCC offers a Watchman Program in Prince Rupert.

## Discussion:

I heard there was a problem with communication and that has been discussed at the chief table. We try to solve that by the website. The best tool we can use is website. It has been rebuilt and has a section for the Natural Resources department. Anytime we go in the territories, we will post a summary of what we have done and will inform people when we are going there.

We had a meeting in February with all clans and we committed to produce a package for everyone. I apologize we have not done that yet. Newsletters are also posted in the website.

### What is the government's view on these proposed parks?

*When we met in Moricetown there was a misunderstanding that these parks are not Wet'suwet'en parks. They are BC parks and are going to be co-managed by BC Parks and the Wet'suwet'en. At times they were close to Wet'suwet'en boundaries and asked them to adjust their heir park boundaries to meet Wet'suwet'en boundaries. The government is behind this project.*

David:

A couple of ideas for tomorrow, your clan have a lot of skills from education to economic development and you need to work together for your future. There is nothing stopping us except our own will to do something. The late leader, Sara Layton says elders gave their information, authority is there, people just have to do the work and put actions ahead.

Enjoy your trip tomorrow. There are ideas and opportunities you have been thinking about and this is the time on Sunday to do some planning. There are no boundaries, no limitations, the territory is available for your use and we want to support you with your vision and dreams for your grandchildren.



## Karen Plasway

On July 30<sup>th</sup> we met at Morice Lake. We convoyed 8 vehicles there and Mel Bazil brought the war canoe. We did an information system on collaborative management of the parks. The Parks board were there as well to answer questions. We have another event mid-September.

I have a pamphlet for you with all six parks in there which include house groups. I am gathering stories what can be included in the park planning process such as special sites, ie Moose lookout and medicinal plants. All those things count and it is your input I need to know about so it can be included in the plan but does not have to be for the public. MOE and OW will keep this information. Parks will not be accessible to public where trails may be. We require suggested Wet'suwet'en names for 6 parks. It can be a story related to the lake. If you have stories, I would like to interview you so we have this recorded and how it can be designated into parks management.

## Meeting wind-up.

Sue asked if any researchers came across a story about cleared land around Driftwood. White settlers came and claimed it as their own.

*This story came from late Madeline Alfred. We should interview for this story and have Natural Resources record it. In 1997 the fire destroyed many documents. Sue is a shining example that we have not lost the stories.*

On behalf of Tsaya clan thank you for your presentation and coordinators.

Lillian: When I go to chief meetings, I learn a lot. It would be good to have this knowledge go into schools. Almost 35 years I drove elders around the community. I told my kids, this is the only way you learn from the past, asked them questions. I notice some of the young girls here are asking questions. I thank you for bringing this.

*School District 54 is active in developing comprehensive packages, chiefs with our Natural Resources and me. This is the beginning of something bigger. We need to bring this cultural information into our schools. This is how our knowledge is passed down, verbally. We will pass this information on to the School District 54.*

We need this information about land claims etc. brought into the schools. They should make it an elective.

*Birdy is teaching FN studies for grade 12 students.*

Prayer: Delores Alfred

Dinner



# Tsayu clan meeting

DAY THREE – AUGUST 16, 2009

## Overview – Warner Naziel

Friday – Natural resources presentation

- Referral process
- Wood lot licenses
- Agricultural expansion
- Proposed mines

Saturday – Field Trip

- We made history by going out on our territory together.

Sunday – Work Plan

- Today we will speak about aboriginal rights. (Presentation on Summary on Aboriginal Rights attached).
- The Constitution Act of 1867. Section 91-24. 24 is what we focus on. The Government of Canada acknowledges there are aboriginal people with lands and rights. In BC, there are a lot of people that have not gone through the treaty process.
- We will take these concerns of the TSAYU clan to the treaty table and tell them what your clan wants to see in a treaty.
- Someone will chart your ideas and someone from the group will present your ideas to the rest of the clan.
- Be brave, don't sit back and take the cautious step. Your ancestors gave you that right to manage your territory.





