

Kowalewsky, Sheila J ABR:EX

From: De Wit, Antoinette PREM:EX
Sent: Friday, December 19, 2014 9:57 AM
To: Minister, ABR ABR:EX; ABR Correspondence Unit
Subject: FW: MLA Scott Fraser
Attachments: 111111Fraser0001.pdf

Categories: DEALT WITH BY MO

Hello, we have discussed this item and request that MinisterJR respond to Mr. Fraser on behalf of the Premier.
Thank you very much.

From: De Wit, Antoinette PREM:EX
Sent: Friday, December 19, 2014 9:24 AM
To: Southern, Evan PREM:EX; Mills, Shane LASS:EX (Shane.Mills@leg.bc.ca); Chin, Ben PREM:EX
Cc: Kerr, Carleen PREM:EX; Campbell, Carolyn ABR:EX; Grant, Wade PREM:EX
Subject: MLA Scott Fraser

We rec'd this item this morning ... shall we ask MinisterJR to respond "on behalf of"?

Scott Fraser, MLA
(Alberni - Pacific Rim)
Parliament Buildings
Victoria, BC V8V 1X4
Phone (250) 953 - 4771
Fax (250) 387-4680



Constituency Office:
3945B Johnston Rd
Port Alberni, BC V9Y 5N4
Phone (250) 720 - 4515
Fax (250) 720 - 4511
scott.fraser.mla@leg.bc.ca

December 18, 2014

Honourable Christy Clark
Premier of British Columbia
West Annex
Parliament Buildings
Victoria, BC V8V 1X4

Dear Premier:

Re: Acho Dene Koe First Nation (ADK) Aboriginal Rights and Title in BC

During your absence from the Legislature at this Fall Session I raised the question of your avoidance of the ADK aboriginal title claim to the Liard and Horn River and Maxhamish Lake areas where you are advocating for extensive LNG extraction and basing BC's economic future on lands that are exclusively ADK traditional lands (see Hansard of 10/27/14). ADK's correspondence to you of 10/10/14 warns that your economic plans for BC are endangered as a result of you ignoring negotiations with ADK's to address its aboriginal claims: "Your dream of an economically secure BC rests with settling ADK's claim on these lands. Failure to do so may cause the closure of LNG activities on our lands."

Premier, ADK's claim for aboriginal title was accepted by the BCTC in 2002 and Canada has been prepared to negotiate since that date, yet subsequent repeated requests to enter into negotiations with you and your government have been ignored. I am surprised by your attempts to engage First Nations along the proposed LNG pipeline in an economic partnership while continuing to ignore ADK, whose lands are the primary source of LNG, that you tout as being BC's economic future.

Again I ask your Government, as federal Ministers of Indian Affairs have asked, to enter into honorable land claim negotiations with ADK and Canada to address the sharing of lands, resources and governance over ADK Lands in BC. In addition to myself as Opposition Spokesperson and federal ministers, you have been contacted over the years by numerous Senators and MPs (who are copied below) regarding your failure to engage ADK's legitimate claim and the moral need to conclude treaty with ADK in BC. Surely there is something deeply wrong with your Government's position when all the federal parties of Canada and the Official Opposition in BC call for negotiations to address the honour of the Crown in a treaty negotiation with ADK.

As the Opposition Spokesperson for Aboriginal Relations and Reconciliation, who has visited the region and met with the Chief, Elders and community members, I put the question to you again. When will BC address the negotiation of the ADK claim for aboriginal rights and title in BC?

I look forward to your positive response.

Yours truly,



Scott Fraser, M.L.A.
Alberni-Pacific Rim
Opposition Spokesperson for Aboriginal Relations

cc.

