

MAJOR PROJECTS UPDATE

It's All About the Land

KITSUMKALUM



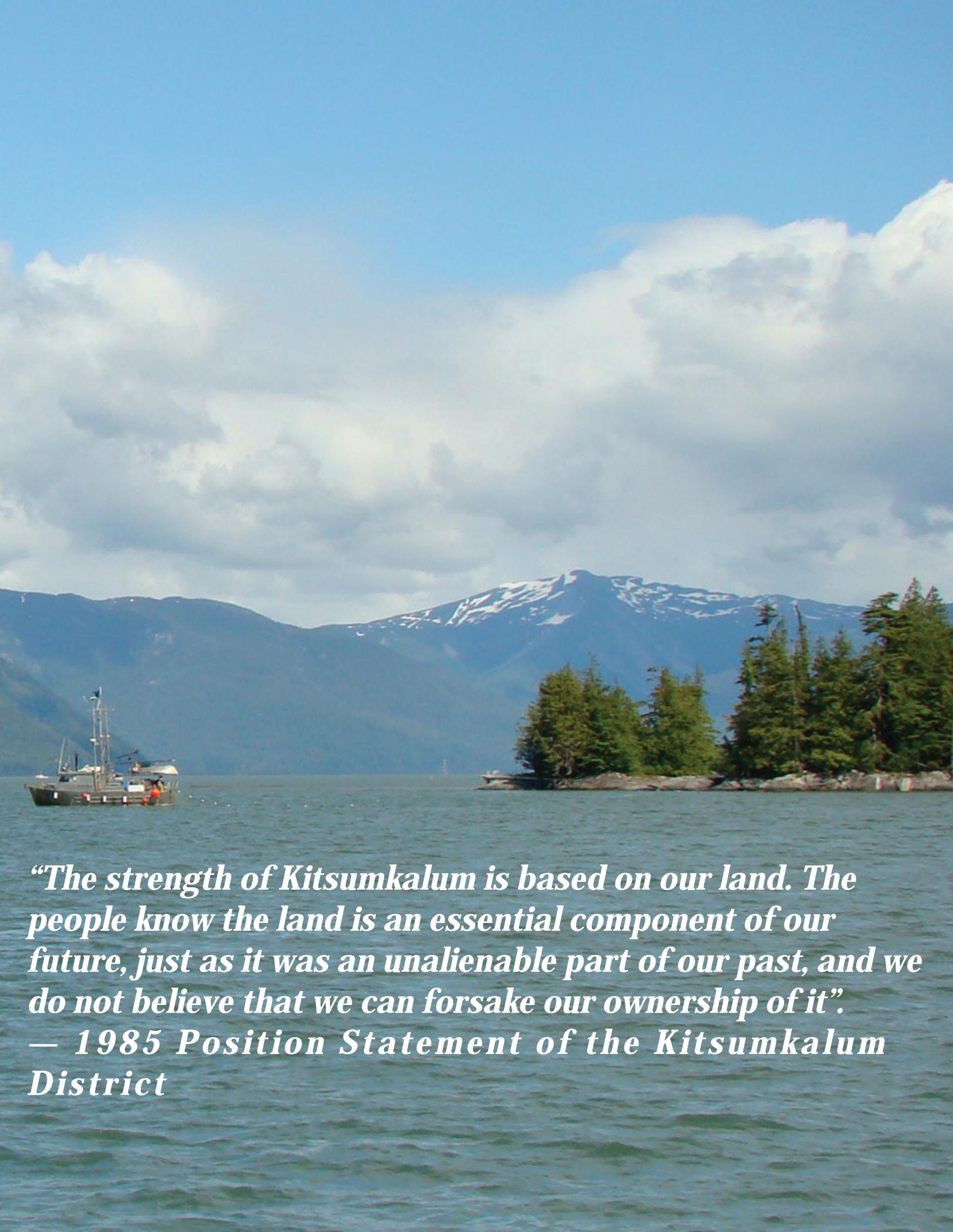
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“The strength of Kitsumkalum is based on our land. The people know the land is an essential component of our future, just as it was an unalienable part of our past, and we do not believe that we can forsake our ownership of it”.
— 1985 Position Statement of the Kitsumkalum District

MESSAGE FROM CHIEF DON ROBERTS & HIS TEAM



It is with great pride that I report that the collaborative efforts of our internal departments over the past year have resulted in many viable economic opportunities that we are continuing to pursue with one agreement that has been signed.

Our Approach: With any project we pursue or review, we use a consistent general approach to guide our discussions, negotiations and the viability of each initiative. These general guiding principles include (but not limited) to understanding that these are modern times and we need to engage in economic development in order to take advantage of the benefits that will prove to be advantageous for our community. We work really hard to protect our Aboriginal Title and Rights, we value our traditions and lands and any project we carefully review will go through environmental considerations before it is deemed a viable project that we pursue. With any economic development

considerations, there is a balance that has to be achieved between economic prosperity and the traditional values we hold close to our culture and ways of life. Ultimately, we need to prioritize sustainable protection of our lands no matter what venture we pursue. As we continue working on ensuring our aboriginal rights and titles are recognized as well as our strength of claim and lastly, protect our land by safeguarding our deep rooted connection to it. It is with confidence that I affirm that we will never waiver or compromise on this approach nor will we pursue any of the initiatives without these general principles in mind. This is a summary of our basic starting point we utilize.

In addition, as we move forward with project negotiations in more detail we utilize even more thorough comprehensive policies and stringent guidelines and everything we do is driven by our policies and by our Aboriginal Title and Rights to our lands and history:

Collaboration: This past year, there has been a more collaborative approach with our interdepartmental teams to review each of the projects to ensure it's the most successful agreement for our community.

An example of interdepartmental collaboration could look like this:

First, after the Economic Development office has reviewed the project it is handed

over to the Treaty Office to review the agreements and the proposed details to ensure it is in line with their resources and negotiations so we are all on the same page and no conflicts or any overlapping conflicts are present.

Secondly, it is then reviewed by Chief and Council and only when it has been moved forward by these two groups it is handed over to the Economic Development for implementation.

Lastly, once it is handed over Economic Development for implementation, we will commence the process to prioritize the social benefits and create a cost assessments for each of the benefits listed in the negotiations.

A recent example of this was our Chief and Council and negotiation teams negotiated the Impact Benefit Agreements with LNG Canada, which was supported all the way by Treaty, then the procurement and business benefits will be passed over to Economic Development to implement.

Another recent example was our Chief and Council negotiated power agreements, like the active purchase agreement we have with BC Hydro. The vision was to generate power for our own people to ease the burden of paying for electricity and steps to becoming self-sustaining. Once the agreement is in place, the implementation will be passed over to Economic



Development.

The impact of this collaboration has resulted in a smoother process proving to be more efficient with our resources as well as eliminating any conflicting priorities. It results in a strong and more collaborative agreement in the best interest of all Kitsumkalum members.

I would like to take this opportunity to thank the tireless efforts of all the teams and departments who have made this possible.

