



South Fraser Perimeter Road

Profile of First Nations

Technical Volume 17 of the Environmental Assessment Application



Prepared for the Ministry of Transportation

September 2006

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KATZIE FIRST NATION**Contact Details:**

Address: 10946 Katzie Road, Pitt Meadows, B.C. Y3Y 2G6
Phone: (604) 465-8961
Fax: (604) 465-5949

Chief: Diane Bailey

Councilors: Leslie Bailey
Donna Leon
Mike Bailey

Note: Chief and Councilor terms expire on March 31, 2008.

Affiliation: not affiliated with any Tribal Council.

General Information:

Location: Fraser River in Maple Ridge, near Port Hammond.

Reserve Base: Five Indian Reserves totaling 340.7 hectares.

Katzie has the largest reserve in the Vancouver region (Pitt Lake #4 at 218 square kilometers (km²)). The main residential reserve (Katzie #1) has a density of approximately 430 persons per km², well above the average for all Indian Reserves in the Vancouver region (380 persons per km²).

Membership: 482 Band members (May 2006), approximately 288 on Reserve.

Traditional Territory:

All of the land around Pitt Lake (ten miles on west side), Pitt River (all the land along the Pitt River east to Golden Ears Park, Alouette Lake and Kanaka Creek), all of the cities of Surrey, Langley and New Westminster, west of New Westminster to Marpole Avenue in Vancouver.

Overlaps: Kwikwetlem, Tsawwassen and Musqueam First Nations.

Treaty Information:

Katzie is in Stage 4 of the BC Treaty Commission (BCTC) process, negotiating an Agreement-in-Principle (AIP) with Canada and BC. Key topics of negotiation include: fish, wildlife, forestry, and governance. Katzie is currently working on two Treaty Related Measures (TRM's): (i) a governance, culture and heritage TRM to identify and register archaeological sites within Katzie territory and; (ii) a TRM to develop a commercial recreation management plan for the development of the Pinecone-Burke Mountain Provincial Park Management Plan.

Agreement-in-Principle negotiations have steadily progressed on a number of topics including: parks, wildlife, migratory birds, culture and heritage, forestry, access and Crown corridors, as well as several procedural chapters. In the Fall 2005, the table also initiated discussions on a number of key treaty issues including governance, fish, and forestry.

Due to the lack of available Crown land in the region, the table is faced with the challenge of exploring land selection on parcels that may not be adjacent to existing reserves.

Interest in Gateway Program

Katzie's specific interests in the Gateway program include:

- Impacts of the proposed new Fraser River Crossing to Katzie's residential Reserves and salmon fishing areas. The proposed crossing linking Pitt Meadows to Surrey via 200th Street passes close to Katzie's main residential Reserves at Pitt Meadows, Langley and Barnston Island. It will also pass through Katzie's heaviest use area for salmon fishing.
- Protecting archaeological, cultural, spiritual and heritage sites.
- Participating in archaeological fieldwork and economic development opportunities.
- Protecting land interests and Aboriginal rights and title.

Current Litigation

No current litigation.

KWANTLEN FIRST NATION**Contact Details:**

Address: 92 Gabriel Lane, Box 108, Fort Langley, B.C. V1M 2R4
Phone: (604) 888-2488
Fax: (604) 888-2442

Chief: Marilyn Gabriel
Councilors: Leslie Antone
Tumia Knott

Note: Chief and Council are custom-elected and do not have expiry date.

Affiliation: Sto:lo Tribal Council.

General Information:

Location: Located on the Fraser River near Lougheed Highway and Maple Ridge.

Reserve Base: Six (6) Indian Reserves totaling 566.6 hectares. Note: Kwantlen ranks second behind the Squamish First Nation in terms of area, size, and most number of reserves.

Membership: 191 Band members (May 2006), approximately 62 live on Reserve.

Traditional Territory:

Kwantlen's traditional territory extends from Mud Bay in Tsawwassen in the south, to the northern end of Stave Lake to the north, east to Mission, and west to New Westminster.

Overlaps:

Union Bar, Skway, Chehalis, Skwah, Yale, Peters, Musqueam, Tsawwassen, Squamish, Katzie, Coquitlam, Semiahmoo, New Westminster, Nlaka'paxum and In-Shuck-ch First Nations.

Treaty Information:

Kwantlen is a member of the Sto:lo Tribal Council, a group of eight First Nations in the Fraser Valley. Members of the Sto:lo Tribal Council separated from the Sto:lo Nation in 2005; the Sto:lo Nation is in Stage 4 of the BCTC process, but negotiations have been stalled since July 2004 because of the internal political changes. Kwantlen's role in treaty negotiations is uncertain because of the new political organization. Aside from involvement in treaty negotiations, Kwantlen acts independently of the Sto:lo Tribal Council.