- Treaty does not sound like a good idea but I'm involved in it. Our ideas for the treaty table are that we will come forth with a message from the clans what they want for their future. The MTWG may have an opportunity to sit with the clans. They are in negotiations with a hereditary system, have worked with bands for many years, a language they speak well.
- NR is interested in getting more direction as they are unsure what the clan's strategy is. This is an opportunity to discuss what is important to you.
- Organize potlatches, they will show how wealthy your land is, it is about showing your Yintah.
- Our job is to understand TSAYU concerns and explain these to the federal and provincial governments, be your messengers. TSAYU can decide what they want on their territories; you do not need the OW to do that for you. You have a lot of strong people amongst you, your ancestors did not have the OW to tell them to build cabins, and they did it on their own.
- This is not the last of our meetings. We are asking you for a plan and strategy, tell the treaty team what you want us do.
- You have a tremendous opportunity today to plan for your future. You are on TSAYU territory; listen to the spirits reminding you of what was important to them.

Where in treaty act does it say the government has the right to tell FN what to do?

*They don't have the right. We want Tsayu to exercise your right to do what you want on your territory, not to go to government for permission. This is land in dispute. To Wet'suwet'en it is Yintah. Some companies acknowledge Wet'suwet'en rights and come to us before setting up business. The government does not acknowledge this. Once clan stands up, the government will need to pay attention.*

I saw a film where native and white people together with technology and knowledge. It spoke about how native people survived and whites were then asking how the natives existed.

*When industry and government comes in and say this is how we will train people how to manage the land, the FN become way more knowledgeable as they know everything is connected on the land. We don't need scientists. It is how we understand our world. The biggest tool we use is indigenous knowledge. Natural pipeline (KSL) is proposed to go thru Tsayu territory. We know the Pembina (oil) pipeline is proposed to follow same route. Then also Enbridge has proposed a pipeline. Once the lines break, this will adversely affect our environment.*

We were exercising our right; they still restrict us by permits before buying guns. Wet'suwet'en can issue their own.

## Don Ryan – Chief Negotiator



I was honored to come out with you yesterday on the territory. When I come on your land I am moved by what I see. I'm happy to see all of you here today and encourage you all to keep working together and force the issue that is happening on the land. You have such a significant part of the territory to take care of. Yesterday that was shown to you, for some here it is the first time you have been out on your territory. It was important to stand in those footprints and the experience was very moving as it brings back memories when Wet invited me to help out. All of those things you saw were refreshed in terms of my experience. We are turning this work over to you now; it is your turn to step up to this challenge. What you hear from me and Warner is encouragement not to be afraid to do what is right. This is an honorable thing you are doing as you can see what we experienced yesterday, your ancestors passed this on to you. You will be passing it on to other generations that are not here yet.

We have proven over and over how long you have been on the land. Delgamuukw Gisdaywa court case was one way to assist you. Work done on Section 35 was done earlier than the court case. Reverse Onus is one of the secrets we brought out in the court case. There is Section 37 not here. There was a series of meetings set up between us and Canada to discuss what was inside Section 35-1. That whole conference failed as on one side of table government group said 35-1 was empty. Gitksan and Wet'suwet'en on the other side of the table said Section 35 was full and it turns out we are right. After Section 37 failed, the decision from all chiefs in Ottawa was to go to court to prove them wrong. The supreme court of Canada said to us in 1997 your title and rights flow from the occupation of the land and institutions you have created yourselves. This is your institution, the right to meet together. Your clan is an institution, names you hold are institutions, laws you have etc.

My advice to you, as we came up to the mine site yesterday, you need to exert your title and rights on that site. I am here to help you do that. You could take on the province of BC on this particular project. We could negotiation a significant agreement on behalf of this clan and house groups on this project. It should not take us long. When I was going through there I could see the massive problems that mine created and it is an infringement (you have title and rights and the government comes and impacts that right). We brought you through the mine site, down the road to the cabin below, you walk in there and you could see the infringement on that site, you could feel, see and taste it. The water has been polluted, that is an infringement. You can't drink that water at that cabin site. The spring you use there for thousands of years has been polluted. We need to change that and be involved with the correction of that. An infringement case could be done. If you don't see movement from BC and MEMPR, we go after them. The Minister should be here discussing that site. I don't trust the government nor the company. The bond they have in place is not sufficient. The bond can only last 100 years. Then who takes over from that is the big question. I feel it will take over 200 years to fix up the problem. Other projects in BC will take 1000 years. We need to tackle that and am recommending you put that on your list today.