Future Benefits & Outcomes Under Review & Next Steps: The responsibilities of the Economic Development Office is reviewing the infrastructure and monetary benefits that can be achieved through these agreements and creating cost assessments and analysis for each. The funds are to be used wisely and we are responsible to do our due diligence to ensure we are recommending only the best options for the community that will benefit Kitsumkalum the most. The ones that are

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under review are listed in each of the project summaries below.

These agreements and other future agreements like them have the potential to build much needed infrastructure. It gives us the ability to also invest funds that will give us the most return on investment; which will help to continuously support building a legacy for future infrastructure and programs that will continue on to our children and grandchildren. In summary they can include (but not limited to) benefits for the community such as: paved roads, pathways and street lights improving walkability and safety, updated water and sewer lines, supporting the operational costs of our hall, social programs for elders and our youth, cultural activities and much more.

Closing Remarks: In summary, we have many moving parts that are occurring concurrently for Kitsumkalum in relation to the Economic Development Initiatives we've been collaborating on. With that being said, I appreciate the hard work and the strides our teams and departments has made so far this year and am excited to share these milestones with the community as they arise and come to reality. As long we continue our thoughtful and prudent approach in our decision making and negotiations I am confident that Kitsumkalum will see many fruitful benefits from our efforts in the following year and many years to come. I am pleased with the outcomes and look forward

to bringing the community together to showcase the details of each of our initiatives listed in below. I will challenge ourselves and our teams to continue working towards a human-centered model of economic growth that benefits our community and creates a legacy protecting our precious culture, values and most importantly our lands now and into the future.

Sincerely,
Chief Don Roberts

Investing in the Community



**NTL PROJECT
IMPACT AND BENEFIT AGREEMENT**

THIS AGREEMENT dated for reference the 23 day of February, 2012 is made

BETWEEN:

KITSUMKALUM FIRST NATION, also known as the Kitsumkalum Indian Band, an Indian Band within the meaning of the *Indian Act* (Canada), for and on behalf of itself and all of the Members

(the "First Nation")

AND:

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY, a corporation constituted under the authority of the *Hydro and Power Authority Act* (British Columbia)

("BC Hydro")

WHEREAS:

- A. BC Hydro proposes to undertake the NTL Project to enhance and expand the transmission system in the northwest region of British Columbia;
- B. A portion of the NTL Project is located in territory over which the First Nation asserts Aboriginal Rights and Title;
- C. BC Hydro will comply with all obligations and implement all conditions arising as a result of the Environmental Assessment Process or any other Proceeding related to the NTL Project; and
- D. The Parties have agreed to enter into this Agreement in order to:
 - (a) provide economic opportunities to the First Nation relating to the NTL Project;
 - (b) confirm that the First Nation has been adequately consulted in respect of the NTL Project as it affects their Aboriginal Rights and Title;
 - (c) confirm that the First Nation's Aboriginal Rights and Title, environmental and related interests and concerns pertaining to the NTL Project have been assessed and accommodated to the satisfaction of the First Nation; and
 - (d) provide BC Hydro with legal certainty in respect of the NTL Project and its Operation.

NOW THEREFORE this Agreement witnesses that in consideration of the mutual covenants and agreements hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

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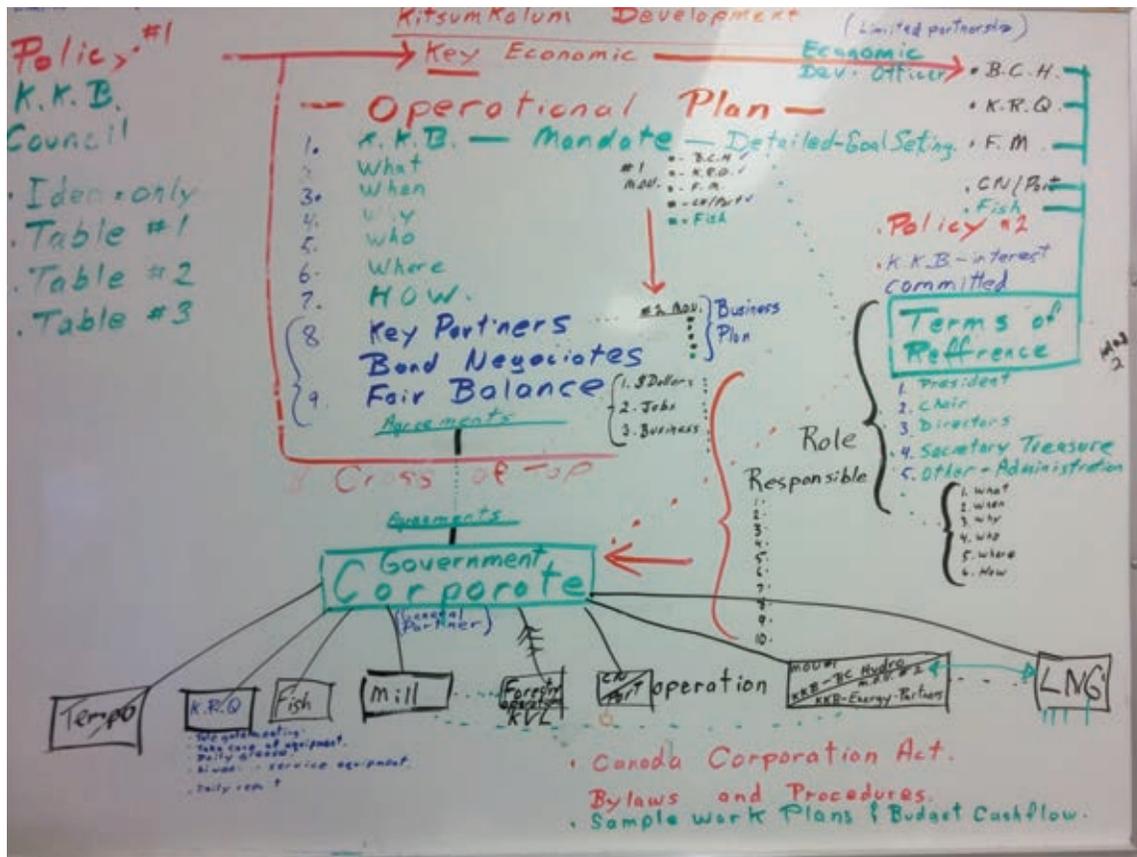
KITSUMKALUM DEVELOPMENT CORPORATION



**ERLANDSEN CREEK HYDROELECTRIC PROJECT
PROJECT SUMMARY**

Proponent: Kitsumkalum Development Corporation
14303 Highway 16 West
Terrace, BC V8G 0C8
(250) 635 - 5000

March 6, 2014



KITSUMKALUM POLICIES

List of Kitsumkalum policies:

1. Kitsumkalum Conflict Policy
2. Kitsumkalum Cooperation Policy
3. Financial Policy
4. Roles and Responsibility for Kitsumkalum Board Operations Policies
5. Governance Policy

1, 2 and 3 are passed by referendum, 4 is passed in principle by council.

KITSUMKALUM FIRST NATION
Conflict of Interest Policy

1.0 PURPOSE

1.1 The purpose of this Policy is to protect the Employees, the Chief, the Councilors and Contributors of the First Nation from putting themselves or the First Nation into a conflict situation. The accompanying transparency and accountability provisions as a result of this Policy will help foster greater trust in the Employees, the Chief, the Councilors and Contributors by the First Nation's members.

