



Kitsumkalum Band 2019 General Election, February 21, 2019

My name is Don T. Roberts; Simoogit Wiidildal Waap Lagaax Gispudwada I was born on the Tsimshian Coast in Prince Rupert Harbour, mother Mildred from Kitsumkalum / Spokechute / Ecstall / Marine Coast my dad Don J. Roberts was from the Ganhada from Kitsumkalum / Skeena River / Ecstall / Kwinita / Spokechute / Marine Coast.

My life was always around the resources with the fisheries and logging / trapping and traditional culture that's what got me here the territory of Kitsumkalum and math and science was my strong points and honest direction.

I have been involved with Council 10 years prior becoming Kitsumkalum Band Chief in 2007 to 2019. When I started was a time when other Tsimshian First Nations were trying to push Kitsumkalum out of the Lower Skeena River and Marine Coast of the Tsimshian Peninsula including Prince Rupert area, and are still trying today, but a lot less.

I learned a lot of history through my dad and mother and both sides uncles and aunts, and I was not afraid to stand up speak our Kitsumkalum history, culture and fight for all groups when others didn't understand to speak up and push back.

As a Chief I have brought Kitsumkalum message of territory title and rights to BC Ministry / Parliament House and Canada Governments on treaty tables, Transport Canada Office / PRPA, CNR, Department of Fisheries and Oceans all kinds of forms in Prince Rupert and most of all right to Metlakatla and Lax'Kw'Àlaams. Speak territory history strengthens your position along with historians and treaty team will accomplish a lot.

In the treaty world today you are going to need the land and resources to support community with some wealth with revenue sharing opportunities for our work force to make a living, we see it today all around us communities with stronger strength of claim their community opportunities are much greater.

Kitsumkalum Chief has been working with Treaty to ensure all territories are included, Skeena River and Marine Coast of the Tsimshian Peninsula, it's been an important position and knowing Kitsumkalum history with treaty team.

Now what has been accomplished and near accomplished.

- 1.) Agreement with CNR April 19, 2011 with our Rock Quarry at that time we had nothing today we have one of the largest Rock Quarries operating, we own all the rock moving equipment and rail tracks. *(You need one before you get the rest.)*

And are working a long term agreement including many other opportunities other than rock agreement January 2019, creating a lot of real good jobs for our community.

The Rail Track is important it can expand to a land container port with power and paved areas to create a revenue plan and jobs and that is what we are doing now, soon will be getting into moving wood fiber products that will expand.

- 2.) Agreement with Transport Canada / PRPA on February 15 , 2011 this agreement was for \$2 million dollars and only spend in economic area, part of the deal PRPA has to for fill a long range opportunity plan (PRPA hasn't done any part of the opportunity end yet) and when our history strength is stronger opportunities will be greater and revenue sharing. This area is all about territory and strength of claim and all resistance push back they don't want to read our history given, this will cost them later. Kitsumkalum Chief has been pushing territory message that we own Spokechute, Casey Point and Barrett Rock area and Watson Island and harvest areas, Kitsumkalum put the issue onto treaty table or a court action, PRPA – opens doors to begin talks but this time there are more eyes watching.

Once Kitsumkalum gets the recondition of our coastal and PRPA territories then we will be in a real good economic position and continuous revenue share plan for many years, very hard end with Transport Canada seems to be a slight movement forward, *(what Chief has been working at with PRPA, speaking the history, showing the elders statements, read them the written ancient Kitsumkalum history, given the Kitsumkalum Anthologist reports and geanioligy documents and all about the lands and maps.)*

3.) When I started as Chief in 2007 Kitsumkalum had only the core lands then got Dr. Jim McDonald to research more support to Kitsumkalum territory elders statements and where we are today why we are living in places on lower Skeena River and Marine Coast of the Tsimshian Peninsula, then a consultation map was drawn and supported by BC Government December 17, 2013. Kitsumkalum use this map and speak the history to it that allowed more consultation and accommodations for Kitsumkalum. (*Kitsumkalum territory consultation map and BC December 17th, 2013 attachment, need one before you get the rest*)

Fall 2018 now BC government allows Kitsumkalum revenue forest sharing throughout entire consultation map and that will end up to be revenue sharing on all resources, very good direction, and this map will be adjusted true with the treaty and be legislated protected.

All BC – LNG industries have to consult and accommodate Kitsumkalum if they are in the Kitsumkalum map area, CNR, PRPA and coast shipping.

