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Treaties changing history, one fishing hole at a time

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Archie Charles has been fishing in the Fraser Canyon since the 1920s. As a boy, he journeyed 50 kilometres from Seabird Island up the Fraser River in a cedar dugout canoe. Last year, the 87-year-old grand chief of the Sto:lo travelled by car to his family's fishing camp. The old dip nets have been upgraded, but every July he still wind-dries his catch on the riverbank. Unsettled land claims never stopped him, but as the Yale First Nation prepares to initial a treaty, the future of his favourite fishing hole is in doubt.

Later next week, federal Indian Affairs Minister Chuck Strahl, his B.C. counterpart George Abbott, and Chief Robert Hope of the Yale First Nation are expected to sign a final agreement that, when ratified, will grant the Yale land title, self-government and expanded fishing rights in the canyon.

For Mr. Hope, it is a chance for his community of 145 people to achieve economic self-sufficiency. Mr. Strahl, who has been involved in these treaty talks in his own riding since his days as an opposition MP, can claim a personal victory. And Mr. Abbott is delighted to have an upbeat announcement on the eve of the 2010 Winter Olympics.

But for Mr. Charles, a respected native elder, veteran of the Second World War, and a member of the Order of Canada, it means having to ask permission of the Yale to fish where he has always fished, where he has taught his grandchildren to fish, and where his father fished before him. The Sto:lo Tribal Council is preparing to defend the band's fishing rights against the Yale - which, at the very least, will result in a legal challenge that will continue to sow uncertainty.

More broadly, though, the settlement is an important breakthrough for the costly, moribund treaty process that has yielded little progress.

It is also significant because it signals that the Department of Fisheries and Oceans, which has been blamed for holding up a number of B.C. treaty agreements, is ready to show more flexibility. The department was meeting this week with the Sliammon, a coastal band located near Powell River, to talk about salmon allocations.

"We are encouraged by the renewed vigour that the DFO have brought to those tables," Mr. Abbott said this week. He's hopeful that several new treaties are within reach this year: "It may put some new enthusiasm behind a treaty process that has had too little of that."

But the proposed Yale treaty also promises to bring the frustrating issue of overlapping aboriginal claims to the forefront. The Sto:lo say these are their traditional fishing grounds and no one native band can take that away.

"Chief Hope is trying to change history, that's really offside. He knows we have fished there for generations," said Tyrone McNeil, vice-president of the Sto:lo Tribal Council. "We will do anything and everything to keep fishing there."

The Yale say their treaty fishing rights are not exclusive, but anyone who wants to camp on their lands will have to follow their rules. "We'll be reasonable," Mr. Hope said.

He describes the Sto:lo grand chief, Mr. Charles, as "a great man" who should not have to worry about his continued access. "With his background and the way he has kept his camp, there would be no question he would be allowed to fish and cure his fish in the traditional manner." But only if he seeks a Yale permit first.

Efforts to reconcile the two aboriginal groups have failed: The federal and provincial governments are now proceeding with the Yale deal.

With the Yale and some Sto:lo threatening to start a canyon war, there is yet another element of uncertainty. A judicial inquiry is set to begin this spring to look at why the Fraser sockeye salmon run collapsed last summer.

"There have been virtually no returns on the Fraser, that of course raises the alarm about what are you putting into a constitutionally entrenched treaty," Mr. Strahl acknowledged in an interview this week.

But he is not prepared to allow the Yale deal to be derailed.

"It's proven to be elusive, trying to find a solution that reconciles all the competing interests and demands," he said. "You can see even on the Yale treaty, even when you try to move ahead and resolve it, there are commercial and recreational [fishing interests] and other first nations who say you shouldn't move ahead."

And Mr. Strahl wants to move ahead, where he can find willing partners. Aboriginal leaders have called on the federal government to revise its negotiating mandate to break the deadlock. That mandate has now been reviewed in Ottawa, and a new plan is set to be unveiled soon.

"I will be making proposals this spring on how we think it can go ahead," the minister said. "It won't be everyone's cup of tea, but it will be winsome to certain first nations."

The Yale agreement

When the Yale First Nation set out to negotiate a treaty, the salmon run through the Fraser Canyon was the prize. Now, as the band is poised to sign a final agreement, the fish run has collapsed and the world has changed.

"Now we no longer call it a fish treaty," said Yale Chief Robert Hope. "Treaties are about land, power and money." He hopes to strike up partnerships to launch gravel, tourism and timber enterprises.

The final agreement isn't public yet, but the agreement-in-principle gives some clues about what the treaty will look like:

- * 1,139 hectares of land on either side of the Fraser River between Yale and Hope

- * \$6.5-million in cash

- * Both a domestic and commercial fishery, with the allowable catch determined by the size of the salmon returns. The Yale will get 0.9 per cent of the total Canadian catch of Fraser River sockeye, as well as a share of the pink, chum, coho and chinook runs. Overall, the band will be allowed a 10-per-cent increase over its current harvest level.

- * Emory Creek Provincial Park, north of Hope, will become treaty land. Landstrom Bar, just outside Yale, will replace it as a provincial park.

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