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Treaty Land Entitlement Claim  
Allisun Rana, Rana Law  
Doig River First Nation World Café  
December 5, 2018

# Welcome to the TLE World Café

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- Doig has been negotiating the TLE Claim for 14 years.
- As we come closer to settlement, the community decided to host this event to share with its neighbours important information about the Claim in a culturally relevant manner.
- This Claim, and all of the other TLE Claims being settled by the other Treaty 8 Nations in this area, are significant achievements.
- They represent the fulfillment the Crown's legal obligation under Treaty 8 – an obligation that has been outstanding for almost 120 years.



# Welcome to the TLE World Café



- The ancestors of the present day members of Doig River First Nation entered into a Treaty of peace and friendship in 1900 with the Queen, representing the government of the Dominion of Canada.
- We all benefit from this treaty agreement, both Indigenous and non-Indigenous people.
- This is why the theme of the TLE World Café is “We are all Treaty People”. It reminds us that this upcoming settlement is something we should all be celebrating.



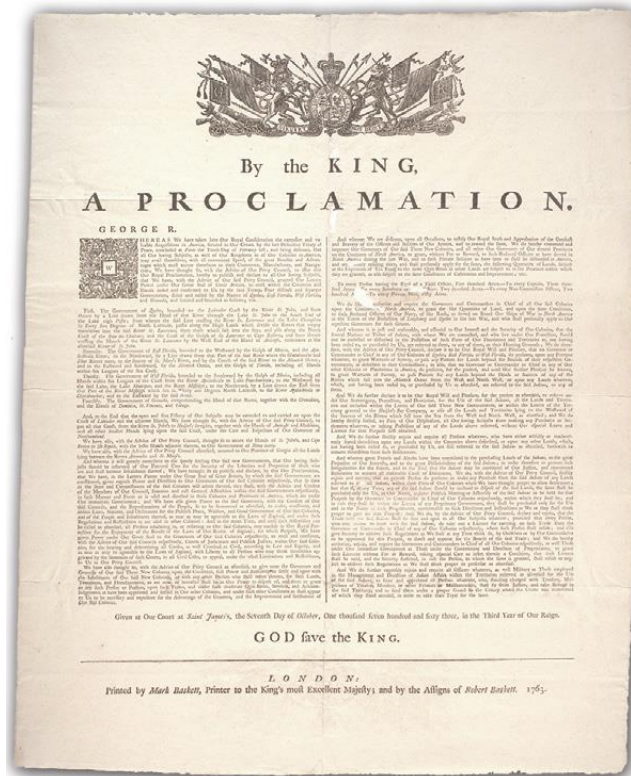
# Overview

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- Historical Context – Treaty 8
- Doig's Treaty Land Entitlement Claim
- 2010 MOU with the City of Fort St. John
- Land Selections
- Moving Forward



# Historical Context – Treaty 8



- The foundation of Canadian Aboriginal law can be traced back to the Royal Proclamation of 1763.
- The Royal Proclamation was issued by King George III after Britain's acquisition of French territories in North America in the Seven Years' War.

# Historical Context – Treaty 8

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- The Royal Proclamation sets out Britain's early policy of colonization and formally establishes 4 colonies.
- It recognized Aboriginal land ownership to all territories not already ceded or purchased by the Crown (basically those lands west of the Appalachian Mountains).
- It effectively contained the colonies to the eastern seaboard **by establishing that only the Crown could purchase land from Aboriginal peoples, which ultimately led to the negotiation of treaties.**

