



Tla'Amin Reach Treaty Agreement

Fourteen years after they started into the treaty process, the Tla'Amin (Sliammon) First Nation reached a negotiators' understanding on June 8th in Powell River with BC and federal negotiators.

The agreement, which still needs to be formally confirmed by the negotiators and then voted on by the community, includes four times the amount of existing reserve land and 70 kilometres of waterfront. It also includes almost \$30 million in capital transfers and \$7 million for an economic development fund.

But the final chapter to be discussed remains the weakest in the agreement. Roy Francis, Tla'Amin chief negotiator, is disappointed with the fish provisions in the final agreement. "We didn't celebrate or cheer," he is quoted as saying. "We weren't happy, but at the end of it we said we were going to roll it up, present it to the community and let the community decide whether this agreement is acceptable or not."

Roy Francis notes the agreement includes provision for 200 mixed-stock chinook a year. "It's a number

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UPCOMING EVENTS:

July 2 – **CEAA Report on Teztan Biny (Fish Lake)** – The report and recommendations from the federal review panel on the proposed Prosperity Gold – Copper Mine are due to be released. Please check the website for details.

Congratulations!

On June 24th **Drew Mildon** was elected chair of the Vancouver Island CBA Aboriginal Law Section.

July Profile: Pat Hutchings

Admirable advocate for First Nations rights

Senior counsel Patricia Hutchings prefers to highlight the stellar team of lawyers working under the W&Co LLP banner – but her 25 years pioneering litigation on behalf of First Nations rights deserves mention.

Pat has a Masters degree in Law from the University of British Columbia. Her thesis was on Aboriginal law issues. She has appeared at all levels of court, including the BC Court of Appeal and Supreme Court of Canada. Early in her career she was co-counsel with Jack Woodward in the Meares Island case. Pat was also co-counsel in the landmark Tsilhqot'in case. She acknowledges, "Litigation has proved to be very necessary to First Nations. It started with Meares Island, Calder and Delgamuukw arguing for rights and now many are recognized by the courts. First Nations rights are finally taken seriously."

Pat is also encouraged by many of the decisions judges have made since her call in 1985. "I've seen the jurisprudence really grow enormously and any negotiations that are happening between First Nations and the Crown are in large part the result of the successes in litigation."

Widely regarded as one of the leading advisory counsel in the field of Aboriginal law, Pat is frequently consulted by other counsel for her advice and experience in this area.

On her days out of the office Pat enjoys travel with her husband and putting in her garden. ❖



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that we feel really bitter about," he told the Powell River Peak. "It's not something we like."

There is provision for more chinook as they return to their home streams in Tla'Amin's territory, as well as a treaty right to harvest sockeye, chum and pink for food, social and ceremonial purposes.

There is also provision to harvest fish commercially. Fish caught with commercial licenses can be sold or used for food in the community and in the agreement there is \$1.4 million to buy commercial fishing licences.



The land portion of the treaty agreement includes 8,322 hectares with parcels on Savary and Texada Islands and within Powell River's city boundaries near the airport.

W&Co LLP's **Murray Browne** assisted with the negotiations and is also disappointed with the fish chapter and the federal government's approach to negotiating treaties in BC. "It's unfortunate that the federal government is currently so focused on trying to minimize aboriginal rights and impose their political ideologies on First Nations rather than on negotiating a fair and just resolution to long standing issues. However, there is much that is positive in the Tla'amin Treaty and I commend the negotiating team, the Council and the community for their strength, commitment and creativity in getting this far." ❖

Woodward & Co. LLP Welcomes Sandy Dahl



We are thrilled to have Sandy as part of our team. She now provides legal assistance for five of our lawyers. Her email is: sandy@woodwardandcompany.com

W&Co LLP Participates in Launch of New Charity Formed to Protect First Nations' Heritage

A newly created charity named the Nesika Cultural and Heritage Society sets First Nations' heritage protection as its raison d'être. W&Co's **Jack Woodward** spoke at the Nesika inaugural heritage banquet on June 18th in Vancouver, which included a salmon and bannock dinner and silent auction.

Nesika was formed to support community-focused projects dedicated to research, education and cultural preservation. The society's guiding principle "is that the protection of Aboriginal title and rights is fundamentally linked to the preservation of our culture and heritage."

Jack praised the group for "standing up for values that would otherwise have no defender," adding that, "People are starting to realize that it is the aboriginal people who have the power...they are the people who will save us from environmental catastrophe."

Proceeds from the dinner will be used to support a conference on heritage conservation issues for First Nations' communities. ❖



There shall be eternal summer in the grateful heart.
~Celia Thaxter