1.2 SCOPE

1.3 This Policy will apply to the Chief, the Councilors, and to all Employees and Contributors. All contributions, limited partnerships, trust and other entities in which the First Nation has a significant interest will be required to disclose possible conflict of interest positions in their respective corporate documents.

1.4 The Constitution that will be put in place pursuant to the treaty that the First Nation intends to enter into with Canada and British Columbia will include provisions whereby the Hereditary Chiefs of Kitsumkalum will be required to comply with the conflict of interest provisions contained in this Policy, subject to minor non-substantive changes being made reflecting that it is pursuant to treaty.

2.0 DEFINITIONS

"Benefit" means a direct or indirect financial or non-financial advantage for a Responsible Person and includes the avoidance of a detriment but does not include participation in activities or programs of the First Nation in which all members of the First Nation have an opportunity to participate.

"Band Manager" means the manager who serves as the chief administrative officer of the First Nation's administration and head of the administrative staff. Where the Band Manager is used it will also be understood to include "delegates". It is also understood that Council is the authority over the Band Manager.

"Chief" means the Chief Councilor of the First Nation.

"Confidential" means information that is acquired by a Responsible Person solely by reason of his or her employment or involvement with the First Nation or through a contract with the First Nation, and which the Chief, members of the Council, Employees and Contributors are under an obligation to keep confidential.

"Conflict of Interest" means a Real Conflict of Interest with a Potential Conflict of Interest as defined in section 4.

POLICY GUIDELINES
FOR SOME BUSINESS WITH KITSUMKALUM FIRST NATION

Vision for Economic Development

The Kitsumkalum First Nation ("Kitsumkalum") is interested in engaging in economic development projects and business that will promote employment of employment training for Kitsumkalum members and that improve the economic viability of Kitsumkalum while operating in a manner that respects not only Kitsumkalum's culture but that of neighbouring First Nations.

Goals for Business Relationships

- to provide employment opportunities for Kitsumkalum members
- to provide training opportunities for employment of Kitsumkalum members
- long-term financial stability for Kitsumkalum
- protection of Kitsumkalum aboriginal rights and territory
- management and protection of land and resources that respects Kitsumkalum's culture

Agreements

The policy applies to all governments, business and individuals who wish to, or are required by law to, enter into a business relationship with the Kitsumkalum. It applies to all of the surface and subsurface land, air, water and other natural resources within Kitsumkalum territory.

Expectations

Any corporation or business partner doing business for or with Kitsumkalum will be expected to agree to the following:

- to act in the best interests of Kitsumkalum and provide the project or business venture for the betterment of the business as partners of Kitsumkalum and not solely for their own personal or business gain
- to execute a Confidentiality Agreement, agreeing to not disclose information to other entities that potentially could deprive the business opportunities that are the focus of the development project or business that they have with Kitsumkalum
- will not use their position as a business partner with Kitsumkalum to secure other business opportunities for their own personal gain or that of their immediate family or business partners
- will not enter into another business relationship that directly competes with the business or project that they have with Kitsumkalum
- will respect the culture and aboriginal rights and title of Kitsumkalum
- as part of the terms of entered into, it fully because who the project has done business with in the past and who they are currently doing business with

KITSUMKALUM FIRST NATION, ALSO KNOWN AS THE KITSUMKALUM INDIAN BAND
FINANCIAL ADMINISTRATION POLICY 2017

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These policies can be viewed and downloaded on our website:
www.kitsumkalum.com/our-galtsap/chief-council/

Kitsumkalum Governance
Prepared for:
Skeena River Fisheries Governance Document
October 2017



Kitsumkalum (also referred to as Gitim/gaen) is an original Tribe of the Tsimshian Nation. As such, Tsimshian Ancestral (law) both shape and guide the governance process. The government model described herein is the hereditary system of governance that has been intrinsic to Tsimshian culture and society, as opposed to the Kitsumkalum Indian Band Government model that fulfills contemporary Band administrative requirements under Indigenous Affairs and Northern Development Canada. The Kitsumkalum hereditary government is one that has been maintained through colonization and exists alongside new western forms of governance. Following Tsimshian governance through the Ancestral is necessary for proper and long term management of all Kitsumkalum lands and resources, including the paramount fishery resource. This hereditary system of governance that links the Kitsumkalum people to the land works alongside Band departments dealing with lands and resources. Further, elders of Kitsumkalum have talked about the ancient concept of *gumng* (phonetic spelling) that describes a time when all nations were together and worked together to ensure the land and waterways, and therefore resources, were properly taken care of (Chief Don Roberts, 2017). This concept, together with *gawgagan* - the act of making peace- are guiding principles for Kitsumkalum with the goal of shared protocol agreements on the stewardship of the Skeena River Watershed.

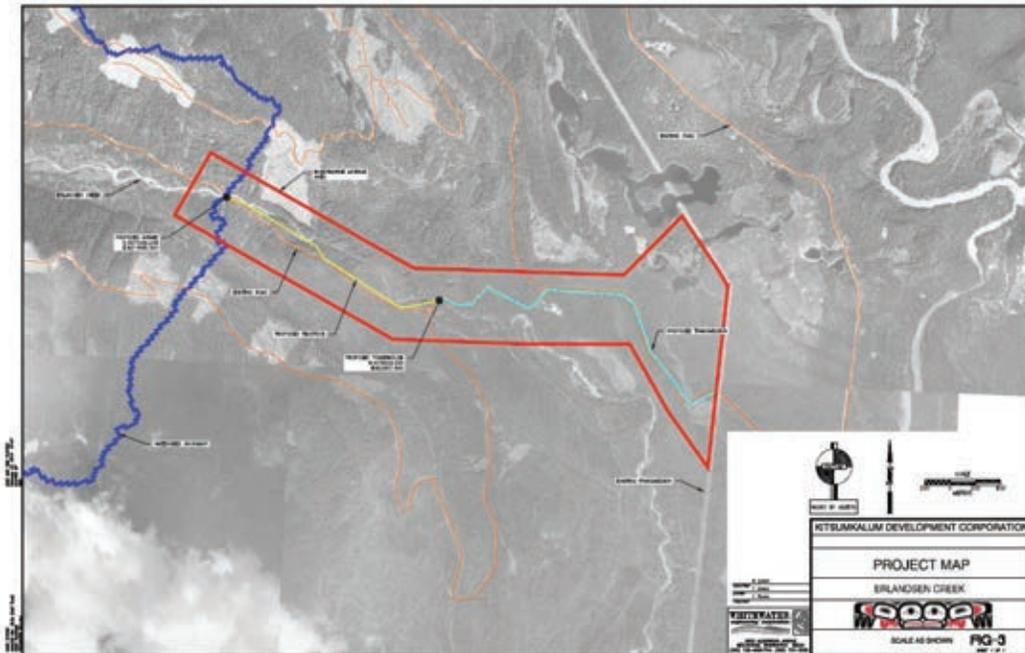
PROJECT UPDATES

CN/Port of Prince Rupert

We are dealing with ongoing issues, pursuing Transport Canada and the Prince Rupert Port Authority (PRPA) to accept Kitsumkalum's presence and equal rights on the coast, just as all Tsimshians. We are still working on affirming our Strength-of-Claim to our coastal lands. Slowly and surly, we are making headways: for example, Transport Canada approached us on the Ridley Terminal Inc sale, Transport Canada accepted us to the Ocean Protection Plan Reconciliation table.