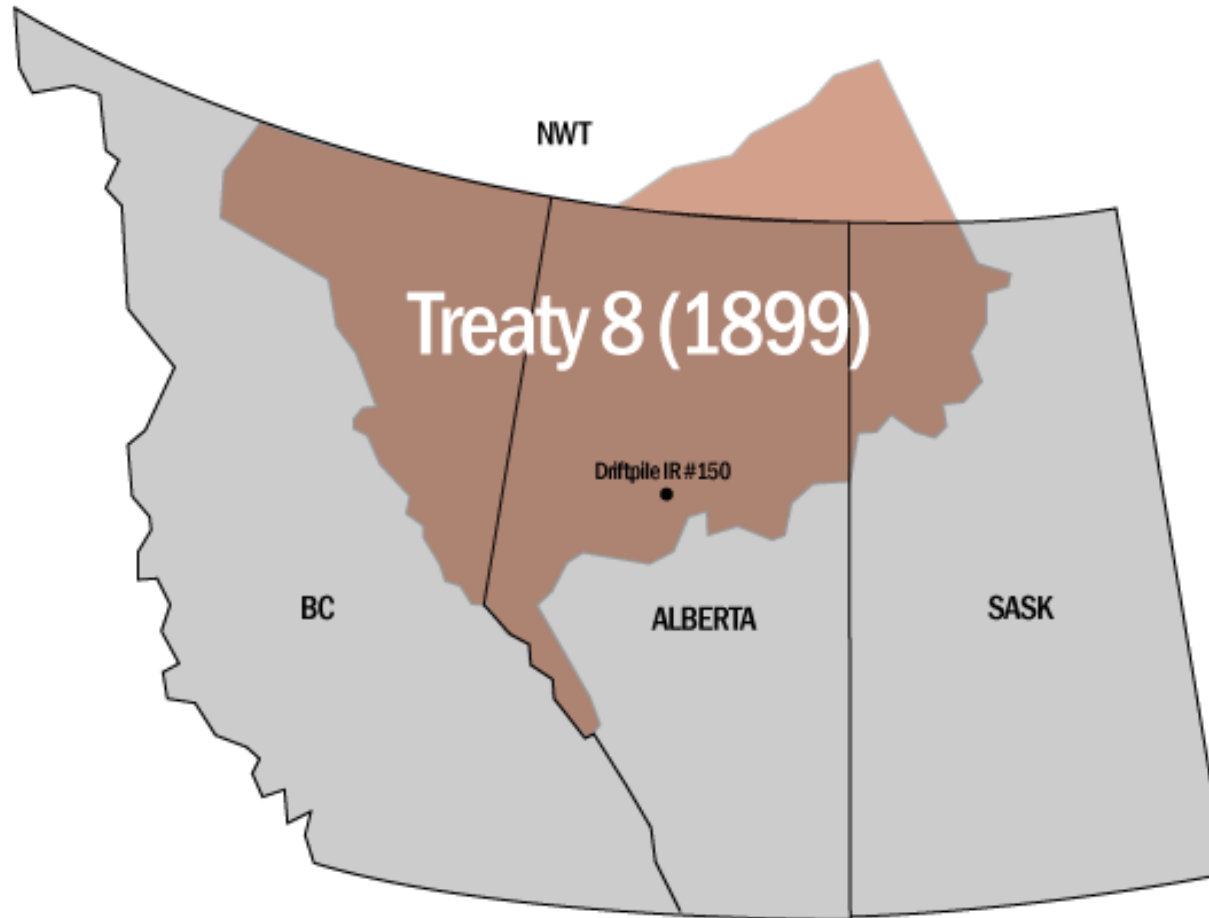






# Historical Context – Treaty 8

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# Historical Context – Treaty 8

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- Treaty No. 8 was first signed on June 21, 1899 at Lesser Slave Lake between the Cree and the federal Crown.
- Treaty Commissioners then travelled north to meet with other Aboriginal groups throughout the summer to sign Treaty adhesions.
- After many delays, when they finally reached Fort St. John later in the summer, the ancestors of Doig and Blueberry (the Dane-zaa) had already left the area for their winter trap lines.



# Historical Context – Treaty 8

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- Ottawa sent another Commissioner out the following summer who met with the Dane-zaa on May 30, 1900 where a Treaty adhesion was signed at Old Fort.
- The federal government gave the Dane-zaa signatories the name of the Fort St. John Beaver Band and recorded the names of each male head of family present on a Treaty “playlist”, giving each of them a Treaty playlist number.
- Women and children were counted in association with their respective male head of family as check marks instead of being listed by name.



