



June 10, 2020

Mr. Petrus Rykes
President
West Chilcotin Tourism Association
Box 3377
ANAHIM LAKE BC V0L 1C0

Dear Mr. Rykes:

I am writing in response to your correspondence from January 6, April 9, and April 28, 2020, sent to the Honourable Carolyn Bennett and other federal and provincial government officials, in which you explain the concerns that the West Chilcotin Tourism Association has with the 2019 *Gwets'en Nilt'i Pathway Agreement*, express your frustrations of not being included in discussions concerning your community and request an open and inclusive negotiation process. Minister Bennett has asked that I respond on her behalf.

As you are aware, on June 26, 2014, the Supreme Court of Canada rendered its unanimous judgement in *Tsilhqot'in Nation v British Columbia*, recognizing the Aboriginal title of the Tsilhqot'in Nation to areas of the Tsilhqot'in Territory (the "Declared Title Area"). Aboriginal title includes the right to the occupation of the land, the right to proactively manage and decide how the land is used, and the right to the economic benefit of the lands and resources.

We recognize that the Supreme Court of Canada's declaration of Aboriginal title in favour of the Tsilhqot'in Nation had impacts on the private property rights, business activities and land access of non-Tsilhqot'in people. We further recognize that non-Tsilhqot'in people have questions about the impacts current tripartite negotiations may have on their rights and interests outside of the Declared Title Area and within the larger claimed territory of the Tsilhqot'in Nation.

In order to provide more clarity in terms of what the decision means for the role of the three governments and for the interests of third parties, including tourism operators, going forward, Tsilhqot'in Nation, British Columbia and Canada negotiated and signed the 2019 *Gwets'en Nilt'i Pathway Agreement*. Sub-agreements will be negotiated to support self-government by the Tsilhqot'in Nation and the transition of the Declared Title Area. More precise boundaries of the Declared Title Area will be defined as these negotiations progress.

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With regard to lands identified as potential T̓silhqot̓in Lands for which they will own or have jurisdiction over, we defer to the Province of British Columbia to provide a response as the identification of lands within the larger claimed territory of the T̓silhqot̓in Nation is a specific matter of negotiation in the bilateral British Columbia-T̓silhqot̓in *Nenqay Deni Accord*.

From Canada's perspective, the *Charter of Rights and Freedoms* continues to apply to the T̓silhqot̓in Nation and the Declared Title Area, and the rights of Canadian Citizenship for both T̓silhqot̓in peoples and non-members are not affected by the court decision.

Achieving a clear understanding of the interests of non-T̓silhqot̓in people is a major interest for all of the Parties, as indicated in the *Gwets'en Nilt'i Pathway Agreement*:

12.2 The Parties will continue to work cooperatively and collaboratively to support strong T̓silhqot̓in governance and management of the Declared Title Area and to foster a stable transition to full management, benefit and control of the Declared Title Area by the T̓silhqot̓in Nation while respectfully engaging third parties and attempting to address their interests within the Declared Title Area.

This interest is also set out in the T̓silhqot̓in *Nen* (Lands, Waters and Resources) Pathway – Declared Title Area:

Short-Term Milestones (Years 1-3):

"Xeni Gwet'in and T̓silhqot̓in Nation, in collaboration with British Columbia, develop strategic plans for access management and tenure management to transition beyond the current Bridging Agreements and support more active tenure management by Xeni Gwet'in, on behalf of the T̓silhqot̓in Nation, in the Declared Title Area".

Mid-term Milestones (Years 4-5):

"Xeni Gwet'in and T̓silhqot̓in Nation work collaboratively with British Columbia, Canada and regional governments to clarify and harmonize roles and responsibilities regarding land, water and resource management and interests of third parties."

Regarding your request that elected representatives of British Columbia, Canada, the Cariboo Regional District, or someone from your organization, be provided seats at the tripartite negotiation table, please note that both federal and provincial governments have negotiators at the table, with responsibilities that include considering and bringing to the table broader societal concerns. The federal negotiation team will ensure the other parties to the negotiations are informed when you raise concerns and the nature of those concerns.

Canada will ensure that the Cariboo Regional District, stakeholders and non-T̓silhqot'in people are consulted at the appropriate points in the negotiation process. Regarding your suggestion that the federal and provincial government should buy out private businesses at a fair value, where Canada contemplates supporting any initiatives with the T̓silhqot'in Nation that may impact third parties, including tourism operators, we will continue to consult with those third parties.

We appreciate hearing your concerns. I sincerely hope that all parties involved will be able to discuss all the issues relating to the Declared Title Area as expeditiously as possible. If you have any further questions or concerns, please contact Paul West at 604-365-9434 or paul.west@canada.ca. We look forward to making positive advancements with the T̓silhqot'in Nation, partners and stakeholders.

Sincerely,



Joe Wild
Senior Assistant Deputy Minister
Treaties and Aboriginal Government

c.c.: Hon Bernadette Jordan
Hon Scott Fraser