Kitsumkalum has agreements in place with CNR for rock sales and for the rail spur. The rail spur is one of the reasons companies are knocking on our door, there are many opportunities to take advantage of the rails spur combination with the lay-down yard. So things are going fair here. But when you get down to the rail traffic along

the Skeena River and then the rail tracks across our ancient villages at Casey Point, Dzagaedil and Barrett Rock, there are a lot of issues that need to get addressed. PRPA has agreements that give most contracts and benefits to LaxKwalaams and Metlakatla including CNR rail and road construction contracts. PRPA is governed by Transport Canada. Ridley Terminal Inc is also a federal crown entity who leases the land from PRPA. All of these entities main partner is CNR. CNR, PRPA and RTI are not being transparent with information about development plans, about expected increase in ship and rail traffic and about the increase in dangerous goods such as petroleum products by train along the Skeena. Now that we have the LNG agreements in place, we will start focusing on the coast and on our relationship with CNR, PRPA and RTI.



LNG Canada, Kitimat

Kitsumkalum has been working on the LNG Canada file since 2013. We participated in the Environmental Assessment and reviewed and commented on technical reports. Parallel to that process Kitsumkalum engaged with LNG Canada on Benefit Agreement negotiations and with BC on Benefits Sharing Agreement negotiations.

LNG Canada Development Inc. is the full name of the LNG Project. The Kitsumkalum - Benefit Agreement with LNG Canada was signed on September 27, 2018.

The Final Investment Decision (FID) was announced on October 1, 2018 by Shell Canada, who is the main shareholder of the project.

Kitsumkalum – LNG Canada Benefits Agreement

The main contents of the agreement:

Payment buckets:

- Signing-on payments, called Milestone payments, are 2 lumpsum payments.
- Community Infrastructure payments, they are earmarked by C&C for paving all roads and driveways on the reserve.
- Annual Employment Coordinator Office payments will continue for the first 10 years.
- Environmental and socio-economic monitoring payments. Kitsumkalum can monitor if

- Air Quality Monitoring, one payment to set up air quality monitoring station
- Socio-economic monitoring: 5 payments every 5 years until done
- Emergency Response Planning: 5 payments every 5 years until done
- Kalum will receive Annual Payments, starting when operations start. The plant is designed for 4 processing units (trains), Kalum will get paid according to how many trains are in production (this payment will go up with inflation)

Payments will flow according to milestones, such as: on-date of signing (effective date), on FID date, 1 year after FID, start of production and so on.

Non-monetary Benefits

- Priority hiring for Kitsumkalum members
- Priority for procurement opportunities for Kitsumkalum businesses
- Implementation Committee set up to monitor the success of above promises

From Kitsumkalum – LNG Canada Benefits Agreement: **See fig. 8.2**



8.2 Kitsumkalum Representative. Kitsumkalum will appoint a representative of Kitsumkalum Economic Development Group to the Implementation Committee as the responsible coordinator for the development and implementation of the business opportunities initiatives related to the LNG Project, as set out in this Article 8. For clarity, and in accordance with Kitsumkalum governance policies (such as the Conflict Policy and the Financial Policy), any contracting and procurement opportunities awarded to a Kitsumkalum Business under the processes described in this Agreement will generally be coordinated through the Kitsumkalum Economic Development Group.

Lands, Environment and Referral Department work to continue on LNG Canada project:



The Environmental Assessment Certificate got granted to LNG Canada based on a mixture of facts, experience, models and assumptions. A Benefits Agreement is based on the impacts to Kitsumkalum. So what if the impacts turn out to be bigger or different than anticipated? For Kitsumkalum, the main concerns are air quality, socio-economic effects and impacts from shipping accidents and malfunctions as well as increase in shipping traffic. In order for Kalum to monitor changes in air quality for example, we need a air quality monitoring station. Through the Benefits Agreement we now have money to buy the equipment, staff the monitoring and pay for lab analysis. We already have some baseline data, now we want to know if and how the air quality changes during construction and then during operations of LNG Canada. We will then understand if the environmental predictions and assumptions are correct. If the impact to Kalum is bigger than anticipated, the LNG Benefits Agreement has language to negotiate for those changed impacts later on.

We are currently turning our minds to do a housing study as part of an larger socioeconomic study.

Below is a list of LNG Canada Environmental Assessment Conditions that Kitsumkalum will be engaged in. Kitsumkalum will invoice LNG Canada for the costs of this engagement, it does not get paid from the Benefits Agreement:

1. Air Quality Management Plan
3. Greenhouse Gas Emissions Management Plan
5. Marine Mammal Management and Monitoring Plan
13. Local Economic Opportunities
14. Community Services and Infrastructure
15. Health and Medical Services
16. Traffic Impact Assessment and Traffic Management Plan
17. Marine Activities Plan
18. Wake Verification Plan
19. Human Health Risk Assessment
20. Construction Environmental Management Plan and Operations Environmental Management Plan
22. Implementation of Aboriginal Consultation Plan
 - Report 2 years after construction commencement
 - Report 1 year after operations commencement
23. Cultural Awareness Program
24. Aboriginal Monitoring Opportunities

British Columbia LNG Benefits Agreement with Kitsumkalum

This agreement is between BC and Kitsumkalum. BC wants to enter into LNG Benefits Sharing agreements with First Nations who are impacted by the LNG projects.

The Termsheet which is setting out the fundamental agreement between Kitsumkalum and BC was initialled on September 26, 2018.

Benefits Agreement

- Land and Economic Development Fund
- Community Development Fund – paving roads and driveways on the reserve
- Legacy Fund