Royal Proclamation of 1763 recognizes aboriginal title and rights to lands then got tested in Canada Courts many smaller courts but five are the big test a First Nations needs to own lands in BC / Canada.

Impacts Benefit Agreements (IBA) are directions from the Supreme Courts of Canada, and F/N don't have a given veto, IBA are accommodated to the First Nation who own Title and Rights to the lands, these major five courts are **(1)** Nisga'a Calder Case - 1973 **(2)** Sparrow – 1990 = Section 35 **(3)** Delgamuukw – 1997 **(4)** Haida / Taku -2004 and **(5)** Tsilhqot'in Nation – Williams Lake – 2014 – Communal Hereditary Title and Rights (*you don't have rights or (IBA) if you don't have title to lands.*)

Then IBA are accommodated based on strength of claim to territory the higher strength the higher revenue the lower the less to nothing based on claim and Canada and BC will try hold you as low as possible, you need to talk Kitsumkalum territory with other Tsimshian F/N and both BC and Canada and on the spot most times, a lot of serious overlap lands and ocean harvest issues at play right now in the Tsimshian Nation.

IBA with CNR, PRPA / Shipping, BC – LNG, Energy these are all important to BC / Canada, some we don't want but they'll do regardless they'll have to pay on strength of Claim it's the law.

Kitsumkalum is under Department of Indian Affairs Canada (DIA) they cover just the necessities water, sewer, first road into a street, housing, Canada Health, School, bare bones social living, DIA doesn't cover paving streets lowest priority unless they move it, I drove DIA – RDG last July through all the pot holes on road to try push paving.

IBA subjects entered during negotiations (Neg.) with Government once reached a First Nations understanding of territory Title and Rights.

- One Neg. BC for Billy Bong land yard for Kitsumkalum Government Office complex, department store and back land housing.
- Kaien Island land at Miller Bay site for Kitsumkalum Coastal Village, *(BC letter attached.)*
- Kitsumkalum start paving all roads now that DIA doesn't cover *(part of agreement given already.)*
- PRPA / CNR partnerships on Kitsumkalum coastal territory share of revenue and job opportunities, PRPA still working with their issues.
- BC – LNG agreements revenue plan. *(at term neg. stage)*
- LNG – Canada – Kitimat agreement revenue plan, *(at work beginning now.)*
- Still Neg. Kitsumkalum coastal lands Casey Point, Barrett Rock, Watson Island, Ridley Island and common territories including harvesting areas.

Kitsumkalum has been holding back on LNG business around Skeena Flora Bank area due to fish habitat and other locations in Prince Rupert Port Authority they claimed Kitsumkalum had no claim and we didn't support until, Kitsumkalum lost out revenues.

LNG – Canada – Kitimat we signed the agreement read out at the November 23rd 2018 Kitsumkalum AGM, and still Neg. with BC – LNG. Most F/N has signed LNG agreements all around Kitsumkalum with a lot of gain and revenue and job opportunities as we all see and hear, due to the IMPACTS for the better interest of Kitsumkalum younger generations and people today it would be an irresponsible person to ignore now and leave our younger generation behind other F/N groups, and ignore the IMPACTS to us all.

4) Kitsumkalum General operations,

Kitsumkalum Community Comprehensive Policy, structured with community members and legal advisors, community policies accepted by referendum vote, Conflict Policy, Corporation structure Policy and Kitsumkalum Financial Policy. All Kitsumkalum owned operations will be managed under Kitsumkalum Compressive Policies. All Policies are now in power by Kitsumkalum Band Council from May 2017, there will be a MNP training period starting from March 2019.

Kitsumkalum logging company only “Kitsumkalum Venture Limited” is under an old policy and will be required to structure itself under the new policy.

Kitsumkalum working almost two years on the Land Code with IR lands at the moment and could be adopted to all lands and treaty lands, this puts all the decisions with Kitsumkalum instead of Department of Indian Affairs making decisions this is near community vote this spring 2019.

Kitsumkalum Tsimshian Constitution – lands – heredity system – community – the law of the lands – treaty process underway.

These Policies are some key areas going into self-government structure protect us both ways fair, rather than being self-centered.

5) Kitsumkalum Development Corporation all business and partnerships will be managed there.

6) Kitsumkalum new school in progress with DIA paper work it is in the DIA verbal move forward stage now the school will eventually be built across the street from Tempo.

7) Kitsumkalum streets, parking lots, driveways, paving prep this spring and hopefully all will be paved by fall 2019, dollars bargained from LNG operations, paving will be done in house to save dollars with corporation.