Interest in Gateway Program:

Kwantlen's interests in the Gateway program include:

- Protecting Aboriginal rights and title.
- Protecting archeological, cultural and heritage sites: specifically interested in burial sites, and protecting traditional uses along the Fraser River and New Westminster area. Kwantlen is working on developing a Heritage Management Policy and will be implementing a permit application process.
- Ensuring adequate consultation.

Current Litigation

Litigation is currently related to the Sto:lo Treaty Process and Protective Writ. There have been no new actions of litigation identified.

KWIKWETLEM FIRST NATION**Contact Details:**

Address: 65 Colony Farm Road, Coquitlam, B.C. V3C 3V4
Phone: (604) 540-0680
Fax: (604) 525-0772

Chief: Percy Cunningham
Councilors: Evan Schmitt
George Chaffee

Note: Chief and Councilor terms expire on April 30, 2009.

Affiliation: not affiliated with any Tribal Council.

General Information:

Location: Kwikwetlem is located near Coquitlam in the lower mainland.
Reserve Base: Two Reserves totaling approximately 84.5 hectares.
Membership 61 Band members (May 2006), approximately 27 live on Reserve.

Traditional Territory:

Kwikwetlem traditional territory is located around the mouth of the Coquitlam River and Port Coquitlam.

Treaty Information:

Kwikwetlem is not currently involved in the treaty process. Kwikwetlem submitted a Statement of Intent to the BC Treaty Commission (BCTC) but was advised to join another First Nation because of its small size.

Interest in Gateway Program:

Kwikwetlem's interests in the Gateway program include:

- Archaeological, cultural and heritage sites, specifically, lost fishing grounds.
- Participation in environmental and archeological assessments.
- Economic development opportunities.
- Ensuring minimal impacts to fishing (particularly between June and September).

Current Litigation:

No current litigation.

MUSQUEAM FIRST NATION**Contact Details**

Address: 6735 Salish Drive, Vancouver, B.C. V6N 4C4
Phone: (604) 263-3261
Fax: (604) 263-4212

Chief: Ernie Campbell
Councilors: R. Point
Wayne Sparrow
Barbara Charles
Howard Grant
Allyson Fraser
Delbert Guerin Sr.
Myrtle McKay
Nolan Charles

Note: Chief and Councilor terms expire on January 2, 2007.

Affiliation: Musqueam is not affiliated with any Tribal Council.

General Information:

Location: Musqueam's central village is located in the southwest corner of the City of Vancouver, near the Fraser River.

Reserve Base: Three Reserves totaling approximately 254.2 hectares.

Membership: 1162 Band members (May 2006), approximately 546 live on-Reserve (Musqueam also has approximately 760 non-Aboriginal people living on-Reserve).

Traditional Territory:

Musqueam traditional territory encompasses the Cities of Vancouver and Richmond, and parts of Burnaby, Port Moody, North Vancouver and West Vancouver.

Overlaps: Kwikwetlem, Tseil-Waututh, Squamish and Tsawwassen First Nations.

Treaty Information:

The Musqueam Indian Band is in Stage 3 of the BC Treaty Commission (BCTC) process and has initialed a Framework Agreement with Canada and British Columbia.

The parties at the Musqueam table signed a Framework Agreement (Stage 3) and held a signing ceremony on April 4, 2005, effectively moving the table into Stage 4 Agreement-in-Principle (AIP) negotiations. The table is currently negotiating a confidentiality protocol and developing an AIP work plan with a focus on the topic of land. Aside from treaty negotiations, Musqueam is actively pursuing non-treaty opportunities including entering into an MOU with the Federal government and the City of Richmond with regard to the Garden City Lands (April 2005). Further, as a member of the Four Host First Nations, Musqueam is actively pursuing economic opportunities related to the 2010 Olympics.

Note: the Musqueam Nation is a signatory First Nation to the *Framework Agreement on First Nation Land Management*.

Interest in Gateway Program

Musqueam's interests in the Gateway program include:

- Protecting land interests and Aboriginal rights and title.
- Protecting archaeological, cultural and heritage sites.
- Ensuring adequate consultation.