These are lump sum, one-time payments

Coastal Fund Agreements

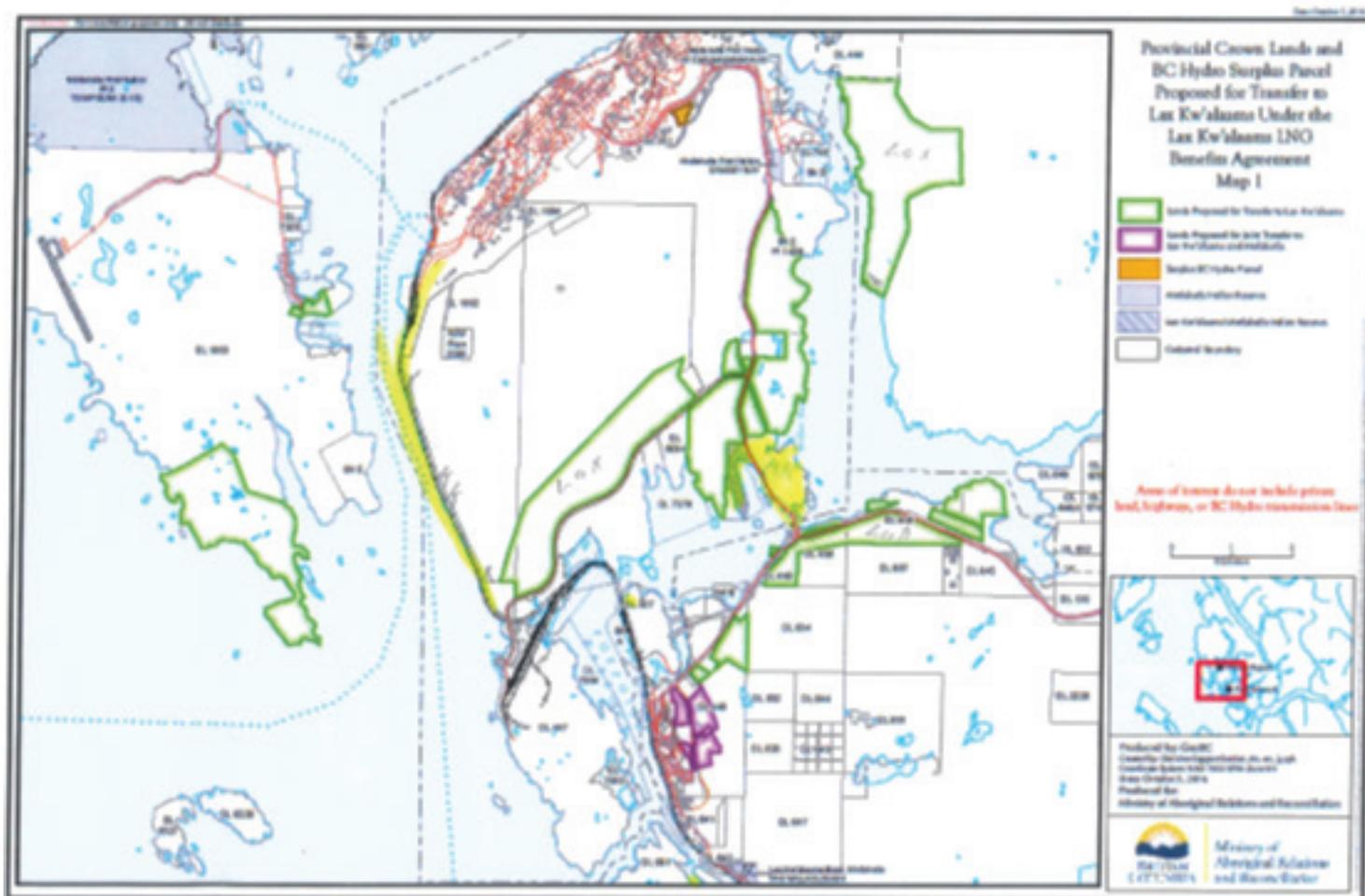
- Base funding (three payments over three years)
- yearly lump sum payments
- Incremental Project Funding, \$/tonne of LNG produced, the more LNG gets produced, the more money we get per year

Consultation Agreement

Lumpsum payment for the developing of a Consultation Process and annual payments to implement.



Kitsumkalum is still negotiating for our coastal lands. The discussions for Miller Bay, for example, have moved from treaty to LNG benefits agreement back to treaty. That is where it is being negotiated right now. Miller Bay is our selection for a Kitsumkalum coastal village development. Some of the LNG benefit discussions with BC still tie back to our coastal Title and Rights to ensure we get the coastal lands signed over to Kitsumkalum.



Alta Gas – Ridley Island Propane Export Terminal Project

Alta Gas' project will receive liquid propane from BC and Alberta via CN Rail. The liquid propane will be transferred to intermediate pressurized storage bullets. It will then be cooled and stored in the big tank that is almost complete now. From there it will be loaded onto ship using the existing Ridley Terminal Coal jetty for transport to Asia and other markets. The project is designed to receive an average of 60 rail cars a day. This means an additional 120 railcars per day through Kalum reserve and territory.

Kitsumkalum has been engaged on the Environmental Assessment work for this project since 2016. Because this project was too "small" to meet the federal requirements for a full Environmental Assessment, it went through a faster assessment, led by Ridley Terminal (RTI) and the Prince Rupert Port Authority (PRPA). Kitsumkalum and other Tsimshian Nations were working on getting this elevated to a full Assessment. But the federal government decided that the two federal agencies (RTI and PRPA) who stand to financially benefit from this project could be the lead agencies in the assessment. Kitsumkalum technical staff developed an excellent working relationship with most of the other Tsimshian Nations involved. This relationship is carrying forward in the current ongoing initiatives and project evaluations.



The Kitsumkalum – Alta Gas Benefits Agreement was signed on September 5, 2018.

- Community Investment lump sum payment – Kalum bought a 2019 Peterbilt truck with dump box and pup trailer
- Business deal for aggregate
- Training and employment opportunities

Ocean Protection Plan

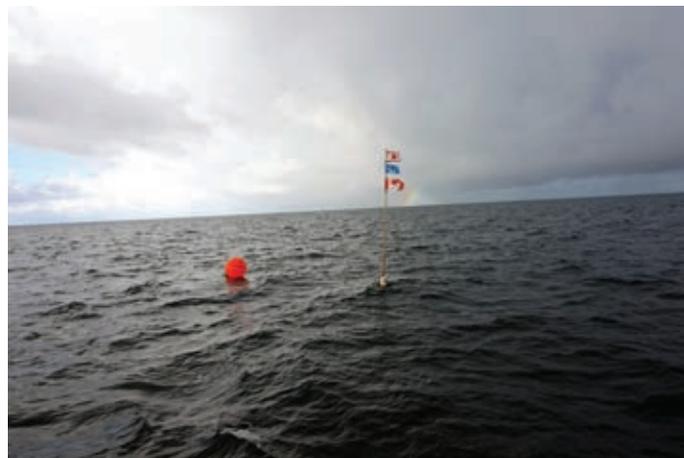
In November 2016 Canada announced the Ocean Protection Plan initiative. Transport Canada is taking the lead in the OPP, but Canadian Coast Guard, Environment Canada and Department of Fisheries and Oceans are also part of it. All federal departments are overwhelmed by the sheer size of this plan and they also are trying to learn on how to work together, which seems to be very difficult for them. The Oceans Protection Plan has four main priority areas:

- creating a world-leading marine safety system that improves responsible shipping and protects Canada's waters, including new preventive and response measures;
- restoring and protecting the marine ecosystems and habitats, using new tools and research, as well as taking measures to address abandoned boats and wrecks;
- strengthening partnerships and launching co-management practices with Indigenous communities, including building local emergency response capacity; and,
- investing in oil spill cleanup research and methods to ensure that decisions taken in emergencies are evidence based.

Initially Canada's lead agency Transport Canada excluded Kitsumkalum from this plan. But Kitsumkalum found out about a "secret" planning meeting in Vancouver between Canada and the "Coastal First Nations" group. We managed to sleuth the information about where and when this meeting was happening and Chief Roberts charged into the meeting unannounced,

catching everyone off guard. After some respectful yet strong language, he left the meeting. After that, Canada started talking to Kitsumkalum.

