

# Uchucklesaht Tribe Peoples Assembly August 27, 2016

---

## Uchucklesaht Tribe People's Assembly Saturday August 27, 2016 Echo Center Port Alberni, BC

### **Attendance:**

Marie Samuel	Jason Titian	Clifford Charles
James Cootes	Carla Halvorsen	Martha Titian
Wilfred Cootes Jr.	Martin Sam	Sabrina Crowley
Serra Cootes	Regina Frank	Dorothy Cootes
Cynthia Mills	Robin Mills	Chase Crowley
Scott Coulson	Gary Yabsley	

### **Agenda:**

**Motion #01:** Uchucklesaht Tribe Peoples Assembly accept the agenda of the day as amended.

Moved: Wilfred Cootes Jr.

Seconded: Clifford Charles

(All in Favor – 14)

### **Motion Carried**

Addition of #6 on the Agenda: Forestry and #7 Emergency Evacuations

Note: Would like to access minutes and suggest edit to the November 2016 minutes. Contact Law Clerk to note the request.

Peoples Assembly minutes are posted and made available 30 days after the Peoples Assembly. You can also find the minutes online at [www.uchucklesaht.ca](http://www.uchucklesaht.ca) – add information regarding Peoples Assembly minutes in a future newsletter.

### **Audit:**

Audit 2015-2016: completed and approved by council. There has been a clean audit on the audit statements.

(Page 5) Construction of The Thunderbird – slight decrease in cash in order to complete renovations. Long Term Debt – The Thunderbird Project.

Forestry – makes good revenue right now and that is a positive impact for Uchucklesaht Tribe.

# Uchucklesaht Tribe Peoples Assembly August 27, 2016

---

Uchucklesaht Tribe operationally is pretty consistent each year.

**Question:** Why is there no income here from DFO?

**Answer:** Those funds come through INAC and not DFO anymore.

(Page 8) There are good investments here.

Accounting policies are all followed and there are no changes except for the addition of Reforestation Liability.

(Page 14) Investments into the NCN Cannery

(Page 15) Portfolio Investments – Implementation Fund and GIC – chartered bank.

Uchucklesaht gets most of the funding through the Fiscal Financing Agreement.

(Page 17) Note 7 – Long Term Debt – Treaty loan and The Thunderbird

(Page 19) Tangible Capital Assets

**Question:** On page 27, why is there no revenue here?

**Answer:** There is no debt there and the tribe has already paid this off. No debt or revenue there.

**Motion #02:** Uchucklesaht Tribe Peoples Assembly has received and reviewed the Audit ending March 31, 2016.

Moved: Carla Halvorsen

Seconded: Phyllis Halvorsen

(All in Favor – 14)

Motion Carried

## **5 Year Economic Development Plan:**

**Motion #03:** Uchucklesaht Tribe Peoples Assembly agrees to review and discuss the Uchucklesaht Tribe 5 Year Economic Development Plan.

Moved: Martin Sam

Seconded: Clifford Charles

(All in Favor – 14)

Motion Carried

## Uchucklesaht Tribe Peoples Assembly August 27, 2016

---

The Uchucklesaht Tribe Membership and the Chief and Council had a 5 Year Economic Development Plan developed back in 2011 and hired Chatwin Engineering to complete that plan.

There is a list of projects in this plan that has project updates and Uchucklesaht will review that today.

1. **Green Cove Land Development** – feasibility study done, pre-lease program work, PFK and Remax work.

**Question:** Will Uchucklesaht Tribe ever sell fuel in the future? There is a lot of money in that.

**Answer:** The Green Cove area did have a fuel system analysis done and revenue could not support operation of fuel sales. We had to decommission the fuel operations immediately as it was a liability to the tribe. The Green Cove Building is currently being upgraded. One side of the building was sinking in the one corner. The building needs to be secure and a contractor is working on the building now.

**Question:** Will fuel system be upgraded in the future?

**Answer:** The November and December Budget process will include those costs and upgrades for the funding. Yes, gas and diesel sales are planned for phase II.

