Building a New Relationship:
Recognition, Reconciliation, Respect & the Gitanyow Huwilp

Gitanyow Hereditary Chiefs
November 2005
The purpose of this presentation is to share Gitanyow Vision and provide a model for developing and implementing a “New Relationship” with the BC Crown with the focus on Land Use Planning

•We will discuss who the Gitanyow are and our current situation

•Our vision for the “New Relationship”

•Outline the Gitanyow Model

•Present Gitanyow’s Landscape Unit Plan
Who Are the Gitanyow?

The Gitanyow are:

- Aboriginal peoples situated in Northwestern BC
- Are organized into eight historic Houses (Wilp)
- Are governed by a traditional matriarchal system, which is intact and strong
- Continue to uphold Gitanyow laws and maintain Gitanyow traditions
The Gitanyow are distinguished by Eight Wilp

Lax Gibuu

Gwass Hlaam
Philip Daniels

Malii
Glen Williams

Haitimsxw
Ken Russell

Wii Litsxw
Morris Derrick
Ganeda

Gamlakyeltxw
  Edgar Good

Watakheyetxw
  Gabrielle Bright

Gwinuu
  Godfrey Good

Luux Hon
  Don Russell

Compiled by: E. Marsden  November 2005

Building a New Relationship With the Gitanyow
Wilp Rights and Titles

Each Gitanyow Wilp is an autonomous social, economic and political unit.

Each Wilp has exclusive ownership rights to its:

- Adawaak (Oral histories)
  - History, Laws, and Territories
  - Tribal Boundaries in the Nass Watershed

- Traditional Wilp Names

- Ayuuks (Crests)

- Gyet’mgan (History Poles)

- Limx’oy (Wilp songs) and

- Lax Yip (Lands and Resources)
Gitanyow Territories & Poles

- Traditional territories spans across 6,200 kms²
- Situated in the mid Nass River Watershed, Upper Kitwanga River and Upper Kispiox River
- Broken down into house territories (Lax Yip) owned by the eight historic Gitanyow Houses
- Privileged rights of Ent’im nak (spouse), Amna’gotwx (father) and Aye’e (grandfather) are recognized
“On the basis of direct evidence and oral histories, I am satisfied that each petitioning First Nation has a **good** prima facie claim of aboriginal title and a **strong** prima facie claim of aboriginal rights to at least part of the territories claimed by them…”

- The Honourable Mr. Justice Tysoe, Gitxsan and other First Nations v. British Columbia (MOF), 2002 BCSC 1701
Arises when they have knowledge of the potential existence of the Aboriginal Right or Title.

The Crown has probably had knowledge of the Gitanyow’s claim for many years,

“...the Crown has had knowledge since at least 1993, when Gitanyow submitted its SOI...”

- The Honourable Mr. Justice Tysoe, Gwass Hlaam v. MOF, 2004 BCSC 1734, p 46
Current Issues

- Gitanyow territories are overlapped by twelve forest harvesting licences, and are heavily impacted by logging;

- There are no Higher Level or Sustainable Resource Management Plans for Gitanyow territories;

- The Crown has not fulfilled its duty of consultation and accommodation in relation to any decision relating to forest resource allocation and development on Gitanyow territories (i.e. TFL #1, BCTS, Orenda, Forest Revitalization Plan, and Forest License Replacement)

- Gitanyow has limited capacity and no resources to meaningfully participate in consultation and accommodation processes.
Impacts on the Gitanyow Wilp

• Gitanyow Wilp have no say on the development of their territories;

• Many Village sites, sacred sites, trails, cabins, traditional resource gathering sites have been destroyed by logging;

• Wilp resources and wealth leaving territories with no economic return to the Wilp;

• Gitanyow Wilp Simogyet and members cannot use wealth of territories to sustain their families or support traditional obligations.
A New Relationship
The Gitanyow Vision for a New Relationship includes:

- Co-existence of Gitanyow and Crown Title
- Sustainable Land and Resource Use for the entire territory
- Creation of a sound economic climate in the territory
- Exercise of Gitanyow rights to economic benefits from their territories
Gitanyow Model