We have now been working for over a year to negotiate a Reconciliation Framework Agreement (RFA) with Canada to ensure Kitsumkalum's rightful place on the coast. Bram Rogachevsky, one of our layers, and Rina Gemeinhardt are our technical representatives. We have joined forces with Kitselas and the goal is to have a signed RFA by early next year. A signed RFA secures our seat at the OPP table, the funds that come with it and the opportunities to participate in collaborative marine planning. In the meantime, there are several initiatives we are participating in, from environmental baseline studies to Cumulative Effects assessment to environmental response training. Some initiatives are well under way, others have not started yet; some initiatives are only in the Arctic or maybe Vancouver harbour; some are on every coast in Canada and some are in the Pacific Northwest. Kitsumkalum's draft list of initiatives and the engagement level we might want to consider are listed on the following spreadsheet.



OCEANS PROTECTION PLAN – PROTECTING OUR COASTS

The national Oceans Protection Plan is the largest investment ever made to protect Canada's coasts and waterways for future generations, while growing our economy.



Fisheries Reconciliation Framework Agreement

Another federal government initiative is the Fisheries Reconciliation table. Kalum is working with the Department of Fisheries and Oceans (DFO) on a Fisheries Reconciliation Framework Agreement. This will put Kitsumkalum at the table where commercial as well as Section 35 Title and Rights fisheries will be discussed and possibly divided up. This process will go parallel to and complement any fisheries chapter discussions at the treaty table.

The main purpose of the agreement is to develop a nation-to-nation relationship between Kitsumkalum and Canada on

governance and management of marine resources.

- Merge traditional knowledge with science to determine the size of commercial fisheries
- Protect and prioritize Kitsumkalum's and other First Nations' access to food fish and economics
- Ensure monitoring and enforcement through our Fish and Wildlife office and Coastal Watchmen programs

Another purpose is to stimulate the coastal

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OPP INITIATIVES - KITSUMKALUM FIRST NATION LEVEL OF ENGAGEMENT (Aug 2, 2018)

PACIFIC REGION

| | INFORM | CONSULT | INVOLVE | COLLABORATE | EMPOWER/PARTNER |
|----------------------|---|--|---|---|--|
| | <p>→ Public Participation Goal: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities, and/or solutions. → Promise to the Public: We will keep you informed</p> | <p>→ Public Participation Goal: To obtain feedback on analysis, alternatives and/or decisions. → Promise to the Public: We will keep you informed, listen to and acknowledge concerns, and provide feedback on how public input influenced the decision.</p> | <p>→ Public Participation Goal: To partner with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. → Promise to the Public: We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.</p> | <p>→ Public Participation Goal: To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. → Promise to the Public: We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.</p> | <p>→ Public Participation Goal: To place final decision making in the hands of the public. → Promise to the Public: We will implement what you decide.</p> |
| Transport Canada | | 4.1 - Update legislative and regulatory framework to support OPP implementation | 4.4.1 - Anchorages | 1.1 - Enhanced Maritime Situational Awareness | |
| | 4.9 - Legislative changes to allow better access to polluter pay source of funds to support clean-up and response | 4.3 - Pilotage Act | | 1.2 - More access to marine information (Gs&Cs) | |
| | 3.1 - Support local communities in the removal of legacy vessels they consider high priority | 5.12 - Increase emergency tow capacity | 2.3 - Space-based Automatic Information System | | |
| | 3.2 - Prevent the occurrence of vessels of concern through new legislation | 3.3 - Improve commercial and pleasure craft systems to remove uncertainty and strengthen liability and enhance "polluter pays" principle | 6.1 - Develop system to respond to non-oil marine env. incidents and support horizontal coordination of Coastal Strategy | 4.4 - Proactive Vessel Management | |
| | | 6.2 - Hazardous and noxious substances | | 4.7 - Places of Refuge | |
| | 3.6 - Inform owners of their responsibilities for the lifecycle management of their vessels | | 1.5A - Increase involvement of Indigenous and local populations by supporting training institutions for employment in the marine field | 4.5 - Risk-based response planning, if this is planning on the ground; collaborates, if this is process development; involve | |
| | 3.1 - Engage Canadians so they better understand Canada's marine safety system | 4.6 - TERMPOL | | 5.3 - Increase on-scene environmental response capacity | |
| | 3.5 - Increase the recycling of pleasure craft, Kitsumkalum is very interested in this topic, especially as a business opportunity. We would like to find out more details about this initiative and most likely move to collaborate | | | 2.1 Cumulative effects of Marine Shipping | |
| | | | | 3.1 - Engagement to negotiate individual regional co-management agreements | |
| | | | | 3.2 - Community discussions to encourage Canadians to play a stronger role in marine safety and environmental protection | |
| Canadian Coast Guard | | 1.4 - Additional Radar Sites | | | |
| | | 4.8 - Expand tools used to respond to oil spills | 1.3 - Indigenous Community Response Teams | 1.2 - Coast Guard Auxiliary Indigenous Chapter in British Columbia | |
| | 5.5 - Modernize CCG environmental response equipment | 5.4 - Six new SAR Lifeboats and In-Shore Rescue Boat | | National implementation of the RAMSARD** | |
| | | 5.2 - 24/7 Emergency Response Capacity | | | |
| | | 5.11 - New staffed logistic depot near Port Hardy, BC | | | |
| | | 5.8 - Purchase and deploy mobile command post and other equipment | | | |
| | | 5.6 - Leverage Coast Guard Auxiliary for Environmental Response | | | |
| | | 3.4 - Risk-Based Strategy to Address Vessels of Concern | | | |
| Fisheries and Oceans | | 2.2 - Modern hydrography for charting in priority areas | 3.8 (2.3) - Mitigate risk of chronic noise (acoustics) & other stressors to marine mammals (DFO), including killer whale strategy (TC) | 2.1 - Coastal baseline monitoring program | |
| | | | 2.7-Establishing Marine Environmental Quality Regulatory and Non regulatory measures - Southern Resident Killer Whale - Science Review | 2.2 - Develop integrated real-time marine mammal detection system in three high traffic areas | |
| | | | | 2.4 - Support the restoration of marine habitats [includes Gs&Cs component] | |
| | | | | 2.5 - Marine mammal response and Marine Protected Areas surveillance and enforcement program | |
| | | | | 1.1 - Improved localized ocean circulation knowledge to inform oil spill trajectory models | |
| | | | | 1.5 - Multi-partner oil spill technology research, including partnership with Oceans Network Canada (includes Gs&Cs component) | |
| ECCC | | 2.1- Enhance marine weather forecasting for high risk areas | | 2.1 - Research to strengthen our understanding of how oil products behave in water (including G&C component) | |
| | | | | 3.3 - Engage Canadians on "New Governance for Canada's Oceans" | |
| | | | | 1.2 - Gather data / evidence base on BC's north coast to inform decisions related to the moratorium | |
| | | | | | |

Initiatives Kitsumkalum is directly engaged with

<http://www.tc.gc.ca/en/campaigns/protecting-coasts.html>

cont. from pg 14

economy and create economic fisheries opportunities and jobs to support healthy, self-sustaining First Nations communities and regions.