Pipelines, I have already done work on behalf of the Wet'suwet'en and I want all clans to stand up and stop the work that will come forward on the natural gas pipeline. Just because an EA



certificate was issued does not mean the project can go forward. I said to the chiefs, don't just sit there, stand up and make noises. I like some of the things I see from the clans, putting up cabins along routes, make noise in the capital market. Just because a company got the certificate over a year ago, they have had a hard time raising money to build the pipeline. They need to raise 3 billion dollars. The money comes from around the world. Wet'suwet'en need to say to the world the certificate is not valid as we have title and rights. Asia is very nervous about putting in money as you can go to court and stop it.

Wind projects - you must be active in that process. MEMPR is the ministry to target. Energy – I recommend you tackle that. Don't be afraid, there are tons of things we can do to help you.

Forestry - I felt like a warrior in the canoe yesterday. We use the concept of the canoe in our meetings. You could see the impact of the mine and forestry practices. You need to be there to change that. You have opportunities for all clans on the territory. Those burns we drive through, take control of that. Don't let the ministry take over; you take over the management of that land. Meet with Pat Bell – Ministry of Forest and Range and discuss all of these problems you see, the plantations are in trouble. There are many diseases in the plantation of pines, fungus and pine beetle. Your ancestors always burned that area and you need to discover that. That zone must be protected. You could put a buffer zone of 5 km around that sacred site. That is inside the law.

I am encouraging you to get involved in this process. I'm hoping we can see some of the results in our lifetime. We need to be mobilizing the clan, it cannot be done by 3 treaty people, or the NR, but we can help the clan.

I have policies and agreements and Gitxsan are prepared to share that with you. I am here as Gitxsan supporting you, you are my neighbor. I am the father clan of G'oloyget and am directly related in different ways. You have something to protect, what a responsibility you have as TSAYU. You need to independent research and there are groups of people to assist you.

Don't be afraid to deal with fee simple lands. You don't have to listen to what the governments say. You can change the fees simple lands. We are prepared to assist you; we can take on highways, railroads, mining etc. We should not wait for a treaty; it is not in your interests to wait for a treaty. The governments are so lazy and I tell them that. They could barely put together a map to show fee simple lands on your territory. The logical result of the treaty negotiations is for you to reject it.

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You have a word for strategic planning – even a feast – just like the Gitksan. “You leave your house temporarily to work together, after completion, go back to your house to execute the plan.” Why are we not doing that? Why are we not on the territory meeting? You have better plans the LRMP.

Thank you for allowing me on that trip. I could hear voices of chiefs of days gone by and what we have to do to go forward. I look forward to where you want to go with this work.

[What about poachers that come on our land, go past the tracks, mill and shoot bears, take parts and leave the bear?](#)

*You need to be aggressive. People who are caught must be dealt with. All of this work is very important. Your laws you have are very specific about conduct of people, it says you cannot do that. Make people enforce that law. Take the conservation officers and RCMP and they must enforce the laws. They need to see what is happening on the territory and force them to deal with it. You have the right to catch them and tell them not to do it and if you continue to do it, you cannot come back here. You need people in the clans to be mobilized to do that.*

You can see what happens when you prove your title. You must do Reverse Onus and get ready. You can do it by political agreements, not just court but by negotiations, not treaty negotiations.

I talked about different forums you have and you have to be involved in all of those forums. This is the most important one for all of us. The court case said title & rights comes from the occupation of the land. You know all different camps and features of your territories which have been described over thousands of years and I hear you say you will continue. Institutions you have on your land, house groups, chiefs that are what the court talked about. The laws you have amongst yourself that your ancestors created thousands of years ago. 13,000 years your ancestors have been on this land. It is about sovereignty. You have the right to have your own laws, decisions on your land. You must make those decisions. I have seen in past few years you have stopped making decisions on your land. We need to reverse that. Chiefs must step up and take up this responsibility. It will not be off loaded onto me as a negotiator. I am giving it back to you. You have heard my opinion on the current treaty process, it will not solve problems you have on your house territories.

It was an honor to be with you yesterday and see what your ancestors protected to pass to you. We need to pick that up. Don't be afraid, work on this quickly. This is the 1<sup>st</sup> round of meetings. I want to come back and zero in on what the treaty can and cannot do; mostly it is what it cannot do. You need to do Reverse Onus with a lot of members. Opportunity for employment, revenue stream and we need to tackle those. We have that list for you. It has been too long the onus has been on our side, I push it back to you.



## Discussion:

In answering your question regarding Equity Mine; to the right are 2 mountains there and for years I have seen moose trail coming down every 50 feet – about 30 of them. They drink water and go up. You said a pipeline was going through there, I was thinking, is there any way we can prevent that – I call it Moose Mountain. Can we work on that together? The pipeline will be right through our moose trails.