8) Kitsumkalum housing has traditionally been just with CMHC – 2019 will be another set of housing built, has been a huge increase subsidy dollars on first home IR purchasers and this past year BC housing will allow dollars to housing on Res. lands now, Neil is the housing manager.

9) Kitsumkalum new office complex, land called Billy Bong yard is being bargained with BC dollars across Kitsumkalum River, once we got that then can plan the office, and other business. *(Originally started at coast dollars to be fair)*

10) Kitsumkalum will be in neg. with Canada Feds to gain back our ancient coastal villages at Casey Point, Barrett Rock and Watson Island Dzagaedil's Kitsumkalum strength of claim history will be most important tool forward, today it's all PRPA we have been pounding on their door, they know we are coming to deal with them.

11) In Neg. now is Kitsumkalum harvesting rights comes only with Title Skeena River and Marine Coastal of the Tsimshian Peninsula our history will be important as other F/N still think Kitsumkalum isn't coastal people yet, Chief and Treaty Team only statement Kitsumkalum owns territory at Tsimshian Coast we will deal with it at treaty or if forced to we will deal with in Canada Courts.

12) Kitsumkalum Fish and Wildlife has been growing all with grant dollars out there partnerships and they have been facing the same opposition message about strength of claim issues we haven't gained any F/N recognition but we have some gain on BC and Canada grant recognition to support some of the programs. Fish and Wildlife Department focus is building capacity management and environmental issues Projects, rivers / streams and coastal areas, food fishing programs salmon and ground fish.

13) Maintenance Department work – water / water tower, sewer and road repair maintenance, snow removal and infrastructures village management, in the process of getting a new tractor plow excavator supported by IBA sources funds. In the near plan with DIA is to build a new water tower higher up the mountain to accommodate new housing division that is already surveyed out.

14) Education and training departments there is three. Health Department and Social Department these will all gain extra with IBA agreements you need your resources to help support the short falls DIA doesn't provide.

In closing I thank you for the years I've been elected as Chief to represent you all, it's been a long fight on the Tsimshian land overlap question I started out near the bottom of a mountain and now near the top the hardest part, I'd like to finish the job, two years ago when considering two incidents a Sigidmhana'nax and an elder spoke finish the job.