1. Government-to-Government Agreement:
   a. Recognition of Gitanyow Aboriginal Rights and Title;
   b. Land Use Planning and capacity funding
2. Joint Land Use Planning for the Cranberry and Kispiox TSA’s on Gitanyow Territories
3. Development of Forestry Consultation and Accommodation Agreements; and
1 a. Recognition of Gitanyow Rights and Title

- Must clearly recognize the existence of aboriginal rights and title of the Gitanyow Houses;

- Must include recognition of Gitanyow’s social structure and system of government;

- Must recognize Gitanyow’s strength of claim;

* BC and Gitanyow mutually developed several clauses that recognize our asserted aboriginal rights and title, which was approved by the Attorney General and the Minister of Forests (June ’03 MOU).
1 b. Land Use Planning

The Government-to-Government Agreement would:

- Acknowledge the importance and provide resources for land use planning;

- Develop mechanisms to establish jointly developed land use plans as Higher Level plans;

- Provide guidance for different Ministries who are responsible for land use and resource allocation decision-making within Gitanyow Territories;
• The BC Treaty Commission has identified Land Use Planning as a key tool to articulate a vision for the future, with the potential for increased certainty for the First Nation and for those with an interest in land within the territory, and;

• Views land use planning as essential to direct treaty negotiations on lands and resources

- Changing Point, Treaty Commission Annual Report 2005
2. Joint Land Use Planning on the Cranberry and Kispiox TSA’s on Gitanyow Territories
2. Joint Land Use Planning

- Gitanyow and the Skeena-Stikine Forest District have completed a draft Landscape Unit Plan for Gitanyow House territories within the Kispiox and Cranberry Timber Supply Areas.

- The plan covers approximately fifty per cent of Gitanyow territories.

- Further work and resources are required to prepare for implementation, maintenance and evaluation of the completed plan.

- The Kalum Forest District is also prepared to commit to a joint planning initiative on Gitanyow territories, which would cover the balance of the house territories.
Kispiox & Cranberry TSA’s on Gitanyow Territory

- Gitanyow and BC to co-operatively prepare a SRMP for the Gitanyow Territories

- To prepare a plan that will accommodate Gitanyow interests, values and vision of the future Gitanyow use of their territories, and will also provide for resource extraction and other uses by other stakeholders

- Partnership between Gitanyow and BC (MOF, ILMB)
• Protection of important Wilp resources and areas

• Education on the Gitanyow system of land ownership

• Ensures sustainable use of land and resources for future Gitanyow members

• Recognition of Wilp interests
Forest Ecosystem Network and OGMA

- OGMA within each Wilp territory – a protected area which provides a sanctuary for wildlife habitat

- Forest Ecosystem Network – a protected area that provides a wildlife corridor, water and fish protection

- Majority of Gitanyow TUS sites are located within the forest ecosystem network

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Water Management Unit (WMU)

Provides management and protection of ecologically sensitive areas

- WMU 1 – High elevation and inaccessible valleys
- WMU 2 – Part of the Ecosystem Network
- WMU 3 – Low quality timber, low quality sites i.e. Douse Lake
- WMU 4 – Community Watershed
Operable Timber Harvest Unit

Harvestable Timber ($m^3$)

TSR Analysis:

13,890,000 $m^3$

347,000 $m^3$ AAC

Gitanyow LUP:

7,125,000 $m^3$

178,000 $m^3$ AAC
Grizzly Bear Habitat

- Majority of Grizzly habitat is located within the FEN
- Maintains viable populations by protecting natural ecosystems and habitat
Goat Winter Range

- BC identifies Mountain Goats as a species at risk
- Requires special management of critical habitat in order to maintain or restore populations
Other LUP Sections/Objectives

- Gitanyow Vision for future use of territories
  - Cabins, lodges, backcountry, ecotourism, hydro-electric, etc.
- Cedar
  - preserve for Gitanyow use.
- Pine Mushrooms
- Fisheries
- Special Management Zones
  - Grizzly Bear
  - Hanna/Tintina

- Amendment
- Implementation
- Oil & Gas
- Timber
  - Joint Resource Council
  - Sub Committees
    - TUS
    - Fish & Water Expert Panel
    - Cedar Working Group
    - Restoration
3. Development of Forestry Consultation and Accommodation Agreement
Consultation and Accommodation