*Warner gave you a presentation on section 35 rights and title. One of your rights is hunting and to have land base to support those animals. Those animals are reacting to pollution. We need to let the world know this, this is why you don't want the pipeline through there and do tissue samples on the moose. The outside world needs to hear your story. We find the animals are sick due to polluted water, livers are in trouble, and animals have cancer. It is a huge job for this clan to clean up this area.*

Bernie Lake Park – it takes over the whole house territory. You do an agreement with respect to that park on that house territory between yourself and the govt. If you don't they will remove you from your land. We have won many cases on parks. Treaty 8 we won on provincial and national parks. They were trying to stop hunting; cabin building and we won all of those cases. The clan needs to put together a management plan as a clan. You will see what the plan was by your ancestors. I have done those types of agreements around the province so I can help you.

This afternoon we will begin to develop a plan for your territories. I want everyone to contribute. Parks, logging, lack of habitat, re-open trails. Brainstorm and come up with your plan. Each plan has their own flavor. One spokesperson will speak to your plan to the rest of the group.

Prayer: Dan Michell

Lunch



# Tsayu Work Plan

## August 16, 2009

### FORESTRY

- Mile 38 - told clans they would not touch the area but did not consult with clan. (5years)
- There was no agreement set or signed.
- Stop logging

### MINING

- Industry does not consult with Wet'suwet'en

### CULTURAL

- Work with all other clans for strength for rights
- Build long house at Sam Goozly lake or houses on the territory
- Build fence around sacred footprints
- Re-erect the cabin at Sam Goozly
- Make trail from cabin to footprint
- We need help by all non-Wet'suwet'en
- All clan business should be open for communication
- Non-Wet'suwet'en should have permission to come into our territories to hunt & fish
- All houses are one clan, more meetings required
- Define who is Wet'suwet'en



- Set up culture camp and cook house on traditional lands
- Go back to our traditional and hereditary systems of dealing with our people, i.e. law breakers, marriage/separation, fueds. Put them to work on the land instead of prison.
- Our names should be given to the babies when they are born and therefore groomed to be ready to take on the important duties of having chief names. There should be no fighting and disputing of names, they should be earned and honoured – back to our traditional ways
- Implement Cultural laws: Law breakers, etc.
- Become positive role models to our children
- Cultural Heritage Policy
- Pit house
- Spend more time with youth teaching them history
- Change name from Moricetown back to Kyah Wiget

## Education

- History & language in schools
- Train the grade 11 and 12 students that are in school on our history and language to carry on within our Nation
- Training for our people/clans members to become guides for our territories
- Shadowing for training
- Train clan members to carry on traditions & practices
- Teach clan members technology; i.e. Facebook etc.

## WATER

- Looking for a solution to have our springs cleared and clear of any and all pollutants
- We should clean our rivers

## RESOURCES

- Want to stop poachers from entering our territories and misusing the animals for profit.
- WE SAY “NO” TO THE ENBRIDGE PIPELINE OR ANY OTHER THEY PLAN TO LAY.
- Mountains we have claims on should not be disturbed by others.
- Create instability for investors
- Wind power projects - we need to investigate further - look at footprint
- Power and roads need to be built to construct wind power



- Monetary gain from industry
- Work with other clans to have the strength of all our people to fight for our territories and rights to our lands and resources.
- From this point we would like any and all actions on our territories by Non-Wet'suwet'en people to halt!

## FISHING

- Profits of fishing for upgrading property
- Moricetown Canyon - plaques on rocks, sites were designated.
- Non-Wet'suwet'en should get permission to enter into our territories to fish and hunt. They should obtain fishing and hunting permits and the profits go to upgrading our property

## HUNTING/GATHERING

- Private property laws are insulting
- Wet'suwet'en should not be limited to certain space

## ECONOMICS/LANDS

- Duty to consult with clan before any development takes place.
- Government needs to consult with clans in regards to timber rights & forestry
- Agreements should be honoured
- We would like a % of profits from the parks and camp sites placed on our territory by non-natives
- All territories should be monitored monthly to ensure safety and respect of the land and property
- Equity Mines - discussed compensation
- Seek professionals for damages





- Train Wet'suwet'en
- Erect signs on all territories to identify where it belongs and to whom (in Wet'suwet'en language)
- The government has no rights to sell off our land (give it back). Compensation should be allocated for the prior lands that have been taken
- The mountains we have claims on should not be disturbed by outsiders.