### **Henderson Lodge/Commercial Recreational Tenures:**

The Thunderbird House is the name of the Henderson Lodge building now. Security gates have now been installed and Uchucklesaht is working with someone operating the building.

**Question:** Who are the people at the lodge?

**Answer:** Uchucklesaht is in a joint partnership with ATV Adventures.

**Question:** Why is the village being used for the ATV's to run through? They were operating early in the morning and loud driving through the village on those quads. These are a lot of strangers going through our village and disrupting our peace and quiet. There were around 12 of those quads operating on the village lands. I do not want all of this tourism around our quiet village homes. It took us all by surprise and was not nice to wake up to.

## Uchucklesaht Tribe Peoples Assembly August 27, 2016

---

**Answer:** Yes, they did get permission from me (CAO) to get picked up in the village.

**Comment:** It would be nice to inform the people in the village of the tourism drop offs and pick up's and communications is important – notice of some sort.

**Answer:** Yes, next time the UT Office will inform all of the village residents of the ATV Adventure Quads in the village. Sometimes communications does not work in the village (email/notices) but UT will work on improving their communications.

**Comment:** This is our home. We used to get together at least 4-5 times per year as a community so that we all knew what was going on in the village. It is important to work together and listen to all of our peoples concerns and comments. Let's work together.

Trail work will occur in the Henderson Lake area once the fire hazard ratings are down.

**Comment:** I would like to thank all of the Uchucklesaht Tribe members for their input into all of the projects in the economic development plan. Hearing everyone's opinions is important.

### **Handy Creek Project:**

Hydro Transmission Line run to Green Cove power planning occurred with the negotiated rights to hydro production from water flowing in Handy Creek. It is possible to create electrical power from Handy Creek and it could be used to power the Green Cove Area and sell the surplus to BC Hydro.

- Due to land issues, decided to switch analysis to Snug Creek and an analysis proved positive where there was enough water flow and head pressure to develop a micro-hydro project.
- BC Hydro declined at this time to assist with funding to supply hydro lines and so this project is now less cost effective and has not moved forward.
- Also looked at Uchuck Creek and currently have 3 shelf ready designs for micro-hydro and 3 possible sources.

**Question:** Where is Handy Creek?

**Answer:** It ends just outside in the Alberni Canal.

## Uchucklesaht Tribe Peoples Assembly August 27, 2016

---

**Question:** Would Uchucklesaht Tribe consider solar power one day? Back up solar power would be a good idea.

**Answer:** Yes, solar and water to the Uchucklesaht Tribe cabin will occur. Green Cove area is trickier because there is not much sun there. Analysis has area of interest now switched to Snug Creek.

**Question:** Ocean life is important so are environmental impact studies done on all moving projects?

**Answer:** Yes.

### **Water Bottling:**

There could be an opportunity to bottle and sell water for local and international markets. Successfully negotiated in treaty a large water reservation from numerous sources in Uchucklesaht Inlet and Henderson Lake areas.

- Hired Consultant and completed environmental testing. All testing and analysis has proven the source of water bottling sustainable and will not affect fish habitat.
- Completing Business Case Study and completed an engineered design
- Trade marked the water "Thunderbird Spirit Water"

**Question:** What is the water bottling landing base?

**Answer:** For water bottling sales but location is not yet determined at this point. Could not use large container ships but rather a barge.

**Question:** Bulk Sales?

**Answer:** Bulk sales are allowed in Canada but not internationally.

### **Aggregate Extraction:**

Project involves taking either gravel or blasted rock and shipping it to markets either locally or internationally. It involves deposits that are located within 1 km of the ocean to allow cheap transportation by barges.

## Uchucklesaht Tribe Peoples Assembly August 27, 2016

---

- Completed the pre-feasibility analysis, market analysis, analysis of aquifer,
- Determined this be left for future consideration for elsewhere on the coast

Agree not to go through with this project due to the harmful impacts to the village areas.