The Honourable Stephen Harper, Prime Minister of Canada, stephen.harper@parl.gc.ca

The Honourable Bernard Valcourt, Bernard.Valcourt@parl.gc.ca

Jean Crowder, NDP Aboriginal Affairs Critic, jean@jeancrowder.ca

Carolyn Bennett, Liberal Aboriginal Affairs Critic, carolyn.bennett@parl.gc.ca

Senator Larry Campbell, campbel@sen.parl.gc.ca

Senator Nick Sibbiston, Sibbeston-Assist1 <SIBBA1@SEN.PARL.GC.CA>

Commissioner Dave Haggard BC Treaty Commission, dhaggard@bctreaty.ca

The Honourable Rick Coleman, MNCD.minister@gov.bc.ca

The Honourable John Rustad, ABR.Minister@gov.bc.ca

Bob Reiter, rareiter@worldgate.ca

Chief Harry Deneron, by mail

Justin Hunter, JHunter@globeandmail.com



THE PREMIER OF THE NORTHWEST TERRITORIES

MINISTER'S OFFICE - RECEIVED
MINISTRY OF ABORIGINAL RELATIONS
& RECONCILIATION
34863
JUL 11 2014
☐ Min Reply ☐ Reply Direct ☐ DM Reply
☐ Send Material ☐ Redirect to
C/ce
CLIFF #

The Honourable John Rustad
Minister
Aboriginal Relations and Reconciliation
Station Provincial Government
PO BOX 9055
VICTORIA BC V8W 9E2

JUL 03 2014

Dear Minister Rustad:

Acho Dene Koe First Nation Agreement-in-Principle

I am pleased to inform you that the Acho Dene Koe First Nation and Métis of Fort Liard (ADKFN) Agreement-in-Principle (AIP) was signed on 5 February, 2014, by the Government of the Northwest Territories (GNWT), the Government of Canada, and the ADKFN. This AIP marks a significant step forward in ADKFN land and resources negotiations in the Northwest Territories (NWT).

As you may be aware, the traditional territories of Aboriginal peoples seldom follow provincial or territorial borders. This is true for the ADKFN whose asserted traditional territory extends beyond the NWT border. In fact, approximately 60% of ADKFN's asserted territory lies outside the NWT and includes a portion of Northeast B.C.

s.16

I understand that ADKFN has approached officials in your government, as well as in the BC Treaty Commission, regarding their desire to engage in negotiations to clarify and provide certainty on their Aboriginal and treaty rights in B.C.

Thank you for your attention to this matter and if you have any questions regarding the recently signed ADKFN AIP, do not hesitate to contact my office.

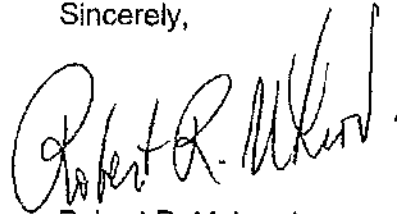
.../2

LEGISLATIVE ASSEMBLY
YELLOWKNIFE, NT
CANADA X1A 2L9
Telephone (867) 669-2311
Facsimile (867) 873-0385

The ADKFN AIP is available online at:

<http://www.daair.gov.nt.ca/live/pages/wpPages/AchoDeneKoe.aspx>

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. McLeod". The signature is stylized with a large, looped initial 'R' and a trailing flourish.

Robert R. McLeod

c. Gary Bohnet
Principal Secretary

Martin Goldney, Deputy Minister
Aboriginal Affairs and Intergovernmental Relations.

Kowalewsky, Sheila J ABR:EX

From: Rustad.MLA, John <John.Rustad.MLA@leg.bc.ca>
Sent: Tuesday, June 16, 2015 10:08 PM
To: Campbell, Carolyn ABR:EX
Cc: Minister, ABR ABR:EX
Subject: FW: Acho Dene Koe's Land Claim in BC
Attachments: Acho Dene Koe Letter of Notice June 15 2015 [Sent-Final].pdf

Categories: FYI/FILE, DEALT WITH BY MO

-----Original Message-----

From: rareiter@worldgate.ca [mailto:rareiter@worldgate.ca]
Sent: June 16, 2015 1:34 PM
To: m.culbert@progressenergy.com; c.rutherford@progressenergy.com; premier@gov.bc.ca; Bernard.Valcourt@parl.gc.ca; MNGD.minister@gov.bc.ca; Rustad.MLA, John; Fraser, Scott; thappynook@bctreaty.ca; rdiaz@dmcsLtd.net; Rareiter
Subject: Acho Dene Koe's Land Claim in BC

Please find the attached Letter that concerns your activities in BC.