- Secure greater access to fishing licenses and quotas
- Create greater flexibility in how we fish
- Secure community control of aquaculture development
- Build marine infrastructure
- Increase new training opportunities

A Fisheries Reconciliation will bring First Nations together with Fisheries and Oceans Canada (DFO) and Indigenous and Northern Affairs Canada (INAC) to collaboratively find ways to reach these goals. Helping to create predictability, cooperation and peace on the water for all users. (Coastal First Nations).



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November 9, 2018

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)
10 Wellington St, 16th Floor
Gatineau, QC K1A 0H4
joe.wild@canada.ca

Attention: Joe Wild
Senior Assistant Deputy Minister, Treaties and Aboriginal Government

Dear Mr. Wild:

Re: Kitsumkalum Participation in Fisheries Rights and Recognition Table

As you are aware, the fisheries resources on the North Coast of British Columbia are the lifeblood of the Kitsumkalum tribe and its membership – both for food, social, ceremonial and commercial purposes.

Despite the vital role of ocean resources to Kitsumkalum, we were not invited to join the Fisheries Reconciliation Framework Agreement (FRFA) discussions. The decisions made at the FRFA Table Impact Kitsumkalum and our exercise of rights with respect to ocean resources. Moreover, the CFN RFA provides the opportunity to participate in meaningful regional management initiatives.

In June 2018, after careful consideration of the options available for engaging in a reconciliation agreement for fisheries resources with Canada, and after discussion with Fisheries and Oceans Canada, Kitsumkalum sought to participate in the CFN Fisheries Reconciliation Table.

Kitsumkalum proposed to bring with it the significant momentum gathered so far in Treaty with respect to fisheries. The fisheries chapter of our Treaty is based on the concept that species that are managed locally will be managed on a government-to-government basis through the Joint Fisheries Committee ("JFC"), while species that are managed regionally can be better addressed through a regional process. In fact, the chapter specifically contemplates the ability of the JFC to elect to move certain issues to a regional process. In our view, a seat at the broader regional table contemplated through the reconciliation tables will be the means to ensure our involvement in the broader fish management issues that are critical to our community.

The General Provisions chapter of Kitsumkalum's Treaty makes it clear that nothing in the Treaty affects the ability of Kitsumkalum to participate in or benefit from federal programs. Indeed, it has never been our understanding that participation in Treaty and participation in reconciliation or other forms of agreements with government are mutually exclusive. In much the same way that we are seeking a seat at the table in the initiatives addressed through fisheries reconciliation, we are engaged in a process, led by Transport Canada, to ensure Kitsumkalum's involvement in Oceans Protection Plan initiatives.

CFN has shown no willingness to include Kitsumkalum as a party to the RFA. Kitsumkalum therefore seeks an individual yet equal seat at the regional table.

Kitsumkalum conceives that our participation at this table will run parallel to the Treaty process. Though we endeavour to wholeheartedly continue our efforts in the Treaty process, we note that a reconciliation agreement may be implemented whether or not Kitsumkalum ratifies a final Treaty. Lastly, we anticipate that any links to Treaty, such as Kitsumkalum's access to economic opportunities, will be addressed during discussions regarding the reconciliation agreement.

Kitsumkalum and Kitselas First Nation have agreed to participate in a joint fisheries reconciliation discussion with Canada.

We therefore request that Canada form a rights and recognition table with Kitsumkalum and Kitselas to draft and implement a reconciliation agreement for management of fisheries resources at the regional level.

We look forward to a positive response.

Yours sincerely,

Don Roberts
Sim'oogit Windilalil Na'algynx Gaxx, and
Chief Councillor
droberts@kitsumkalum.bc.ca

cc:

Alex Bohlen/Sim'oogyt Hatxgm Lii Mideek, Waap (House of) Lagaxx, Treaty Negotiations, lahya.treaty@kitsumkalum.bc.ca
Judy Gerow, Kitselas First Nation Chief Councillor, jgerow@kitselas.com
Paul West, Negotiator, CIRNAC
Mel Kotyk, Director of Aboriginal Negotiations, Fisheries and Oceans Canada, Mel.Kotyk@dfo-mpo.gc.ca
Karl English, Kitsumkalum Fisheries Advisor, kenglish@lgl.com
Steve Roberts, Kitsumkalum Band Manager, sroberts@kitsumkalum.bc.ca
Bram Rogachevsky, BR Law, Kitsumkalum Legal Advisor, bram@brlaw.ca

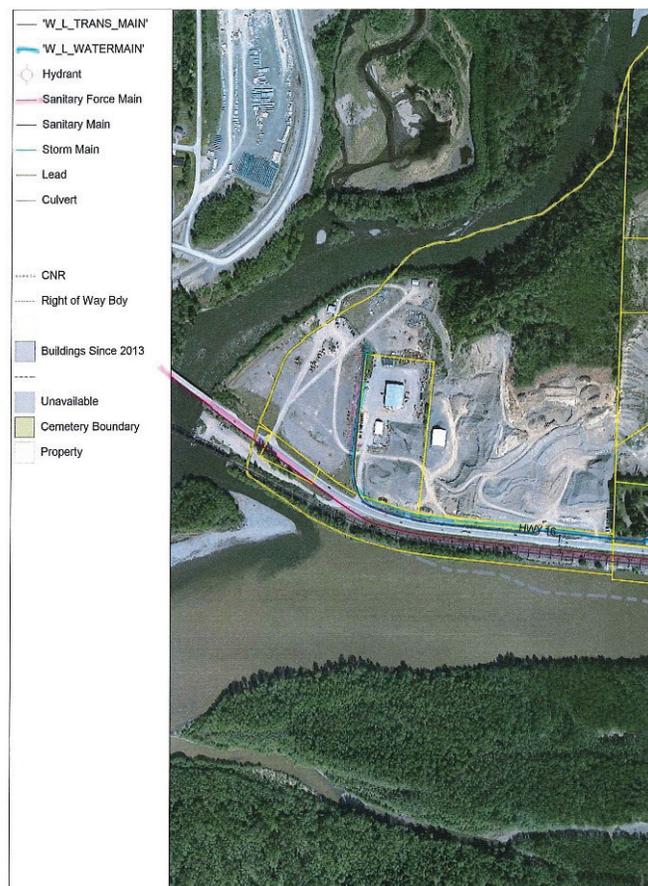
Ridley Island Terminal Inc. For sale

Kitsumkalum was invited by the federal government to review the terms of the sale of RTI and how that would impact Kitsumkalum's Title and Rights. We are also investigating the possibility of purchasing RTI, we are talking with prospective partners and with other Tsimshian to assess the feasibility of buying and running RTI.



Billabong property

Chief Roberts and his negotiations team are in discussions with the owners of the Billabong property across the Kalum River to purchase all or some of the lands. This location would be perfect for a future administrative office and it is also ideal for business opportunities that would create jobs for Kalum members close to home.