Nt'oyaxsism

KITSUMKALUM



Territory

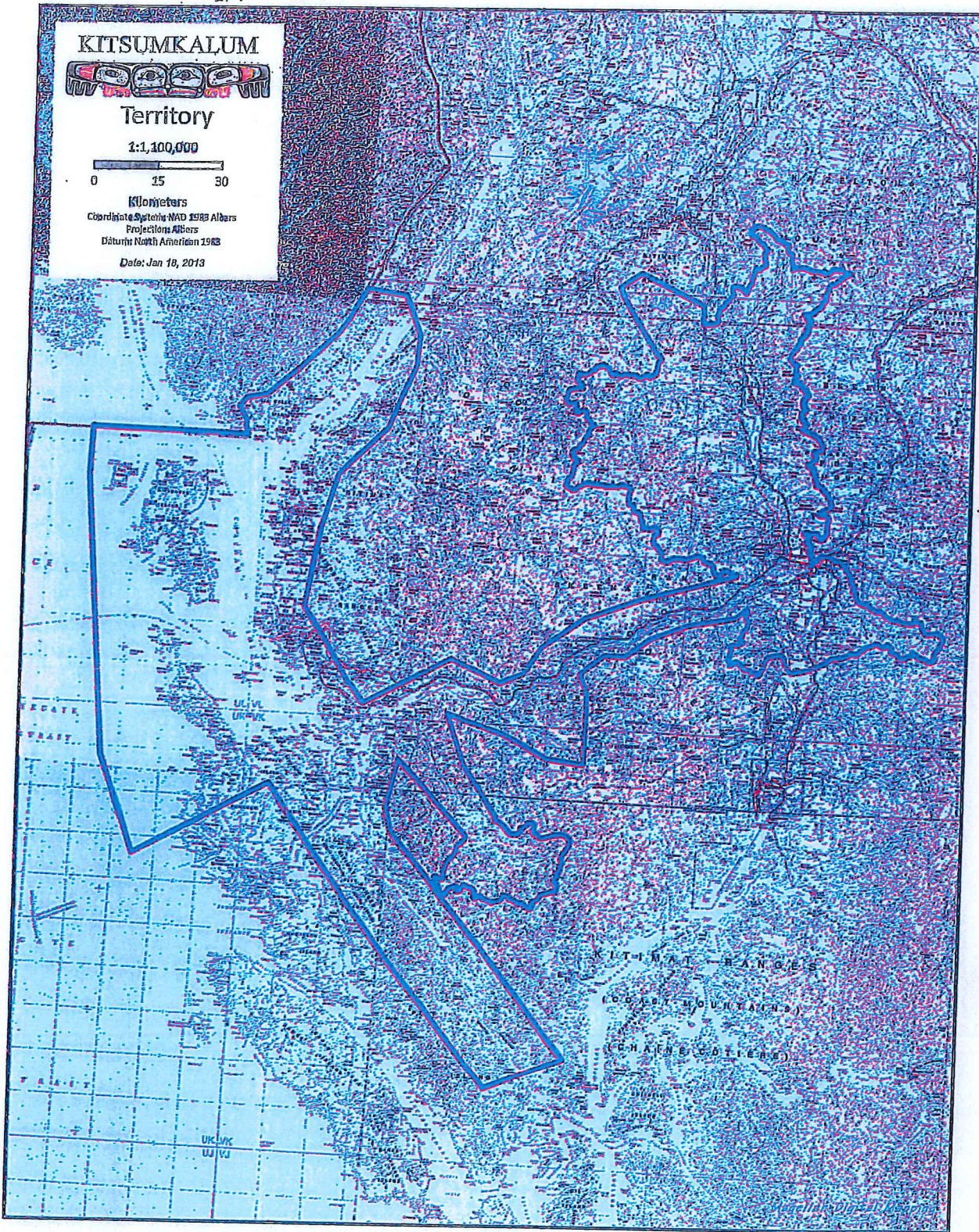
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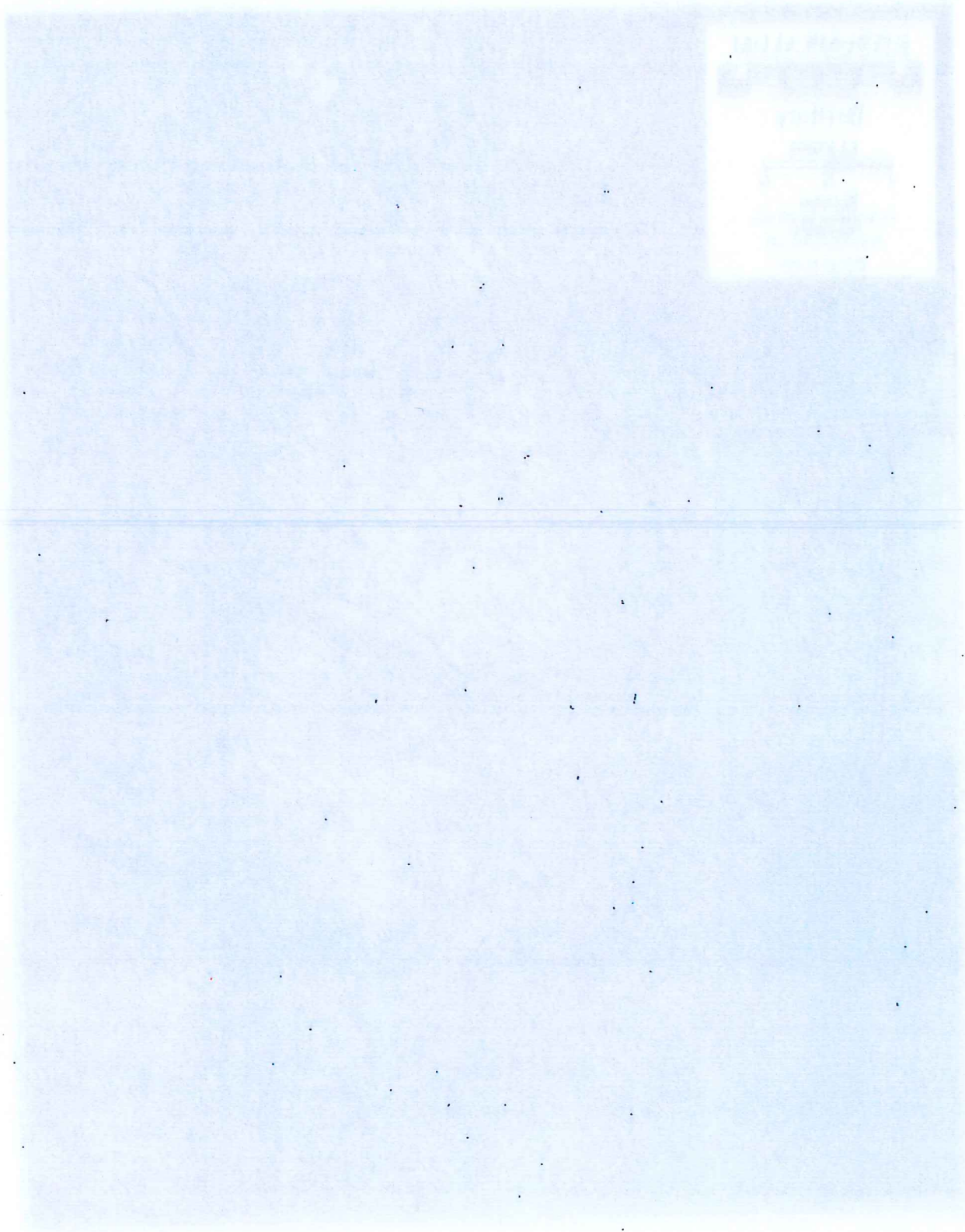