ROBERT A. REITER*
BARRISTER AND SOLICITOR
473 Hawkford Way N.W.
Calgary, Alberta T3G 3J6
(780) 919-1922
email: rareiter@worldgate.ca

* Denotes a Professional Corporation

Attention:

Michael Culbert, President and CEO
Cindy Rutherford, V.P. Abo. Relations
Progress Energy Canada Ltd.,
1200, 205 -5th Ave. S.E Calgary, Alberta, Canada T2P 2V7

m.culbert@progressenergy.com
c.rutherford@progressenergy.com

June 15, 2015

Re: Acho Dene Koe First Nation (ADK) Aboriginal Rights and Title in BC

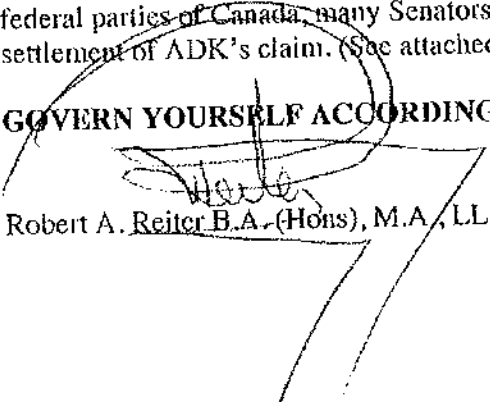
We are Legal Counsel for ADK and have been instructed to inform you that Petronas' partnership with BC regarding LNG lacks fundamental legal certainty as Premier Clark continues to ignore ADK's aboriginal rights and title to where BC's prime LNG's fields are (the Liard Basin, the Horn Plateau and Maxhamish Lake). Premier Clark's dream of an economic secure BC rests with settling ADK's claims. Failure to do so may endanger all LNG activities on ADK lands, pipelines that transport LNG from ADK lands and the export of LNG from ADK lands.

NWS the urgency that Canada and the BC Treaty Commission (BCTC) have placed on ADK's claim BC has ignored ADK's claim since 2002 when the BCTC first validated it. Over 200 ADK members are resident on traditional lands found in BC. ADK members have numerous cabins and villages in BC. Case law makes proof of ADK's aboriginal title in BC quite easy.

BC is totally derelict in its fiduciary duty to ADK by its continual taking of ADK lands for its many LNG projects in the ADK area in full knowledge of ADK's legitimate land claim. ADK has the majority of the impacts subjected to their lands in the form of gas fields, gas plants, and pipelines, which no other aboriginal group can claim as theirs. BC has provided no consultation or accommodation to ADK as it has to other Indians.

We ask, as Canada has asked, for BC to enter into land claim negotiations to address the sharing of lands, resources and governance over ADK Lands in BC. For Petronas to partner with BC is extremely dangerous as BC's refusal to negotiate with ADK is contrary to the position of all federal parties of Canada, many Senators and the Official Opposition in BC who have called for settlement of ADK's claim. (See attached documents)

GOVERN YOURSELF ACCORDINGLY


Robert A. Reiter B.A. (Hons), M.A., LL.B

cc.

The Honourable Christy Clark
The Honourable Bernard Valcourt.
The Honourable Rick Coleman
The Honourable John Rustad
Mr. Scott Fraser, MLA
Commissioner T. Happynook BCTC
R. Diaz, Acho Dene Koe

premier@gov.bc.ca
Bernard.Valcourt@parl.gc.ca
MNGD.minister@gov.bc.ca
john.rustad.mla@leg.bc.ca
S.Fraser@leg.bc.ca
thappynook@bctreaty.ca
rdiaz@dmsltd.net

Attachments:

Chief Deneron's Letter to Premier Clark
10/30/14 Globe and Mail Article
10/27/14 BC Hansard
3/23/15 BC Hansard

Kowalewsky, Sheila J ABR:EX

From: Kevin Bradshaw <kevinbradshaw@adkfirstnation.ca>
Sent: Tuesday, October 14, 2014 3:42 PM
To: rareiter@worldgate.ca
Cc: stephen.harper@parl.gc.ca; Bernard.Valcourt@parl.gc.ca; Minister, MNGD MNGD:EX; Minister, ABR ABR:EX
Subject: Acho Dene Koe First Nation (ADK) Aboriginal Rights and Title in BC
Attachments: ChristyClarkLetter.pdf.pdf
Categories: DEALT WITH BY MO

Bob,

Please find attached the letter from Acho Dene Koe First Nation Chief Harry Deneron to The Honourable Christy Clark pertaining to the land claim negotiations.

