

January 6, 2020

To: Honourable Justin Trudeau, Prime Minister of Canada
Honourable John Horgan, Premier of British Columbia
Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations (Canada)
Honourable Scott Fraser, Minister of Indigenous Relations & Reconciliation (BC)
Honourable Bernadette Jordan, Minister of Fisheries & Oceans (Canada)

Dear Prime Minister Trudeau, Premier Horgan, Minister Bennett, Minister Jordan, and Minister Fraser:

Re: Gwets'en Nilt'i Pathway Agreement

This letter is in regards to the Gwets'en Nilt'i Pathway Agreement (“the Agreement”) dated July 25, 2019, and its potential effects on citizens, communities, and businesses located within the lands under negotiation between the Government of Canada, the Government of British Columbia, and the Tsilqhot'in Nation in central British Columbia.

We, the West Chilcotin Tourism Association (“the WCTA”), representing tourism businesses throughout the Chilcotin region (“the Region”), are extremely concerned how these ongoing negotiations, conducted in secret and without direct representation from the citizens of the Region, will affect the businesses, communities, national status, and basic rights of all non-Tsilqhot'in people living in the Region.

While we generally support the goal of the Tsilqhot'in people, and indeed all Indigenous peoples across Canada, to address longstanding historical grievances and to replace the legal framework they are currently subject to with something far better, we do not believe that this should be accomplished while simultaneously infringing upon the rights granted under the Canadian Charter of Rights and Freedoms (“the Charter”) to all citizens of Canada. As I am sure the Tsilqhot'in people can tell you, to grant rights to some while denying them to others is a recipe for longterm resentment and conflict.

The Supreme Court of Canada in 2014 granted certain rights and powers to the Tsilqhot'in Nation over a tract of land in the eastern part of the Region (the “Title Area”). The exercise of those powers has already had adverse consequences for several WCTA member businesses situated in or near to the Title Area, as follows:

- A WCTA member with a guest ranch located at least partly in the Title Area felt they could no longer operate their business and therefore sold it to the only party willing to make an offer - the Government of British Columbia, who subsequently provided the land and assets to the Tsilqhot'in Nation.
- A WCTA member who owned guiding tenures that were duly purchased and issued by the

Government of British Columbia, and that extended into the Title Area, was blocked from exercising their tenure rights by the Tsilqhot'in and consequently concluded they could no longer operate their business. They have subsequently decided to close the business.

- A WCTA member whose property access road partly crosses into the Title Area is being denied use of the access road by the Tsilqhot'in Nation, threatening the future of the business.
- Other businesses and individuals who are not WCTA members, but who found themselves situated within or near the Title Area, have been adversely impacted by how the Tsilqhot'in have decided to exercise their newly acquired rights and powers, primarily due to severely restricted access to the Title Area for either business or residential purposes for non-Tsilqhot'in people.

In our examination of agreements made between the Government of British Columbia, the Government of Canada, and the Tsilqhot'in Nation since the Supreme Court decision of 2014, all of which are incorporated and deemed part of the most recent agreement – the Gwets'en Nilt'i Pathway Agreement (“the Agreement”) – it is unclear as to what lands are under negotiation for inclusion in any future agreements or legislation that may cede autonomous governance to the Tsilqhot'in Nation. However, a map was appended to one of the earlier agreements – the Nenqay Deni Accord – that defines the Tsilqhot'in Territory as a vast area extending from approximately the western boundary of Tweedsmuir Park and into the Bella Coola Valley in the west, to the Fraser River in the east, to approximately Lillooet and Clinton in the south, and to Quesnel and Wells-Barkerville in the northeast.

The Agreement contemplates providing the Tsilqhot'in Nation with autonomous governance, including law-making authority, taxing authority, and judicial authority, over the lands within their national borders. As these borders are unclear, we have the following questions:

1. What are the exact borders of lands contemplated to be ceded to Tsilqhot'in Nation governance as part of any future agreement or legislation (“the Ceded Lands”)?
2. As the Agreement only addresses rights due to Tsilqhot'in Nation members, and does not address the rights of any non-Tsilqhot'in Nation people who may be living or operating businesses on the Ceded Lands, what rights would non-Tsilqhot'in people have in the newly created nation?
3. Would people who are currently Canadian citizens lose some or all of their citizenship rights if they happen to live within the Ceded Lands?
4. In your opinion, would this loss of rights amount to a violation of the Charter?