Kilometers

Coordinate System: NAD 1983 Albers
Projection: Albers
Datum: North American 1983

Date: Jan 18, 2013





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File Number: 25000-25/Kitsumkalum

December 17, 2013

Chief and Council
Kitsumkalum First Nation
PO Box 544, Terrace, BC
V8G 4B5

Dear Chief Don Roberts:

Thank you for your letter of November 22nd verifying the Kitsumkalum boundary to be used by the Province for consultation purposes. **I am writing to confirm that the Province will rely on the 2013 map as the consultative boundary for Kitsumkalum going forward.** I have received shapefiles from your office and will ensure that the new boundary is uploaded into the Province's Consultative Area Database.

Please note that any Forest Consultation and Revenue Sharing Agreement (FCRSA) renewal negotiations are a separate matter and updating CAD will not change the current FCRSA. As was the case with the previous boundary change, we are requesting your authorization for the Province to share the new Kitsumkalum boundary with members of the public, particularly proponents. The Province encourages Kitsumkalum to share the new boundary with neighboring First Nations at your discretion.

Thank you for your patience through this process.

Yours truly,

Linda Robertson
Manager, Skeena Region

cc: Steve Roberts, Kitsumkalum Band Manager
Rina Gemeinhardt, Consultation Referral Specialist
Alex Bolton, Treaty Negotiations
Mark Loffhouse, Chief Negotiator, MARR
Robert Leece, Senior Negotiator, MARR



October 12, 2018

Ref. 45897

Chief Councillor Don Roberts
Sim'oogit Wiidildal, Waap (House of) Lagaax
Kitsumkalum Indian band
PO Box 544
Terrace BC V4G 4B5

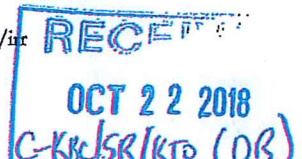
Dear Chief Roberts:

As requested, this is to confirm the discussion that we had on September 27th regarding the interests of Kitsumkalum First Nation ("Kitsumkalum") in the Miller Bay lands.

I acknowledge that Kitsumkalum has indicated it has a strong interest in acquiring the parcel of land at Miller Bay and the importance of addressing this interest in Kitsumkalum treaty negotiations. Given this interest, I have instructed my team to undertake the background work necessary for the Province to seek the internal approvals required to be able to formally include the lands at Miller Bay in our negotiations. As I noted in our discussion, we have now initiated the internal review of the Miller Bay parcel with provincial ministries, which represents an important step in the provincial approval process. We will also be required to initiate consultation with other First Nations and engagement with external stakeholders such as local government.

I want to emphasize that the Province's ability to include the Miller Bay parcel in any agreement is subject to a number of required actions including: completion of internal provincial analysis, addressing any existing interests in the lands, receipt of necessary approvals, fulfilling our legal obligations to consult with other potentially affected First Nations, and completing our engagement with external stakeholders. We will continue to update you on the status of this work and inform you of any challenges or issues that may arise.

As I have previously noted, the Province's ability to include the Miller Bay lands in Kitsumkalum treaty negotiations is subject to the outcome of required consultation with other potentially affected First Nations. In my view, Kitsumkalum's assistance in resolving the potential concerns of other First Nations with respect to the inclusion of these lands in our negotiations will be critical as we move forward and may assist us to



avoid conflict and delays. My hope is that if we work together on this interest and are able to satisfy the conditions that I've set out above, **we will be in a position to address the Miller Bay parcel in our next treaty land and cash offer.**

Sincerely,



Mark Lofthouse
Chief Negotiator

pc: Gerald Wesley
Chief Negotiator
TFN Treaty Society

Alex Bolton/Sm'oogyit Hataxgm Lii Mideek, Waap Lagaax
Treaty Negotiations
Kitsumkalum Indian Band

Mark Stevenson
Mark L. Stevenson & Assoc.