Current/Recent Litigation:

The Musqueam Indian Band is currently involved in three court cases concerning Aboriginal rights and title and consultation:

- 1) Musqueam v. Minister of Sustainable Resource Management (March 2005, BC Court of Appeal): the BC Court of Appeal held that the provincial Crown had failed in its duty to consult and accommodate the Musqueam Indian Band (Musqueam) over the sale of the University Golf Course land to the University of British Columbia (UBC). The Court suspended the operation of the Order in Council (which authorized the sale of the Golf Course land to UBC) for a period of two years. This allows the parties to participate in a meaningful process of accommodation consistent with the honour of the Crown.
- 2) Two cases on the Bridgeport Road casino; Musqueam v. BC Lottery Corporation and Musqueam v. City of Richmond: in July 2005 the BC Supreme Court ruled that the Province had not discharged its duty to consult, and determined that the appropriate remedy was economic compensation.
- 3) Musqueam v. Governor in Council: this case involves Musqueam's objection to Canada's sale of a portion of land in the City of Richmond known as the "Garden City Lands". The case will go to appeal in 2005.

Musqueam is well known for bringing two landmark aboriginal rights and title cases to the Supreme Court of Canada:

- Guerin v. The Queen: The Court acknowledged pre-existing aboriginal title to the Reserve. The court also ruled that the Crown owes a unique, legally enforceable fiduciary duty to First Nations when dealing with Reserve lands.
- Sparrow v. The Queen (1990): The Court stressed that a liberal, generous interpretation in favour of aboriginal people is called for when interpreting legislation and the legal doctrine of aboriginal rights. It also stated that Section 35 of the Constitution Act 1982 is a "promise" and must be interpreted and applied so as to uphold the honour of the Crown. It also said that the Crown's legal relationship with the Crown was "trust-like" and that certain tests had to be met before extinguishing aboriginal rights. Finally, the aboriginal holders of the right must be consulted before the restriction is imposed.

SEMAIHM00 FIRST NATION**Contact Details:**

Address: 16049 Beach Road, Surrey, B.C. V4P 3C5
Phone: (604) 536-3101
Fax: (604) 536-6116

Chief: Willard Cook
Councilors: Joanne Charles
Kevin Cook

Note: Chief and Councilor terms expire December 27, 2006.

Affiliation: Semiahmoo is affiliated with the Sencot'en Alliance (made up of Semiahmoo, Pauquachin, Tsawout, and Tsarlip First Nations). Sencot'en is a broad alliance of coastal First Nations and is not a tribal council.

General Information:

Location: Semiahmoo is located on Semiahmoo Bay, bordering the City of Surrey and the City of White Rock.

Reserve Base: One Indian Reserve totaling 129.1 hectares.

Membership: 76 Band members (May 2006), 46 live on Reserve. Approximately 80 non-Aboriginal people live on Reserve.

Traditional Territory:

Semiahmoo is located south of White Rock at Canada-US border.

Treaty Information:

Semiahmoo is not engaged in the BC Treaty Commission (BCTC) process.

Interest in Gateway Program:

Semiahmoo's interests in the Gateway program include:

- Protecting land interests and Aboriginal rights and title.
- Protecting archaeological, cultural and heritage sites.
- Ensuring adequate consultations.

Current/Recent Litigation:

No current litigation.

TSAWWASSEN FIRST NATION**Contact Details:**

Address: 131 N. Tsawwassen Drive, Delta, B.C. V4M 4G2
Phone: (604) 943-2112
Fax: (604) 943-9226

Chief: Kim Baird
Councilors: Stuart Morgan
Andrea Jacobs
Laura Cassidy
Tina Koller

Note: Chief and Council terms expire on March 27, 2009.

Affiliation: Naut'sa mawt Tribal Council (made up of Chemainus, Halalt, Homalco, Klahoose, Nanoose, Sliammon, Snuneymuxw, Tsleil-Waututh, and Tsawwassen).

General Information:

Location: Tsawwassen is located in Delta between Vancouver and Point Roberts.

Reserve Base: One (1) Reserve totaling 272 hectares.

Membership: 268 Band members (May 2006), 162 living on-Reserve (note: approximately 270 non-Aboriginal people live on the Tsawwassen Reserve).

Traditional territory:

Fraser River Delta, Pt. Roberts USA, Boundary Bay and many smaller slough and stream drainages of the Lower Fraser River Valley, Roberts Bank and adjacent sea areas. (See Figure 12.2 of EA).

Overlaps: Kwikwetlen, Katzie, Musqueam, and Semiahmoo First Nations.

Treaty Information:

Tsawwassen signed an Agreement-in-Principle (AIP) in March 2004 with B.C. and Canada. The AIP includes 427 hectares of land plus existing reserve land of 290 hectares and \$14.2 million, of which \$10.1 million is a capital transfer. Since signing the AIP, intensive negotiations have continued towards reaching a Final Agreement.