**Question:** Are we holding some gravel for future tribal uses?

**Answer:** Yes, the tribe is able to take small amounts but will not go forward with aggregate extraction operations due to damage to Uchucklesaht Tribe water. Uchucklesaht will protect the village areas.

**Question:** Should Uchucklesaht stabilize the current gravel pit in the village?

**Answer:** Uchucklesaht will analyze the area to see if it needs to be stabilized.

**Question:** Is it possible to put up some signs to keep people away from that area?

**Answer:** We could put up a fence of some sort around that area.

### **Individual Entrepreneurial Services:**

**Question:** Can Uchucklesaht Tribe help their members develop business plans?

**Answer:** Uchucklesaht Tribe has decided to use NEDC Services and NEDC can help them with all aspects.

**Comment:** Some Uchucklesaht members have a lot of ideas but how involved in UT to NEDC?

**Answer:** NEDC has many workshops and there could be a focus on UT membership in the future. When the Human Services Department knows of any that would benefit Uchucklesaht Members then they could arrange a UT specific training workshop. UT could make an effort to develop that.

### **The Thunderbird:**

**Question:** Could short term accommodation units be used for UT members attending meetings and Peoples Assemblies?

# Uchucklesaht Tribe Peoples Assembly August 27, 2016

---

**Answer:** Yes, as long as the units are available.

## **Trail Work & Parks:**

The Elbow Beach area is being cleaned up and will be a nice picnic/camping area at some point.

**Question:** The lake bottom edge at the beach there is now destroyed by the many logs that were dewatered there. Will that be cleaned up as well so that it can again be a nice swimming spot? There is now a lot of wood and sludge in there which is not nice.

**Answer:** Yes, we can fix that. Uchucklesaht office will look into this clean up.

**Comment:** This is the first time that I heard of the Elbow Beach area being cleaned up to become a picnic area.

**Answer:** The clean up and budget for that was planned at the last budget Peoples Assembly.

**Motion #04:** Uchucklesaht Tribe Peoples Assembly agrees to remove the Aggregate Extraction Project from the Uchucklesaht Tribe Five Year Economic Development Plan.

Moved: Phyllis Halvorsen

Seconded: Martin Sam

(All in Favor – 14)

*Motion Carried*

**Motion #05:** Uchucklesaht Tribe Peoples Assembly accepts the Uchucklesaht Tribe Five Year Economic Development Plan update as presented today.

Moved: Wilfred Cootes Jr.

Seconded: Martin Sam

(All in Favor – 14)

*Motion Carried*

## **Specific Claims Information Session:**

### **The Claim:**

- From 1902 to 1920, the Alberni Packing Company and Wallace Fisheries operated a donkey engine on Ehtlateese reserve #2.
- The engine was used to haul seine nets from the waters at the mouth of the Anderson River.

## Uchucklesaht Tribe Peoples Assembly August 27, 2016

---

- The federal Department of Indian Affairs, which had a legal responsibility for ensuring that the Uchucklesaht Tribe interest in the reserve was protected, failed to collect rent for the use of the reserve land.
- The federal government also failed to prevent the seining from infringing on Uchucklesaht's aboriginal right to fish at the mouth of the Anderson River.
- In 2012, the Uchucklesaht Tribe filed a specific claim against Canada for breach of Canada's fiduciary duty claiming Canada should have:
  - collected appropriate rent for the placement of the donkey engine on reserve land, and
  - protected Uchucklesaht from the economic harm caused by the infringement of Uchucklesaht's aboriginal fishing rights.
- This claim was later split into two separate claims based on these two legal assertions.
- At this time, Canada has indicated that it is willing to negotiate a settlement for the loss of rent on IR 2 between 1902 and 1920.
- The claim for loss due to infringement of Uchucklesaht's fishing rights remains outstanding.