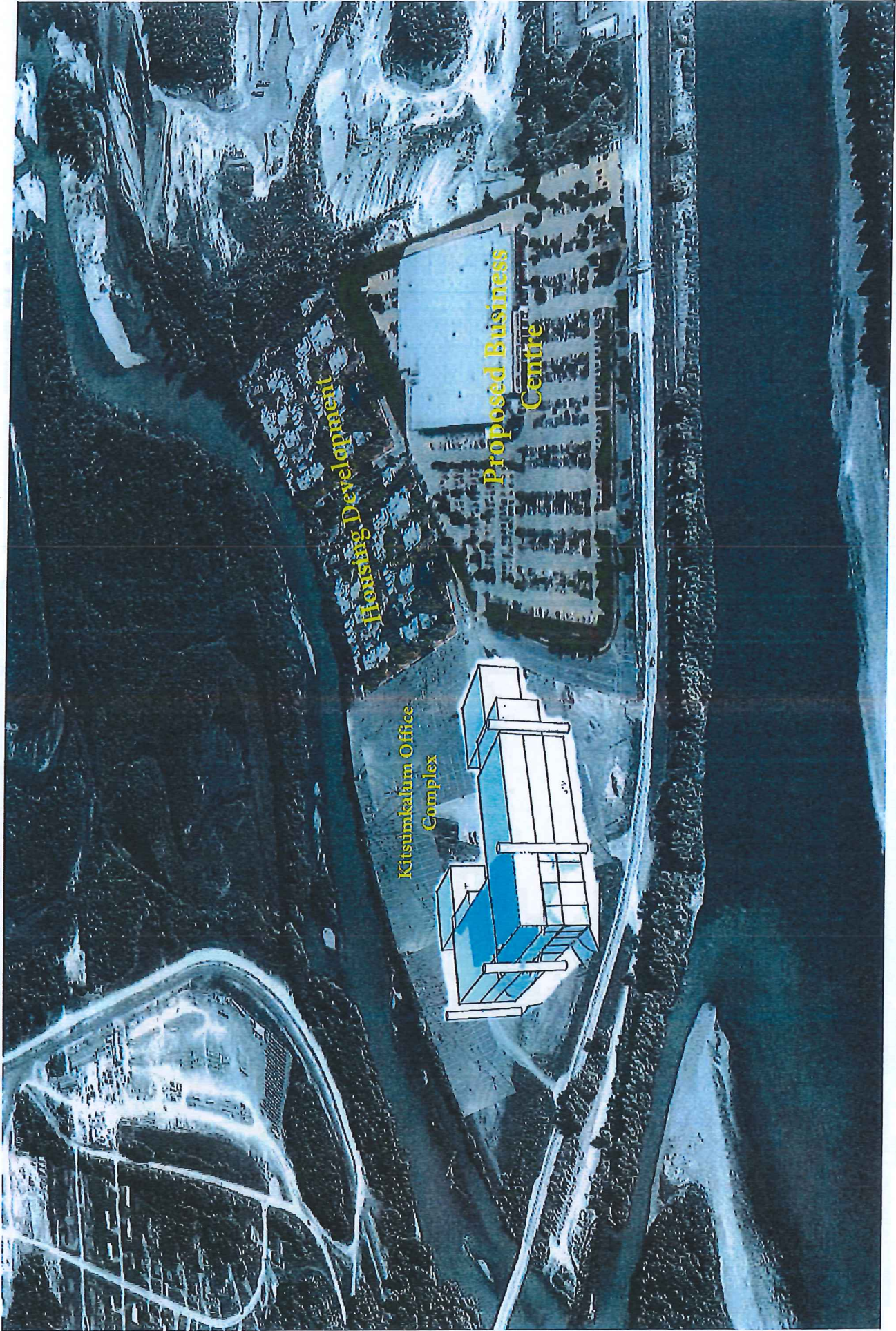
Frank Osendarp
Chief Negotiator
Government of Canada

Sarah Clayards
Negotiator
Ministry of Indigenous Relations and Reconciliation



Boat Launch

Kitsumkalm Proposed Miller Bay Treaty Land for
Kitsumkalm Village






Logistics Opportunity


Kitsumkalum economic development group

February 7, 2019



What is the opportunity?