Wolverine Marine Fuels:

Wolverine Terminals will be located near the pellet storage area in Prince Rupert. They are proposing to construct and operate Prince Rupert Marine Fuels, a first-of-its-kind marine fuel delivery service for the Port of Prince Rupert (the “Port”) that would enable cargo vessels anchored or berthed in the Port to refuel locally. Currently there is no refueling facilities for the big ships in Prince Rupert. This project is proposed on Prince Rupert Port Authority lands so they only have to conduct a mini-environmental assessment, which Kitsumkalum is engaged with. Wolverine is proposing to ship the bunker fuel via CN Rail to Prince Rupert then loading to an extremely specialized barge for storage using a mix of rail car and in-barge storage. From this storage barge, a smaller “lightering barge” will take fuel out to the big ships and refuel them. The project is designed to receive an average of 10 rail cars a day. This means an additional 20 railcars per day through Kalum reserve and territory.



Rail cars run onto this barge and dump their fuel into the holding tanks



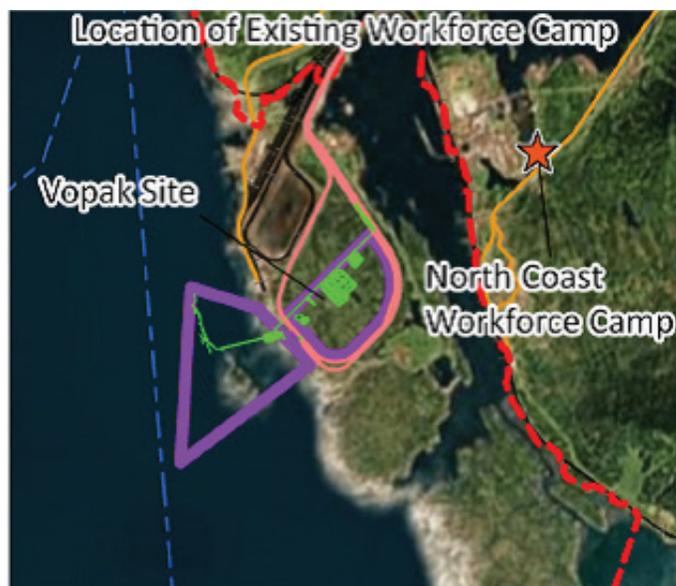
This barge can take fuel to ships or have ships come to it to fuel up.



Vopak Propane Export:

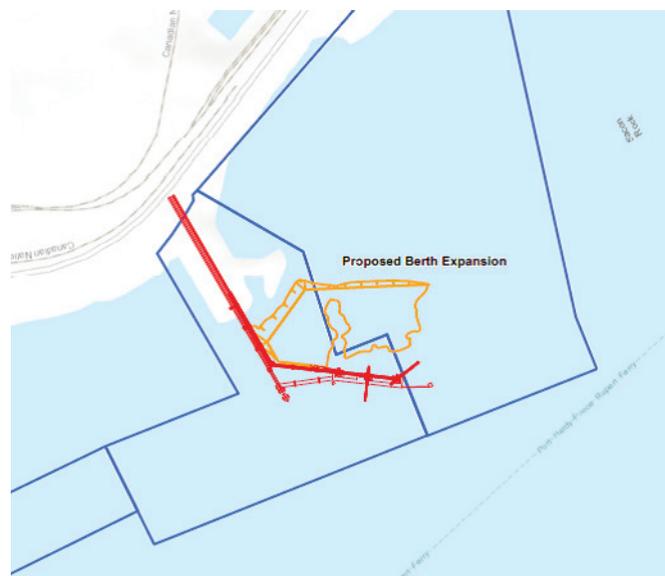
Vopak is a Propane and bulk liquids (fuel) export facility proposed on Ridley Island. They are proposing shipping of propane, diesel, gasoline, methanol, and vegoils. All products will be shipped via CN Rail to the project site, then offloaded into large storage tanks and then finally shipped via tankers around the world. The project has a development and construction costs estimated at \$750-950 million. They will be using Alta Gas' workcamp for their construction workers.

The project is designed to receive an average of 250 rail cars a day. This means an additional 500 railcars per day through Kalum reserve and territory.



Ridley Terminals Berth Expansion:

Ridley Terminals (RTI) is planning a berth expansion project at their Ridley Island site. Kitsumkalum currently has concerns with RTI not being fully transparent on the volumes of vessel traffic and how/if this project will increase those volumes. They are also not being transparent about whether we can expect an increase in train traffic or not or a change from coal to some other products. Kitsumkalum has outstanding concerns regarding this project.





Port Connector Rd:

Prince Rupert Port, working with CNR, is building a connector road from Ridley Island up along the shore to the container port. The road is approximately 5km long. Kitsumkalum has many concerns about this project for several historical and environmental reasons. Currently the Port is being charged by DFO for major infractions in regards to this project. The project is infilling over 722,000m³ of sea shore. The project has a 23ha footprint. This road will impact Kitsumkalum's historic Casey Point Village and the Barrett Rock site. Our Dzagaedil's village site will also be impacted because CNR will upgrade and/or modify their tracks as part of the connector road project.



Pembina Propane:

Pembina is a propane export facility proposed to be smaller than the Alta-gas project. Propane will be shipped via CN Rail to Watson Island on the old pulp mill site near Prince Rupert, then by vessels to worldwide markets. The City of Prince Rupert owns the Watson Island pulp mill site and has been working to dismantle the buildings and clean up contamination on site. The Pembina project is not responsible for this clean up. The project will use the existing jetty and will upgrade rail and infrastructure to make the site usable for their purpose. As the project is a relatively small size and located on private land, it does not need to go through the same level of permitting and environmental assessment that the larger projects do. The project is designed to receive an average of 30 rail cars a day. This means an additional 60 railcars per day through Kalum reserve and territory.



Pembina is just one of the proposed projects that will increase the ship traffic in the Prince Rupert area. With increased ship traffic will come increased risks of accidents and malfunction and more restrictions to access to our marine resource harvesting sites. None of the project assessments include cumulative effects of shipping, nor of environmental impacts nor on the rail corridor. Kitsumkalum is working hard to change that, as are most other First Nations we work with. Kitsumkalum is part of the Oceans Protection Plan Cumulative Effects Assessment of marine shipping initiative. We are also participating in a provincial initiative

called Environmental Stewardship Initiative. This has two parts to it, 1. a restoration component, lead by the Fish and Wildlife department and a 2. A cumulative effects assessment and monitoring project. We have identified values and indicators that we need to measure in order to understand baseline and conduct a field monitoring program on. We hope to be able to then measure how the cumulative impacts from the various projects, development in general and other factors like climate change affect these values and with that, Kitsumkalum's resources and lands. These projects are conducted collaboratively with Kitselas, Haisla, Metlakatla, Gitxaala and Gitgaat.

Kalum members on CE baseline work



Fred Guno



Raven Bingham



Jesse Powers



Mark Bolton



Kalum boat (now called Eulachon?) and the Kitkatla Spirit



Youth Group Eulachon Fishing Trip - March 2018



YOUR FEEDBACK IS IMPORTANT

What did you most appreciate/enjoy/think was best about these communication materials? Any suggestions for improvement?

I would like to learn more about:

Additional Comments or Questions:

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KITSUMKALUM



www.kitsumkalum.com