### **Proposed Settlement**

- Canada's offer is based on lost rent from 1902 to 1920 (19 years).
- In order to determine what Uchucklesaht should have received at that time, Canada looked at three different precedents.
- These included: (1) what the Province collected for foreshore leases for fish traps; (2) what the federal Department of Fisheries charged for foreshore fish permits; and (3) permit fees for fishery related activities on reserve on Vancouver Island.
- This research indicated that the value of these leases and permits ranged between \$50 and \$150 per year.
- Canada has agreed to use \$150 per year as the base for its calculations
- Using this method, Uchucklesaht would have been owed \$2850 in 1920 (\$150 x 19 years).
- Canada then applies its policy formula to determine the value of that \$2850 in today's dollars.
- This formula produces a current value of \$322,772.
- In addition, Canada is prepared to pay for Uchucklesaht's costs in negotiating this settlement in the amount of \$50,000.
- Canada's total offer to settle this claim is therefore \$372,772.

**Question:** Is there also a claim for the logging that occurred because I have not yet heard of one. The terrain is all messed up from the logs.



## Uchucklesaht Tribe Peoples Assembly August 27, 2016

---

**Answer:** Yes, that is the forestry specific claim that has been filed.

**Action #01:** Uchucklesaht Tribe will put in an update in the next Uchucklesaht Newsletter about specific claims.

**Question:** Today, who is going to pay that bill after any possible environmental harm?

**Answer:** Canada will clean up any messes that were proven they have left behind.

**Comment:** Log jams still exist up at our Henderson River. What will happen with this?

**Answer:** When Uchucklesaht Tribe finds issues regarding specific claims then Canada will be obligated for cleaning up their messes.

**Question:** Is this final settlement amount in today's dollars?

**Answer:** Yes.

**Motion #06:** Uchucklesaht Tribe Peoples Assembly agrees to accept the Specific Claims Donkey engine IR#02 Settlement Agreement as presented at the meeting on Saturday August 27, 2016 by legal Gary Yabsley.

Moved: Phyllis Halvorsen

Seconded: Sabrina Crowley

(All in Favor – 14)

Motion Carried

### **Forestry:**

**Question:** In the past and today there have been Uchucklesaht members that have received logs for their own uses and I would now like to apply for logs. What is the process?

**Answer:** The process is to let the office know – please let the office know and they will guide you through the process. You can access wood from Uchucklesaht logging areas for your needs but just need to follow the tribe's process.

### **Emergency Evacuations:**

## Uchucklesaht Tribe Peoples Assembly August 27, 2016

**Comment:** We would like to know where all of the emergency evacuation locations are and the heli-drop location. We are concerned about not having on and off village emergency contact numbers and procedures.

**Reply:** Uchucklesaht is going to review/update the Uchucklesaht Tribe Emergency Response Plan.

- We could organize meetings with emergency services for Village Areas, Silverside, Henderson so that we are prepared for emergencies.
- Identify Emergency Vehicles
- Post Emergency Contact Numbers in the village public areas
- Ensure there is an emergency first aid kit in the village
- Post Emergency Response Plan
- Communications – battery back-up for internet communication
- First Aid Training for staff and any Uchucklesaht members

**Note:** Uchucklesaht Tribe will have a truck that will be designated for emergency uses.

**Note:** Uchucklesaht Tribe has already spent \$2600 for back up internet battery.

Communications is a big issue but the Coordination's Center in Victoria – the Joint Rescue Coordination Center can easily help Uchucklesaht Tribe with their plan and coordination specific to their areas. They have guidelines and requirements for specific emergency landing areas.

**Note:** Heli-Landing Area – the trees will be knocked back around that area. There are requirements for all emergency areas.

**Motion #07:** Uchucklesaht Tribe Peoples Assembly agrees that Emergency Evacuations and Plans are to be updated and set up for the villages, Silverside and Henderson Lake areas.

Moved: Sabrina Crowley

Seconded: Phyllis Halvorsen

(All in Favor – 14)

Motion Carried

**Motion #08:** Uchucklesaht Tribe Peoples Assembly agree to adjourn the meeting of the day.

Moved: Sabrina Crowley

Seconded: Wilfred Cootes Jr.

(All in Favor – 14)

Motion Carried

**MEETING ADJOURNED**