- ▶ The Kitsumkalum Logistics Park was an idea brought to my attention by Chief Don, due to the changing local market
- 1. Prince Rupert's port is the second largest on Canada's West Coast and the closest North American port to Asia and has been expanding its capacity since 2011 by over 500,000 TEU (20 ft Equivalent Unit).
- 2. The LNG Canada Project Announcement means a rare opportunity to secure tenants both short term and long term

An aerial photograph showing a quarry and a logistics yard. The quarry is a large, excavated area with several distinct pits and a network of roads. The logistics yard is a large, paved area with numerous buildings and structures. A road runs through the center of the image, connecting the quarry to the yard. The labels are in a light blue color.

Kalum Quarry

Logistics Yard

Access Road to WKFSR

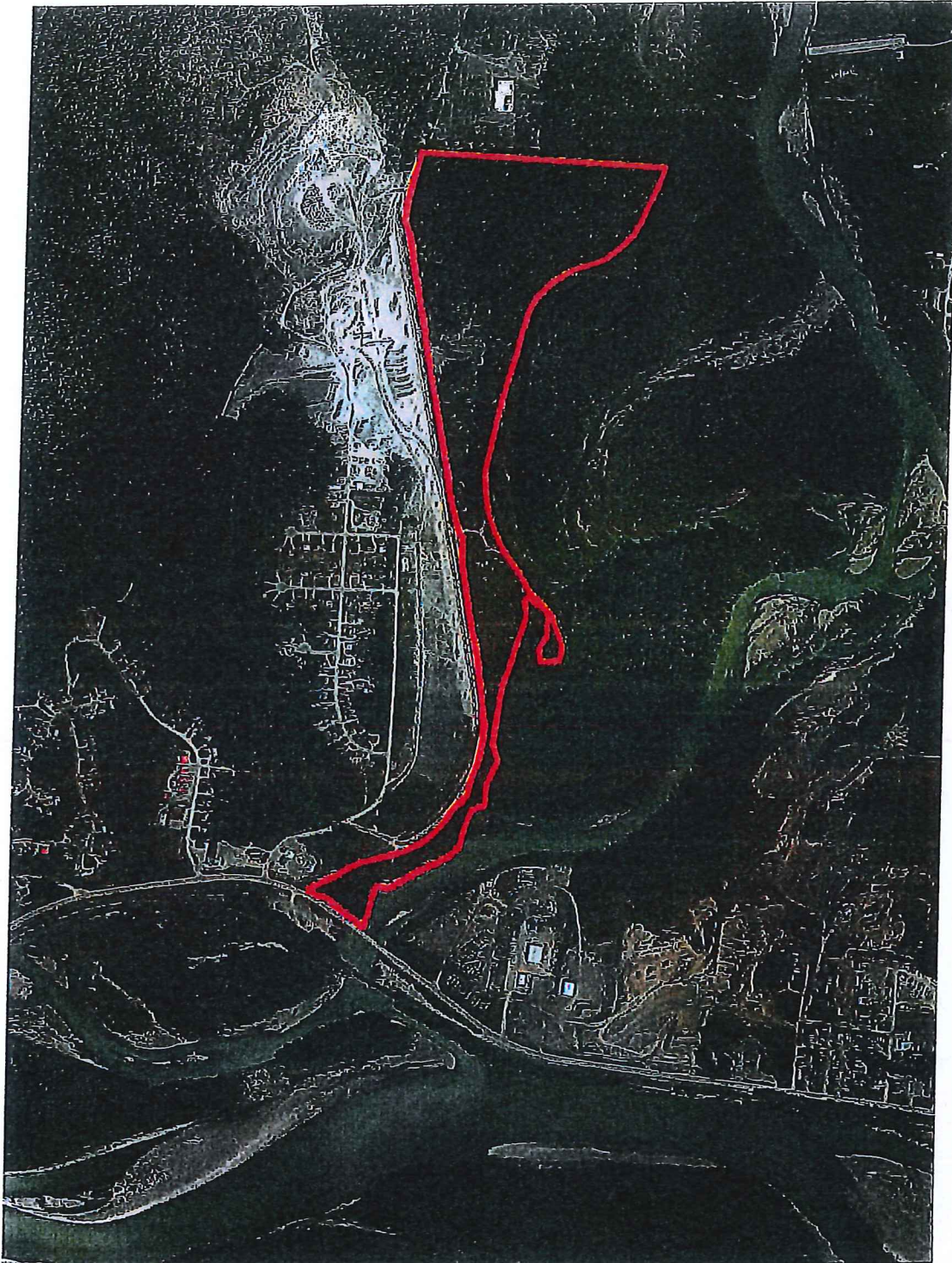


Figure 4. Overview Orthophoto of Kitsumkalum Logistics Park (current condition) showing timber to be cleared at north and south ends of the site, and timber along the Kitsumkalum River backchannels that will be retained in 30 m setback RMZs.