Mahsi cho

Kevin Bradshaw
Band Manager
Acho Dene Koe First Nation
General Delivery, #184, 1910 Poplar Road
FORT LIARD NT X0G 0A0

Phone: (867) 770-4571 ext 260
Fax: (867) 770-4573
Email: kevinbradshaw@adkfirstnation.ca



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Acho Dene Koe First Nation

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General Delivery,
184 1910 Poplar Road
Fort Liard, NT X0G 0A0
Telephone: 867.770.4571
Fax: 867.770.4573

October 10, 2014

The Honourable Christy Clark
Premier of British Columbia
Box 9041 Station PROV GOVT
Victoria, BC V8W 9E1

RE: Acho Dene Koe First Nation (ADK) Aboriginal Rights and Title in BC

Dear Madam,

Acho Dene Koe's traditional lands are in the southwest NWT, southeast Yukon and northern British Columbia. Its traditional lands are equally found in three jurisdictions (see attached map). ADK is not just a trans-boundary claim; its traditional lands, which are solely occupied by our peoples, are found where BC's prime natural gas fields are (the Liard Basin, the Horn River Basin and Maxhamish Lake). Your dream of an economically secure BC rests with settling ADK's claim on these lands. Failure to do so may cause the closure of LNG activities on our lands.

Notwithstanding the urgency that Canada and BC Treaty Commission (BCTC) has placed on ADK's treaty negotiations, BC has nevertheless ignored ADK's claim. BC's evasion of negotiations has become critical as ADK is closing negotiations on its Final Agreement in NWT, starting its comprehensive claim with Yukon, and has attempted without success to engage BC since 2002 when the BCTC first validated ADK's claim.

The traditional ADK lands of in NWT, BC and Yukon have supported its people for millennia. Legal certainty to the northern boundary of BC was only achieved in 1956 when the Dominion Survey mapped the BC-NWT boundary. Previous to that time all the lands that ADK claims were not technically in what is now BC. Over 200 ADK members are resident on traditional lands found in BC. ADK members have numerous cabins (18+) in the Maxhamish Lake area, on the Laird, Petitot and Beaver Rivers. ADK has villages at François and La Jolie Butte in BC on the Liard River. The majority of the ADK members practice traditional and contemporary land uses on their traditional territory found in BC. BC trapping licenses for its members also attest to ADK's continued use of its traditional lands found in BC. A Traditional Use Study catalogues 238 culturally significant ADK sites in BC; many ADK sacred sites including numerous graves are found in BC.

ADK has approved its AIP (via an absolute majority) for negotiating a comprehensive claim with Canada and GNWT. ADK is in the process of engaging Yukon so as to address its rights in S.E. Yukon.

As previously mentioned, BC is not merely a trans-boundary claim (addressing migratory rights) as ADK's Traditional Use Study evidences irrefutable strength of claim that is one of the strongest in BC under the BCTC Process. Treaty 11 was never fulfilled, hence, ADK negotiating comprehensive claims under modern treaties. Consequently, ADK has unextinguished aboriginal title and rights with members living on their lands in BC. The *William* case makes proof of ADK's aboriginal title in BC quite easy.

BC has a legal and political duty to negotiate in good faith with ADK. BC is totally derelict in its fiduciary duty to ADK by its continual taking of ADK lands for its many LNG projects in the ADK area in full knowledge of ADK's



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legitimate land claim. ADK has the majority of the impacts subjected to their interests in the form of gas fields, gas plants, and pipelines on their core lands, which no other aboriginal group can claim as theirs. BC has provided no consultation or accommodation to ADK as it has to other Indians.

We ask, as Canada has asked, for BC to enter into land claim negotiations to address the sharing of lands, resources and governance over ADK Lands in BC. We have contacted numerous Senators and MPs regarding BC's failure to engage ADK's legitimate claim and the moral and legal need to conclude treaty with ADK in BC. Surely there is something deeply wrong with BC's refusal to negotiate when all the federal parties of Canada, many Senators and the Official Opposition in BC call for negotiations to address the honour of the Crown in a treaty negotiation with ADK.