## AGRICULTURE

Lands in dispute - not crown land  
Expansion, re-designation of land - do not allow this anymore  
Meet with farmers that have taken over our territories

## PARKS

Should be under our jurisdiction



## Summary – Warner Naziel

I am encouraged by two groups looked for solutions around development of a cultural heritage policy, fence up around footprints, trail to site, longhouse or lodge set up at Goozly Lake site.

Proposed Pembina oil and KSL on one route with Enbridge. There are a lot of proposed impacts on that territory. Our clans say we cannot collect fish from the lake, hunt moose (don't know what they are eating), beavers.

I grew up hunting and fishing and we went to Goozly Lake a lot of times. As a child I heard how rich that area was – it was a garden up there. Animals, berries and fish were there and now we now know the risks of eating the moose and fish from that Lake. Our most precious resources are contaminated. What can Tsayu do? They need to tell the OW so that from now and the next few months we can assist in protecting that part of their territory. Bernie Lake and Shea is pristine, not logging, mining but wilderness our ancestors left. Pilots that fly us in have said that if you need to protect this land, we will stand beside you. You have a chance to manage that park, create your own management strategy and show the world. It is a unique position as we did meetings with 4 other clans and they don't have the ability to protect their territory as Tsayu does.

## Summary – Don Ryan

It is interesting to see how clans respond to what we have asked them to do. Thank you very much. We will take you through the process and go through the exercise. The province made a decision to turn one of your house territories into a park. That's not bad, at least you are on same page as the province as to what you want to protect. You should take the lead on this.

Goozly Lake side – I think you are in a strong position to put a moratorium on the whole territory. It is the strongest statements you can make to the world on how you want to handle that territory. It must be lead by you. The world must hear why you want to do that moratorium. You put all government ministries on notice and tell them there will be no further development on that territory due to this situation you have. A lot of people around the area do not know what is going on there and the extent of the contamination. You must tell that story. The universities use that mine as an example of what not to do. It is a learning tool for others around the world yet you still see things being done without your consent. You can see what is left on that part of the territory which is very little. That territory has provided for your people for thousands of years. At this point, it cannot provide for you anymore. That argument alone will stop pipeline development. Your clan must tell this story. When PNG came forward I was looking for that but it was not strong enough. I am



seeing the same thing with the Enbridge project. We are doing more work and research so you can make that statement.

On Gologet territory in Smithers Blue Pearl are proposing a mine. When we presented Section 35, most you heard was about water, fishing, impact of sound and dust. There was no discussion on Section 35 as the government does not want you to talk about that. The mine will have trucks running every 26 minutes for 20 years. It will affect fisheries and we said enough – the government calls it risk assessment. It is an infringement case and it will stop the project.

I see the same thing with the Goozly Lake territory. It will take time to get this done but you should not be afraid to take this stand. It will take you a thousand years in terms of our life time but in terms of history it is not a long time. People should be aggressive to work on these projects. We are coming back to you on these issues and will continue to work with the clan to put these things in motion. We will get interesting reactions from the government on these discussions.

## Sovereignty – Don Ryan

I talked about different forums you have and you have to be involved in all of those forums. This is the most important one for all of us. The court case said title & rights comes from the occupation of the land. You know all different camps and features of your territories you have described over thousands of years and I hear you say you will continue. You must occupy your land.

Institutions you have on your land, house groups, chiefs, that is what the court talked about. The laws you have amongst yourself that your ancestors created thousands of years ago. 13,000 years your ancestors have been on this land. It is about sovereignty. You have the right to have your own laws, decisions on your land. You must make those decisions. I have seen in past few years you have stopped making decisions on your land. We need to reverse that. Chiefs must step up and take up this responsibility. It will not be off loaded onto me as a negotiator. I am giving it back to you.

Your exercise for now is you need to make a decision how you will take back those house territories and you will tell us today. I can give you all treaty chapters and study together and will take 3 days or longer. You must be committed.

You cannot sit around and talk anymore. There are fee simple lands all around. They are taking away the best parts of the land. I will show everyone how that is done. You will not let OW run consultation and accommodation. You have to do it. The C&A process comes to you in the house and clan. These are new words for lots of people and I will show you how this is done.



This is the best forum. Title and rights are held by the houses and clans. All 5 clans need to work together to protect Title & Rights.