# Historical Context – Treaty 8

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- Treaty 8 includes a number of commitments to the Aboriginal signatories, but Treaty Land Entitlement Claims concern the commitment about **the amount of reserve lands to be provided.**

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for such bands as desire reserves, the same not to exceed in all one square mile for each family of five for such number of families as may elect to reside on reserves, or in that proportion for larger or smaller families...the land to be conveyed with a proviso as to nonalienation without the consent of the Governor General in Council of Canada, the selection of such reserves...to be made in the manner following, namely, the Superintendent General of Indian Affairs shall depute and send a suitable person to determine and set apart such reserves and lands, after consulting with the Indians concerned as to the locality which may be found suitable and open for selection.



# Historical Context – Treaty 8

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- One square mile for each family of five = 128 acres per person.
- A Treaty Land Entitlement Claim (TLE Claim) can arise where a Treaty Nation has not yet been provided any reserve land or where it can establish that it was provided with less than 128 acres per member of the Nation based on the population of the Nation when the reserve was established (a shortfall).
- TLE Claims arise under all of the numbered treaties but are more common in northern regions where people were living as hunters and gatherers and people were frequently not included on the Treaty payroll.



# Historical Context – Treaty 8

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- Population is based on the Treaty annuity pay lists and errors were common as these were only updated once a year when the Indian Agent came out to pay the \$5.00 Treaty Annuity.
- Many TLE Claims have settled in other provinces over the past 30 years. Settlements require both governments as they include both reserve land and financial compensation.
- Typically Canada provides the financial compensation for the loss of the use of the land over the years that it was never provided and the Province provides the land to make the First Nation whole again, or the loss would continue.



# Doig's Treaty Land Entitlement Claim

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- Indian Reserve # 172 (the Montney Reserve) was surveyed for the Fort St. John Beaver Band in 1916. It was 18,168 acres in size.
- Under the Treaty formula, this would have accommodated a population of 142.
- The Band's membership was greater than 142, which was confirmed by the 1916 Annuity Paylist. This established a shortfall claim from the outset, but there was no mechanism at the time for land claims to be addressed.





# Doig's Treaty Land Entitlement Claim

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- In 1927, a prohibition was introduced into the *Indian Act* that prohibited Indians from hiring lawyers and pursuing claims against the government.
- The prohibition was in place for 24 years, before it was removed through an amendment to the *Indian Act* in 1951.
- In 1945, the Fort St. John Beaver Band lost the Montney Reserve through a reserve surrender and was relocated further north in 1950 to the reserves on which Doig and Blueberry currently reside, totalling only 6130 acres in size.



# Doig's Treaty Land Entitlement Claim

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- In 1977, the Fort St. John Beaver Band divided into two separate First Nations: Doig River and Blueberry River.
- In the 1980s, Canada introduced a process for researching and filing claims against Canada for historic grievances, including claims based on unfulfilled Treaty promises.
- In the 1990s, Doig started research on its TLE Claim and through this research confirmed the size of the shortfall both based on the face of the 1916 payroll and additional members whose names did not appear on the payroll in error.



# Doig's Treaty Land Entitlement Claim

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- In 1999, Doig filed its TLE Claim with the federal government under the Specific Claims Policy.
- The TLE Claim was accepted for negotiation by Canada in 2004, along with Blueberry River's TLE Claim. As both TLE Claims relate to an unfulfilled Treaty promise owing to the historic Fort St. John Beaver Band, they have been negotiated at a joint negotiation table.
- The negotiations have involved Canada, BC and Alberta, as one of Doig's new TLE reserves will be in Alberta.



# Doig's Treaty Land Entitlement Claim

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- Negotiations were very active between 2004 and 2014 and many important milestones were achieved along the way:
  - Comprehensive genealogy completed to establish how many people were not counted for land in 1916
  - 2010 MOU with the City of Fort St. John
  - Loss of use valuation studies conducted jointly with Canada
  - Land selection workshops and fieldwork with members
- Negotiation process has taken longer than in other provinces as the different constitutional history in BC makes these settlements unique and particularly challenging.



