



## Stó:lō Nation

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May 24, 2011

Premier Clark  
Minister Polak  
Members of Cabinet  
BC Legislature  
Minister John Duncan

**Dear Premier Clark, Minister Polak, Members of Cabinet, the BC Legislature and Federal Minister John Duncan:**

### ***The Yale Treaty – A Threat to Stó:lō Cultural Survival: What the Government needs to Know***

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This is an urgent communiqué for your information.

We, the Stó:lō (People of the River), are the Halkomelem-speaking indigenous peoples of the lower Fraser River Watershed. Our homeland extends from the Lower Fraser Canyon above the town of Yale to the Salish Sea at Vancouver. We have always been here. Our Stó:lō collective includes 29 First Nations, of which Yale Band is a part, and a number of Tribal Organizations including the Stó:lō Nation (President Joe Hall) and Stó:lō Tribal Council (President Clarence Pennier).

We support treaty-making in British Columbia. We harmoniously supported our neighbors, the Tsawwassen First Nation, in the conclusion of their treaty – the first to be concluded within the B.C. Treaty Process. We have had productive dialogue with the In'SHUCK'ch in support of their on-going treaty work. Unlike these congenial experiences, however, *we face a serious and immediate threat to the integrity and survival of our culture – the Yale Treaty.*

The Yale Treaty (the Treaty) is now before the Legislature. If the government passes this Treaty, unamended, they will be responsible for enacting provisions, including Access and Treaty-Settlement Land, that give the Yale Band exclusive ownership and control over Stó:lō lands. Of concern to us are mainly those lands in the Lower Fraser Canyon (the Canyon).

The Lower Fraser Canyon a cultural heart of our people; home to numerous integral cultural practices and places – our fish camps and dry-rack site, our ancestral villages and homes, our cemeteries, our sacred places... including places we consider to be part of our Stó:lō Constitution. We have never ceded these lands. The Canyon is Stó:lō property. Our history here is deep. While the Treaty Process may not recognize history, seeing only a blank slate of lands to be allocated, the courts maintain a different appreciation of these facts. The Canadian Constitution and common law recognize our Aboriginal rights and title to these lands.

The evidence of historical and current use of these lands in the Canyon by the Sto:lo is unquestionable. These are our lands and they are recognized in at least two Stó:lō Statements of Intent accepted by the B.C. Treaty Commission – Yale Band and Stó:lō Nation/Xwexwilmexw Treaty Association. The government is giving preference to one over the other in a ‘first to the trough,’ treaty-based, pioneer-type ‘modern-day’ land rush. Giving preference to the Yale Treaty as a factor of this process will cause irreparable harm to our millennia-old connection to and cultural dependence on our lands and places in the Canyon. The government is not in a position, legally or morally, to unilaterally give our lands away.

The current terms of the Treaty establish Stó:lō as trespassers on our own lands. The Yale Band’s leadership has throughout the last two years of consultations, including BC and Canada, made clear their intent to restrict access. Such alienation and infringement of our land and cultural practices will cause irreconcilable harm not only to the Stó:lō but to all negotiated processes currently addressing the Land Question.

Any benefit that the government sees coming to either themselves or those 66 Yale Band-members who ratified this Treaty will be lost, overwhelmed by the cost to the government in political, economic, financial and public terms of a destabilized Lower Mainland region and undermine the ‘New Relationship.’ The government’s role forcing litigation, instead of pursuing negotiation, directly contradicts the instruction of the Supreme Court of Canada. Significant collateral damage can be avoided by taking additional time to understand the impacts of the Yale Treaty on the rest of the Stó:lō; to enact the core principles of the B.C. Treaty Process regarding resolution of First Nation issues; and to develop amended wording that guarantees access, use and enjoyment of Stó:lō lands by all Stó:lō -- also benefiting the Yale Band who are also Stó:lō people. Most certainly, the economic benefits being advertised for the Treaty will not be compromised by such amended wording. Most certainly, the costs of the Treaty – unamended – will far outweigh the benefits.

To summarize, the Treaty’s terms *do not* guarantee Stó:lō access to our lands. Ratified without change, the Government will be complicit in the theft of our land by providing exclusive rights to the Yale Band to act as the gatekeepers to our culture and our collective land. This is fundamentally wrong, and ultimately avoidable. There is a solution to this issue – **amend the Treaty prior to ratification.**

**Here are some critical points that you, as government representatives, need to know in consideration of the Yale Treaty:**

- the Premier and Minister have been poorly or entirely uninformed of the scope and depth of issues associated with the Yale Treaty, and their potential negative impacts if unaddressed prior to ratification;
- the Minister is incorrect in stating that access provisions are acceptable, and that access is guaranteed to the Stó:lō. Rather, the Treaty entrenches a situation where Yale will be gatekeepers over private family-based properties and property that belongs to the Stó:lō collectively, not just Yale;
- this issue is bigger than access – it’s about title, and the current terms of the Treaty alienate Stó:lō title and Aboriginal rights protected by the Constitution. The government is therefore

responsible for taking these lands from 10,000 Sto:lo people and giving it to fewer than 200 people.

- this is not a 'Stó:lō dispute' where "the First Nations can't get along", as framed by MLA Barry Penner, but primarily a dispute between the Stó:lō and BC / Canada -- who are in the process of giving away Stó:lō land;
- the issues at hand point to problems with the implementation of the B.C. Treaty Process (a broader the scope of issues and repercussions) including: the failure to consider history -- naively allocating land as though clear of title or interests; failure of the process to respect or protect Aboriginal interests in the same manner in which third-party interests are recognized and protected; failure to follow core principles identified in the BC Claims Task Force recommendation, whereby contested lands should be resolved before the conclusion of the treaty;
- the Government of British Columbia by ratifying this Yale First Nation Treaty is contradicting its own legal findings per the B.C. Ministry of Attorney General, Aboriginal Research Division, Legal Services Branch -- the government recognizes Yale as Stó:lō: "Ethnographically, Yale is identified as Tait, a term used to refer collectively to the Upriver Halkomelem occupants of the villages located on the Fraser River beyond the upper end of the broader part of the valley." "The Tait occupied an extensive territory said to encompass the area between Five Mile Creek above Yale and Seabird Island and Popkum in the southwest. The traditional territory presently claimed by the Yale First Nation covers a portion of the area ethnographically attributed to the Tait ... In addition to Yale the Union Bar, Skawahlook, Shxw'ow'hamel, Popkum, Peters, Chawathil and Seabird Island First Nations were all considered Tait." Note that B.C.'s own report calls the Tait the "occupants" of the valley and that Yale is claiming territory "ethnographically attributed to the Tait" not just to Yale First Nation (extracted from evidence prepared by the Aboriginal Research Division, Legal Services Branch, BC Ministry of Attorney General, May 29, 2009 -- "Stó:lō / Yale Territorial Overlaps: A Preliminary Review of Ethnographic and Historical Sources," pages 3-4).

We have attached further information, to assist in educating and informing the government on critical issues of the Yale Treaty that remain to be resolved.

Sincerely,  
Stó:lō Nation



Joe Hall,  
President

cc: Clarence Pennier, Stó:lō Tribal Council President  
The Hon. Stephen Harper, Prime Minister of Canada  
Mark Strahl, Member of Parliament, Chilliwack-Fraser Canyon