As you might imagine, these questions are of utmost importance to our organization, our members, and to all businesses, people and communities of the Region. At the moment, it appears that the value of private property, businesses, and savings is at extreme risk.

We reiterate that at this point, the people of the Region have no direct representation at these negotiations, which we believe constitutes a threat to our communities and livelihoods. In order for this negotiation to lead to a successful implementation, all stakeholders must be involved in a fully transparent process. It has been said that democracy dies in darkness, and therefore democracy is only properly served when all parties have a voice in an open discussion. Anything less is not satisfactory.

We therefore insist upon prompt and full disclosure to the questions listed above. Further, in order that the interests of our Region and its constituents are best represented, we insist that the duly elected representatives of the Region for both British Columbia – MLA Donna Barnett – and for Canada – MP Todd Doherty – be provided with seats at the table for all future negotiations and be empowered to regularly report to their constituents on their substance. In addition, we further insist that the legitimate governing authority for the Chilcotin region, the Cariboo Regional District, also be provided with a seat at the table to ensure that the rights of citizens under its governance are protected.

It is clear, even at this point, that private property rights, business activity, and land access are all being undermined or severely restricted for non-Tsilqhot'in people within the Title Lands, and there is substantial risk that this abrogation of rights will be even greater once the current negotiations are concluded.

We remind you that the Supreme Court of Canada in their decision of 2014 said the following:

“[102] As a general proposition, provincial governments have the power to regulate land use within the province. This applies to all lands, whether held by the Crown, by private owners, or by the holders of Aboriginal title. The foundation for this power lies in s. 92(13) of the *Constitution Act, 1867*, which gives the provinces the power to legislate with respect to property and civil rights in the province.”

Whatever the outcome of these negotiations, they will set a precedent for similiar future negotiations across British Columbia and Canada, something that probably bears discussion in a much broader forum. Therefore, failure to respond promptly, fully, and satisfactorily to all of these requests will force us to take action that will push these negotiations from the back rooms into the public domain, a process which we would undertake in a very determined manner.

We request the courtesy of your response prior to February 6, 2020.

Sincerely,

Petrus Rykes, President

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CC: MLA Andrew Wilkinson, Leader of the Official Opposition (BC)
MP Andrew Scheer, Leader of the Official Opposition (Canada)
Honourable Chrystia Freeland, Minister of Intergovernmental Affairs (Canada)
Honourable Lisa Beare, Minister of Tourism (BC)
MLA Donna Barnett, Cariboo-Chilcotin
MP Todd Doherty, Cariboo-Prince George

MLA Coralee Oakes, Cariboo North
MLA Jackie Tegart, Fraser-Nicola
Margo Wagner, Chair, Cariboo Regional District
Gerald Kirby, Director Area J, Cariboo Regional District
Lynda Price, Chief, Ulkatcho First Nation
Keith Henry, CEO, Indigenous Tourism Association of Canada
Marsha Walden, CEO, Destination British Columbia
Walt Judas, CEO, Tourism Industry Association of BC
Amy Thacker, CEO, Cariboo Chilcotin Coast Tourism Association
Walt Cobb, Mayor, City of Williams Lake
Mark Doratti, Executive Director, Williams Lake & District Chamber of Commerce
Val Litwin, CEO, British Columbia Chamber of Commerce
Duff Conacher, Director, Democracy Watch (Canada)
Tom Hermance, President, Bella Coola Valley Tourism
Anahim Lake Community Association
Nimpo Lake Community Association
Tatla Lake Area Community Association
Alexis Creek Community Association
Puntzi Lake Community Association
Anahim Round Table Stakeholders
West Chilcotin Tourism Association Board of Directors