# 2010 MOU with the City of Fort St. John

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- Collaboration with the City of Fort St. John on commercial development both within and near the Fort St. John was a priority for Doig from the start of the negotiations.
- To prepare for these discussions, Chief and Council travelled to Saskatchewan in 2009 and met with First Nations leaders and representatives from the City of Saskatoon to hear their success stories and to tour some commercial centres that were developed on land purchased by First Nations in settlement of their TLE Claims and subsequently designated as reserve land.



# 2010 MOU with the City of Fort St. John

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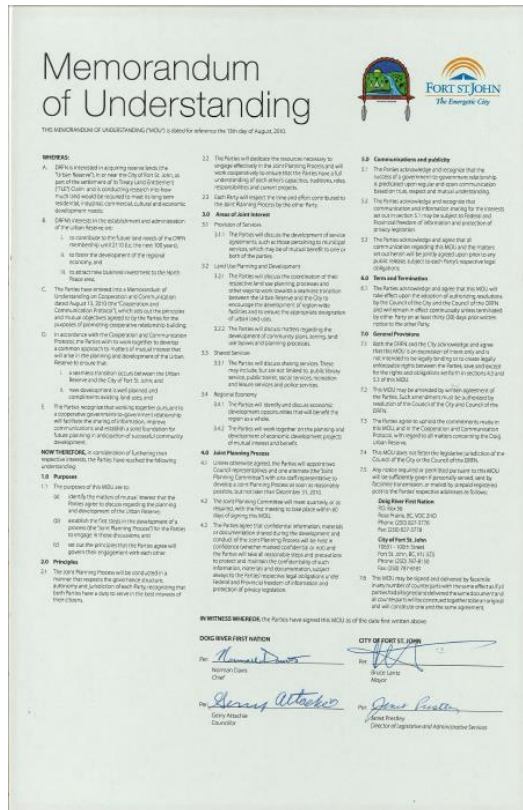


- Chief and Council brought this information back to Fort St. John and presented it to City Council.
- An MOU on the development of urban economic centres by Doig was signed between Doig River First Nation and the Fort St. John City Council on August 10, 2010.



