



KITSUMKALUM TREATY OFFICE
TREATY • SPECIFIC CLAIMS • RESOURCES

Kitsumkalum Treaty

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Introduction

GENERAL

Work is progressing, though the Covid-19 pandemic has slowed things down

Have not had “face to face” meetings in over two years

Have had some early successes:

- Loan forgiveness
- New funding model for Government Admin (increase by 10 -fold)
- Enough for at least 20 – 22 new full-time positions
- And there will be more funding for functions of government
- Most importantly – Coastal Sites

Land and Cash offer is expected by end of this year (if the Crown can keep their promise)

Making good progress on some fundamental issues

But there are still some key outstanding issues

AREAS OF PROGRESS/WE HAVE LISTENED

“Living Agreement” NOT a “Final Agreement” or a Nisga’a type agreement

Recognition of Aboriginal Rights and Title and Inherent Right to Self-government

No Extinguishment

Periodic Renewal

- Can renew treaty every 10 years
- Changes to law
- Changes to policy
- Changes to fishery
- Unforeseen circumstances
- “Me To”
- Binding Arbitration and Punitive Damages

Inclusion of new aboriginal rights found by the courts

WATER

- Have negotiated a water volume of 50 thousand cubic decameters annually
- Enough for 100 thousand homes annually
- Have also need to conclude Ground Water negotiations

FORESTRY

- Kalum has determined that it needs a total of 50-75 thousand cubic meters of AAC.
- Are currently involved in negotiations with the private sector
- BC will purchase the timber for Kalum
- If negotiations are unsuccessful, BC will provide dollars for a forestry tenure acquisition fund
- We have advised we will need a forestry/ec dev fund of \$10 million
- III Unfinished Work





REVENUE SHARING

Are negotiating a revenue sharing model with BC, with a focus on forestry revenues

Are also working on a revenue sharing model for other natural resource assets

May not be ready by the Effective Date but will embed principles in the treaty

In addition to revenue sharing, we are looking for an annual contribution from BC for Treaty Land Management

BC is seeking a mandate for this

CO-MANAGEMENT

We have identified three different areas which Kalum will jointly manage with BC.

- the Port Essington Conservancy and surrounding area
- Big Cedar
- West Kalum Co-management Area

Co-management model includes joint decisions for things like wildlife, water licenses, forestry etc.

Have a commitment to negotiate in good faith

Binding arbitration.

We are looking for a “consent based model”

TAX CHAPTER

Have a model re the section 87 tax exemption in which:

- All individuals keep their tax exemption
- Will always be able to use the exemption if point of sale is on reserve or if income earned on reserve (connecting factors)
- But TSL is not reserve lands so there will be a 50 year period for which the former IRs will be treated as reserves

Have a different model re Property Tax

- Members will not have to pay property tax on Treaty Settlement Lands (unless your government decides to tax – but can exempt all members)
- Includes all members not just status Indians

FISCAL CHAPTER

Fiscal work continues to unfold

Have secured a commitment for 20 -22 new FTEs to help with Governance and Admin

Are also looking at an additional 3 or 4 FTEs from BC for Lands and Resource Management

Are working on additional and improved funding methodologies re:

- a.Modern treaty management;
- b.Economic development;
- c.Culture, language and heritage;
- d.Stewardship of lands and resources;
- e.Environmental management;
- f.Infrastructure maintenance and replacement;
- g.Housing;
- h.Education;
- i.Social development;
- j.Health;

Until the funding methods for these “envelopes” are finalized, we will retain existing funding levels for programmes and services, with annual increases

Once these funding methodologies are finished, they will replace the old funding model

ENFORCEMENT

Is a complex Area

Are working on a model in which the Kalum would adjudicate all offences under Kalum laws
Orders would be filed with provincial court and Kalum would then have available all of the enforcement tools of the provincial system

Are also working on language in the treaty that would require the police to enforce Kalum laws

We are also looking to ensure that Kalum Natural Resource Officers can enforce Kalum Natural Resource Officers with all of the authority and protection of “Peace Officers”

Will require lots of work and training/capacity building

CONCLUSION

Have negotiated a completely different treaty model

“A Living Agreement”

Very significant progress on key areas of community concern

- Tax Exemption
- Revenue Sharing
- Forestry
- Coastal Sites

Are working collectively with other Advanced Treaty Tables as well as groups from Labrador and Quebec on the tax exemptions

Have had success working together

Still lots of work to do

The “Unfinished Work is complex and slowing negotiations

Federal and provincial systems are very slow to respond when they don't have mandates

Continue to work on the target dates of having a

- Land and Cash offer by the end of this year
- Treaty Ratification maybe a year after that

All depends on whether the Crown can keep its promises

A large stone archway with a red interior, set against a grey background. The archway is made of grey stone blocks and has a prominent red interior. The background is a solid grey color.

THANK YOU!