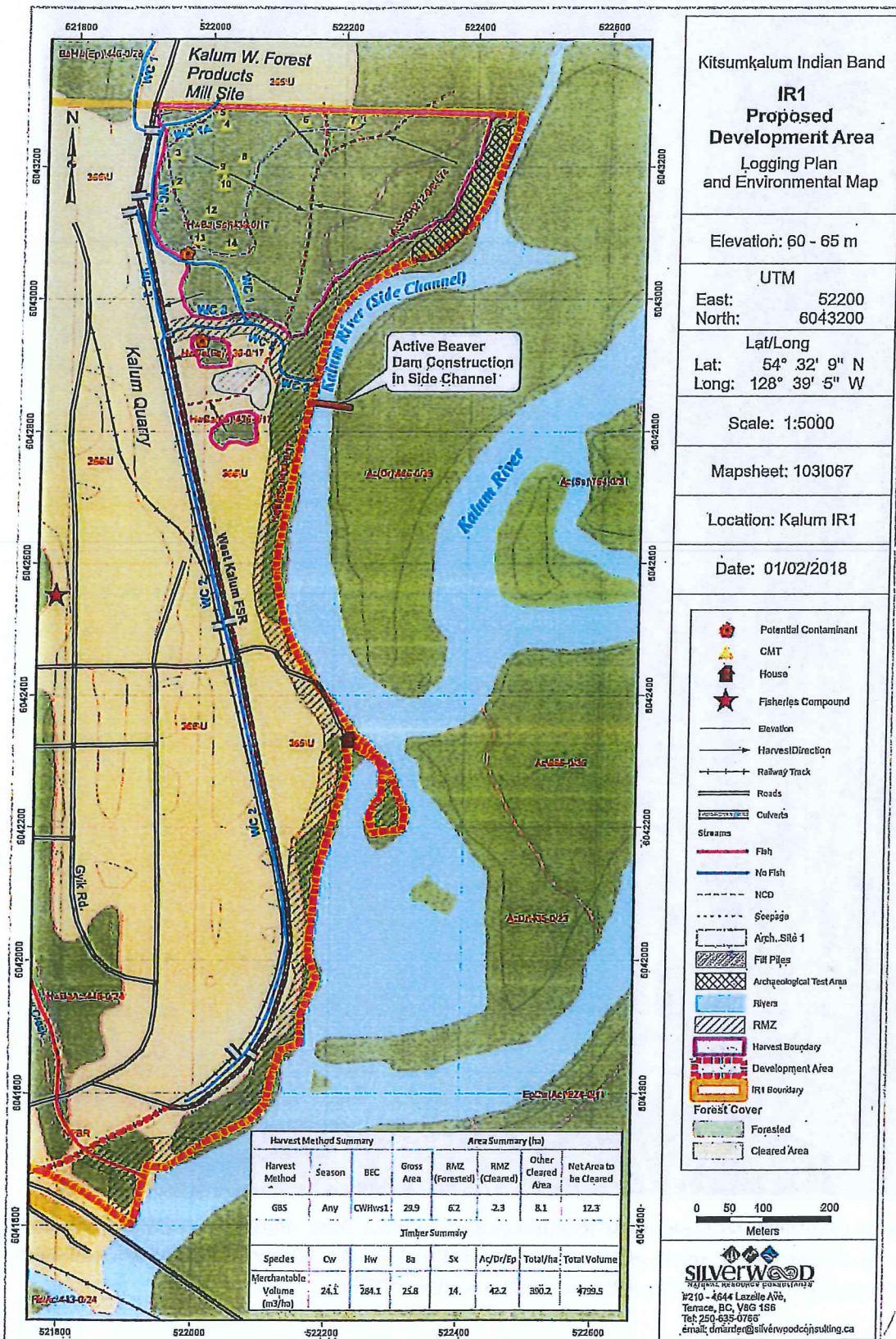


Figure 5. Site Clearing Project Map of Kitsumkalum Logistics Park