Note: Tsawwassen is a signatory to the Framework Agreement on First Nation Land Management.

Interest in Gateway Program

Tsawwassen's specific interests in the Gateway program include:

- Economic development opportunities for First Nations.
- Open communication and meaningful consultation.
- Protection of archeological and heritage sites (particularly concerned about any issues related to discovery of human remains).
- Protection of traditional use sites: some areas identified are along the north side of the Fraser River, as well as areas on the Pitt River and Port Mann crossings.
- Fisheries and fish habitat.
- Protection of land rights: it is possible that the South Fraser Perimeter Road will encroach on Tsawwassen First Nation treaty lands. Tsawwassen will likely have an interest in ensuring its land rights are protected, as well as preserving any archaeological or cultural heritage sites.
- Participation in the Environmental Assessment review process.

Current/Recent Litigation:

The Tsawwassen First Nation filed a lawsuit against the Vancouver Port Authority, BC Ferries, BC Rail, Canada and the Provincial Government for impacts from past development in the area. This court case was dropped in November 2004 when Tsawwassen and the Port Authority reached an agreement that addresses past grievances and establishes a 25-year business partnership that includes temporary and permanent jobs and jointly managed entrepreneurial ventures.

Other litigation is currently related to the Treaty Process and Protective Writ.

STO:LO NATION**Contact Details**

There are 2 separate Sto:lo organizations that collectively represent 19 Sto:lo Bands.

1. The Sto:lo Nation Society:

Address: Bldg. 1-7201 Vedder Road, Sardis, B.C. V2R 4G5
Phone: (604) 858-3366
Fax: (604) 824-5326
Contact: Joe Hall and Willie Hall represents:

Member Bands:

- Aitchelitz
- Leq'a:mel
- Matsqui
- Popkum
- Shxwha:y Village
- Skawahlook
- Skowkale
- Squiala
- Sumas
- Tzeachten
- Yakweakwioose

2. The Sto:lo Tribal Council:

Address: PO Box 440, #8 Chowat Road, Aggasiz, B.C. V0M 1A0
Phone: (604) 796-0627
Contact: Clarence Pennier represents:

Member Bands:

- Chawathil
- Cheam
- Kwantlen
- Kwaw-kwaw-Apilt
- Scowlitz
- Seabird Island
- Shxw'ow'hamel
- Soowahlie

Population: Approximately 5000.

Traditional Territory:

The Sto:lo Nation's traditional territory extends from the mouth of the Fraser River up to the Lower Fraser Canyon.

Overlaps: Peters, Union Bar, Skway, Chehalis, Skwah, Yale, Musqueam, Tsawwassen, Squamish, Katzie, Kwikwetlem, Semiahmoo, New Westminster, Nlaka'paxum and In-Shuck-ch First Nations.

Treaty Information:

The Sto:lo Nation is in Stage 4 of the BC Treaty Commission (BCTC) process. Negotiations are currently stalled due to internal political/governance issues.

Interest in Gateway Program:

The Sto:lo Nation asserts collective aboriginal title and rights to the lands encompassed by its member Bands (the main Sto:lo member Band affected by the Gateway project is the Kwantlen Band). Some engagement/consultation with the Sto:lo Nation will be required during the Gateway project.

Current/Recent Litigation:

Litigation is currently related to the Sto:lo treaty process and Protective Writ.

QAYQAYT (NEW WESTMINSTER) NATION**Contact Details:**

Address: 105 - 3680 Rae Avenue, Vancouver, B.C. V5R2P5
Phone: (604) 451-0531
Fax: (604) 451-0531

Chief: Rhonda Larrabee
Councilors: Rodney Bandura
Ronald Lee
Robert Bandura

Note: Chief and Councilors appointed in 1994.

Affiliation: not affiliated with any Tribal Council.

General Information:

Location: New Westminster.

Reserve Base: No reserve lands.

Membership: Nine Band members (May 2006).

History: Three reserves were allotted to the New Westminster Band in 1879; however, none of these Reserves still exist. The last New Westminster Band members apparently died in 1975 and in 1992, but the federal government was never officially notified. Therefore, the First Nation continued to exist on paper only until Rhonda Ferguson, who applied for Indian status under Bill C-31, was recognized as an official member in 1994.

Traditional Territory: No information currently available.

Interest in Gateway Program:

New Westminster's interests in the Gateway program will likely include land interests, culture and heritage, and archaeological sites.

Current/Recent Litigation:

No current litigation.