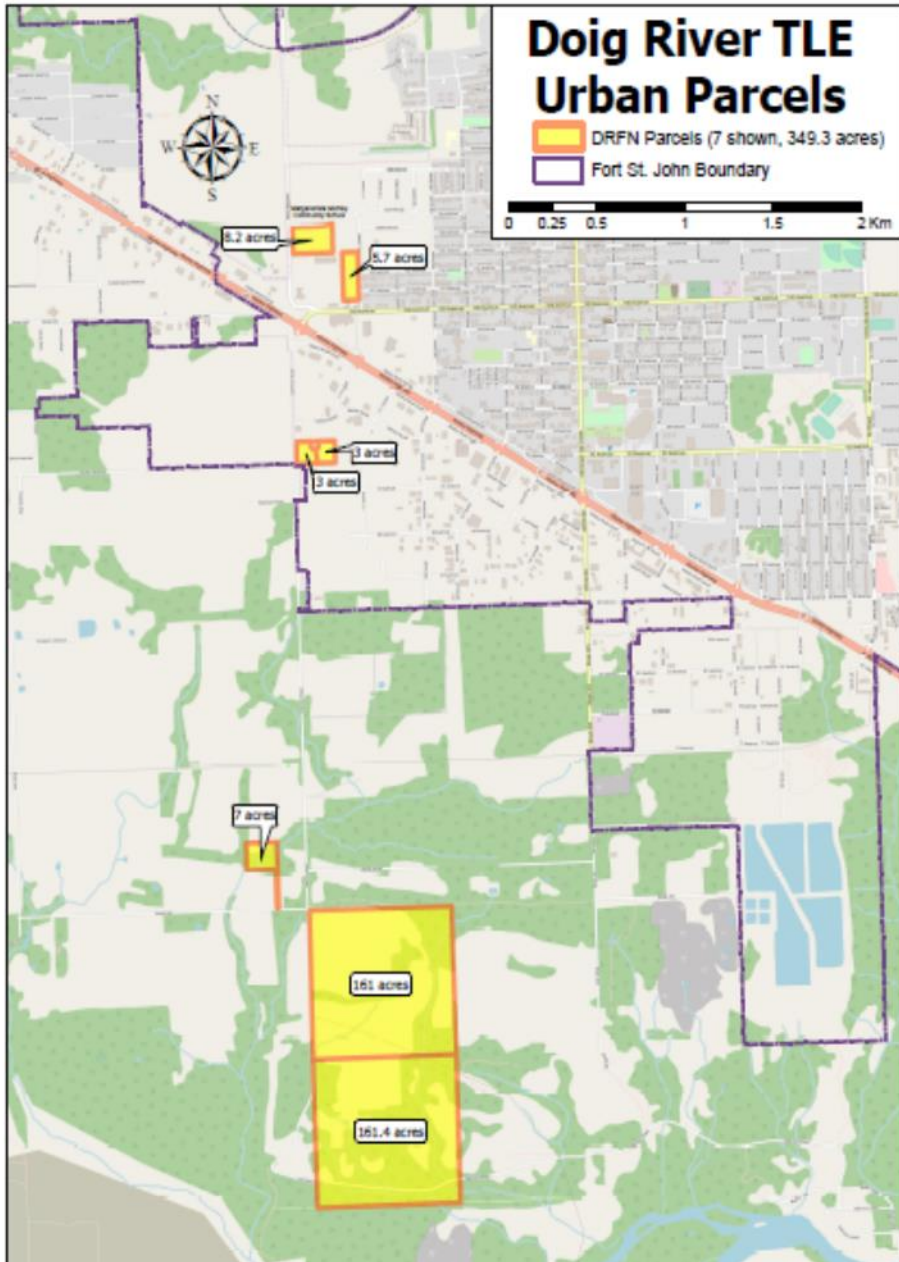


# 2010 MOU with the City of Fort St. John



- The MOU committed the parties to establishing a Joint Planning Process on the planning and development of the Doig River urban economic centres.
- Through the Joint Planning Process, Doig and the City will discuss matters such as the development of service agreements, land use planning, zoning, by-laws, planning processes, shared services and the regional economy.





# Urban Land Purchases

- Between 2004 and 2018, Doig purchased 350 acres of land within and in close proximity to the City of Fort St. John in anticipation of the eventual settlement of the TLE Claim.

# Land Selections

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- In addition to lands purchased in and near Fort St. John, Doig has selected approximately 15,000 acres of provincial Crown land within BC and 5000 acres within Alberta to complete the settlement.
- These lands are for both residential and cultural use and are made up of lands adjacent to Doig's IR 206, lands at Peterson's Crossing where members are residing and lands within Doig's K'ih tsaa?dze Tribal Park. There is also a 1000-acre cultural selection called "Big Camp" 3 km east of Doig's IR 204.