We suggest that BC meet with ADK in Vancouver during the week of October 20, 2014 to start negotiations otherwise ADK will be forced to utilize other remedies to get BC to the Negotiating Table.

Sincerely,

Chief Harry Deneron

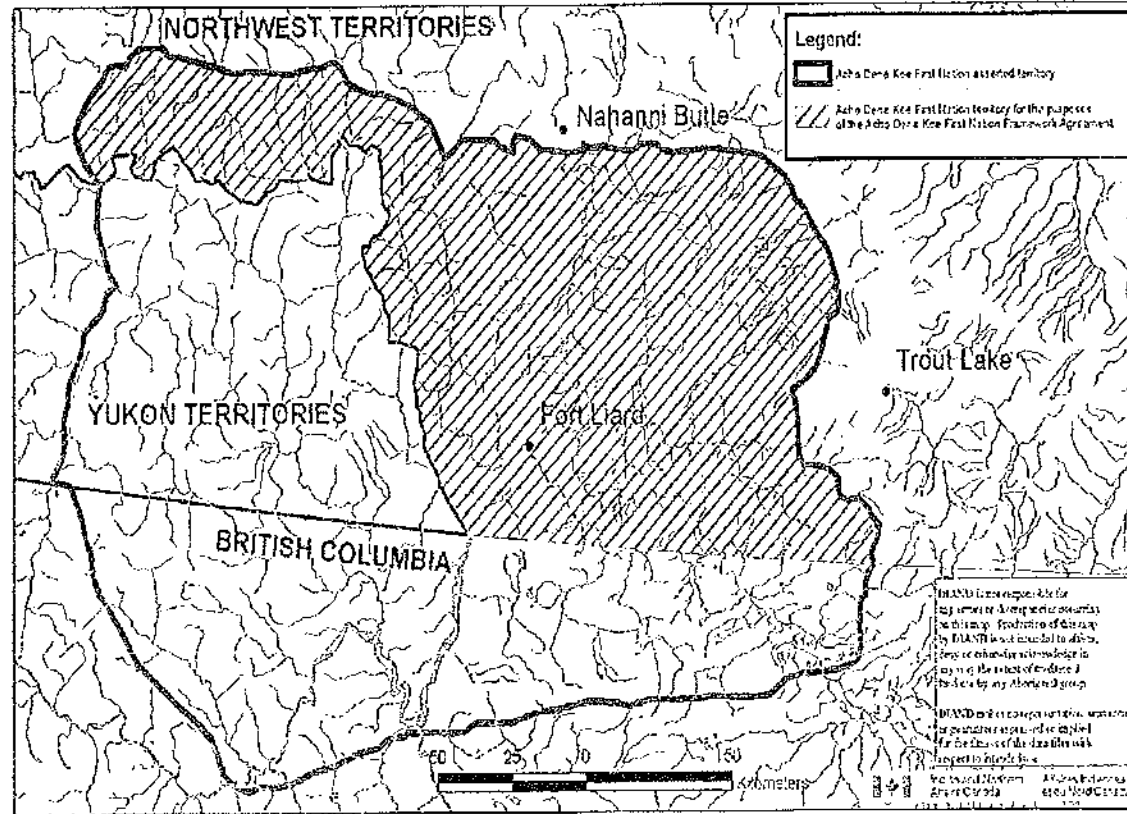
cc.

The Honourable Stephen Harper, Prime Minister of Canada,
The Honourable Bernard Valcourt,
The Honourable Rick Coleman
The Honourable John Rustad

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Appendix A



MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
2016 Estimates Note
Acho Dene Koe

I. ISSUE: s.13,s.16

II. TALKING POINTS

s.13,s.16

III. KEY POINTS AND BACKGROUND:

s.13,s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

2016 Estimates Note

Acho Dene Koe

s.13,s.16

Contact / Prepared by:

ALEXANDRA BANFORD
Integrated Negotiations Branch
Phone: (250) 387-7796
Cell: s.17

Alternate Contact

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Aboriginal Relations and Reconciliation
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