- MOF has outstanding obligations for all licences operating in Gitanyow territory
- Court directives on SCI consultation remains outstanding
- Some agreement on reforestation
- Issues relating to the economic component remain outstanding
Forest Restoration

- $1 million has been committed to reforestation and general enhancement work in Gitanyow territories over the next several years

- This is the beginning of an acknowledgement of the serious problem of the failure to restore forests in the past

- This will allow us to develop the required data and begin to undertake some remediation projects
  - Work has begun on several projects
  - We have formed a joint venture with a local aboriginal company for Silviculture
The Economic Component
Economic Opportunities

• Establishment of a Gitanyow Economic Fund
  – Can be used for a variety of projects
  – We are requesting a cash payment in lieu of tenure similar to the Cowichan Tribes forestry agreement.

• Revenue Sharing
  – Must be based on the amount of timber harvested from Gitanyow territories

• BC insists on imposing FRA policy which ignores our economic interests
• We have reviewed and assessed the value of the current and proposed timber harvesting on Gitanyow territories:

  – We have estimated that $78 million per annum of timber is extracted from our territories, Littlewood, 2003

  – We are prepared to accept $1.4 million per annum as an interim solution

  – A full accounting of Gitanyow timber harvest must be conducted to determine the basis for true revenue sharing

  – This provides an economic return on Wilp investments in their land that can be used to enhance and sustain our traditional system.
4. Incremental Approach to Treaty-making

- Gitanyow's proposal will allow us to move beyond our impasse relating to certainty and legal status of lands
- Building treaties over time by negotiating a series of arrangements or agreements linked to treaties that can be implemented before a final treaty i.e., Land and Resources, Governance, and Revenue Sharing
- Incremental Approach has been recommended by the BCTC and by the Tri-Partite Working Group, “Improving the Treaty Process, May 2002”
- Gitanyow tabled their proposal January 2004
Benefits
Certainty and Security for All
Benefits: Gitanyow

- What uses are occurring and planned for Wilp Territories
- Agreement on protected and restoration areas
- Involvement in early planning and a management regime
- Resources for Capacity Building (March 2, 2005)
- Ayook/law and Wilp territories recognized and respected
- **Own source** revenue to support social, traditional and modern obligations
Benefits: British Columbia

• Implements the New Relationship and consistent with two THRone Speeches

• Demonstrates that recognition of Aboriginal Rights and Title can occur on the ground in a practical and non-threatening manner

• Creates certainty and stability for investment

• Implements court directives in Delgamuukw, Haida, Taku and Gwass Hlaam

• Begins to implement an incremental approach to treaty-making
Benefits: Industry

• Clearly identifies areas for resource harvesting activities
• Provides assurance of resource extraction (i.e. volume, location, etc.)
• Reduced costs for operational planning
• Simplify plan approval process
• Builds on good relationships already established with Westex, China Paper, CGED, and Timber Baron
Benefits: Treaty Process

• Gitanyow proposal to develop an incremental approach to treaty making and supports the “New Relationship” initiative;

• The Gitanyow model for implementing the New Relationship is consistent with much of Gitanyow’s draft AIP Chapters, including:
  – Our certainty model,
  – Joint Land Use Plan for the entire territory,
    • Agreement on protection of cultural sites,
    • Establishment of a joint management regime,
    • Sustainable forestry operations and model,
    • Capacity building requirements identified and resourced for the next 5 years,
  – Traditional government recognized, implemented with own source revenue,
  – Affordable and cost effective for all parties.
Next Steps

- Consult with Licensees and other stakeholders and finalize the Cranberry-Kispiox Landscape Unit Plan;
- Complete a SRMP for Gitanyow’s northern territories (Nass TSA);
- Consider options for formal legislative protection, i.e., OGMA, FEN, TUS, etc.;
- Develop Wilp Information System and enhance GIS capabilities;
- Finalize LUP Implementation plans and secure resources;
- Return to court if necessary to seek direction on the economic component of Gitanyow Title.
THE GITANYOW HEREDITARY CHIEFS