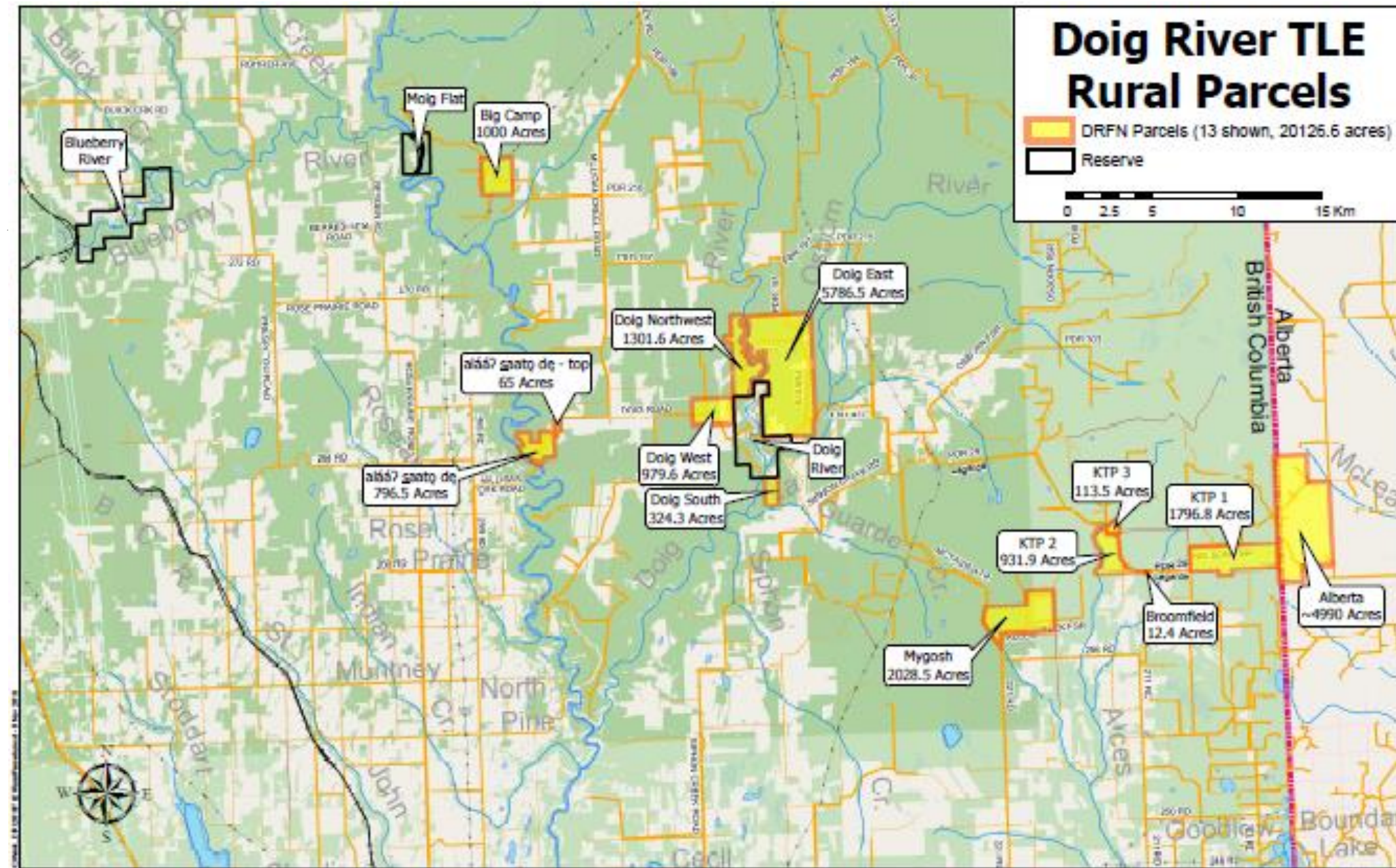
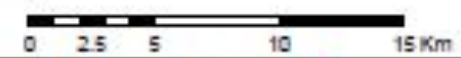




# Doig River TLE Rural Parcels

DRFN Parcels (13 shown, 20126.6 acres)

Reserve



# Moving Forward

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- Doig is continuing to work with the BC government to finalize the structure of the land component of the settlement.
- Today's World Café is intended to provide the public with an opportunity to learn about the history of the TLE Claim, to gain a better understanding of the lands that Doig has selected and to have their questions answered directly by Doig and the Doig TLE negotiating team.



# Moving Forward

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- We understand that the BC government will be holding its own information session on Doig's land selections in the new year through the Stakeholder Roundtable process.
- Doig's intention today was to contextualize that discussion by sharing their Treaty history, their culture and their plans for the future, in a way that only Doig can.
- Doig commits to continuing this dialogue with its friends and neighbours and to make this settlement something we can all celebrate as "Treaty People".

