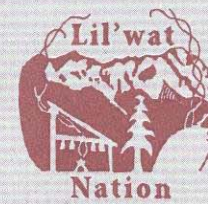# Aboriginal Title & Rights Certainty Through Accommodation Agreements

Lil'wat Nation
Sea To Sky Highway 99 Upgrade
For
CANDO 2007
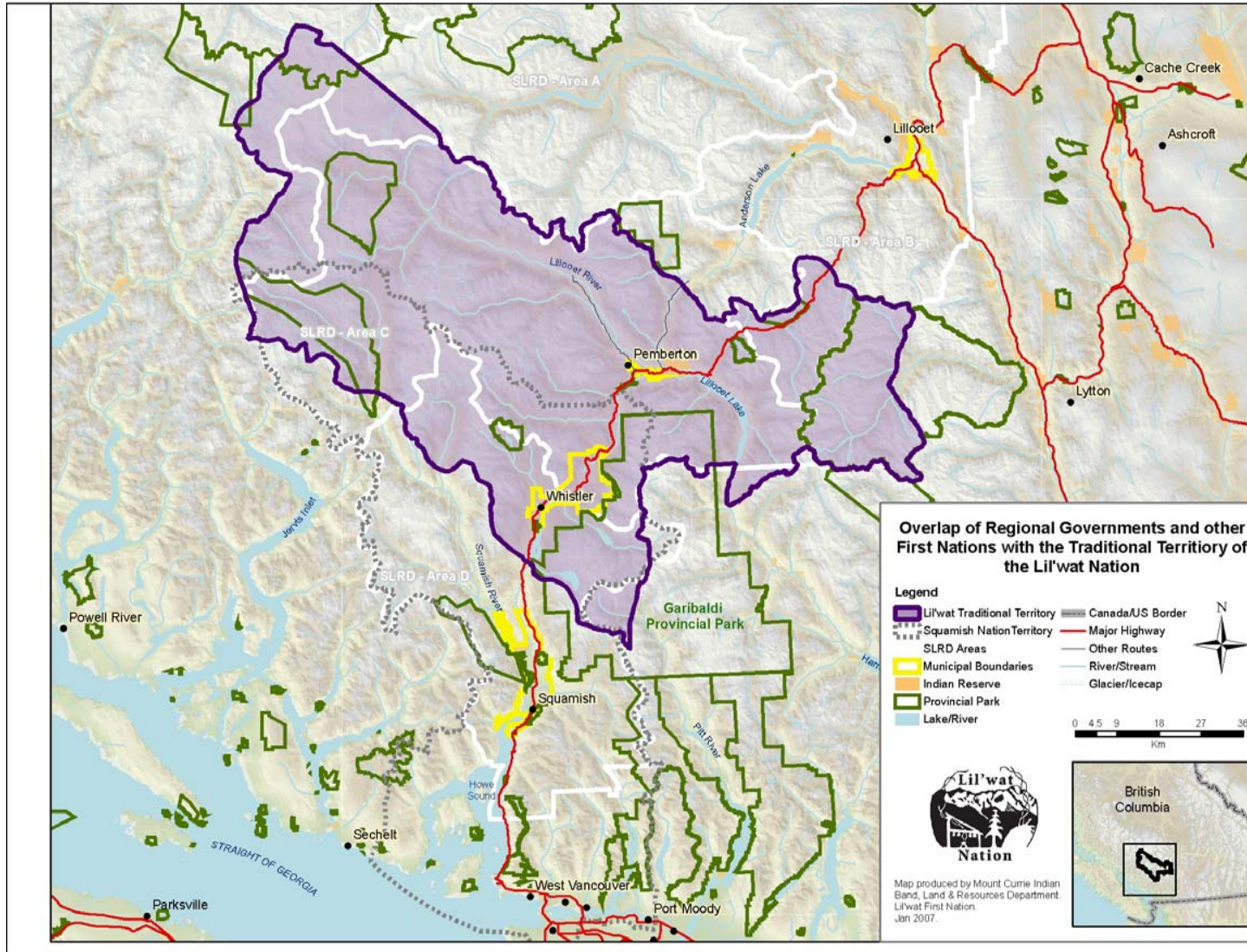

Lyle Leo (T'musta7), Lead Negotiator
Lil'wat Nation

Overlap of Regional Governments and other First Nations with the Traditional Teritiory of the Lil'wat Nation

Map produced by Mount Currie Indian Band, Land & Resources Department. Lil'wat First Nation. Jan 2007.

Get Organized: Internal, External
- Big Picture
- On Reserve to Off Reserve (outside the box thinking)
- Build Relationships
- Assert Aboriginal Title and Rights

Historical Background: Sea To Sky Highway 99 Upgrade Agreement

- 2001 Lil'wat engaged the Vancouver Bid Corporation for the 2010 Olympic and Paralympic Winter Games for meaningful participation.

- 2010 Olympics awarded in 2003

- Olympic Bid included $600 Mil. Sea To Sky Hwy. 99 Upgrade

- Lil'wat Nation asserts aboriginal title to negotiate accommodation of aboriginal title and rights infringements

- BC mandated the Ministry of Transportation (MOT) to consult and accommodate the Nations inter

Approach to Accommodation

General Principles for Lil'wat

- Protection of aboriginal title and rights

- Maximize economic opportunities

- Protect and preserve culture/traditional use activities

- Ensure control and governance capacity

Preliminary issues to be addressed

1) Secure Political Mandate

2) Secure Due Diligence Funding/Technical Resources
   Gov't provided up to $500,000 Due Diligence funds for negotiations

3) Undertake Due Diligence Strategy

   - assemble a team: technical and community (start up to closure to community implementation)

   - Aboriginal Interest and Use Study created to determine the extent of negotiable workable accommodation benefits. The AIUS is a comprehensive investigation and report of traditional use, cultural resources, history and oral history for submission with the projects environmental assessment process.

Preliminary issues cont.

4) Develop an Agreement in Principle

   - Identify issues to be addressed (contractual obligations, structuring the deal)

   - Identify potential forms of benefits:

      - land

      - employment

      - training

      - business opportunities

- government to government relationship
- resolution of historic conflicts
- cultural protection
- environmental protections
- cash/revenue sharing

Closing the Deal

- An Agreement in Principle was signed between the Lil'wat Nation and British Columbia on March 26, 2004; Final Agreement Signed Dec 2005.

- A referendum of the Lil'wat Nation members was held on March 12, 2005 concerning the accommodation package (76% Support).

- An Alternate Business Arrangement Agreement was signed between Peter Kiewet Sons Co. (PKS) and the Lil'wat Nation on December 15, 2005 including a business venture to gross $10 million in four years.

Accommodation Benefits Package

- $500,000 paid by British Columbia to Lil'wat Nation for employment training.

- $275,000 paid over five years by British Columbia to Lil'wat Nation for an employment coordinator.

- $250,000 paid by PKS to Lil'wat Nation for employment training.

Benefits Package cont.

- British Columbia has created one full-time position within the Ministry of Transportation
- PKS to provide 60 person years (2,080 hours/year) of employment to Lil'wat members during upgrade project.
- PKS employed a First Nation Training and Employment coordinator.
- $500,000 will be provided by British Columbia for the Mount Currie I.R. road improvements.

Benefits Package cont.

- $150,000 paid by British Columbia to Lil'wat Nation for business advisor.
- Lil'wat Concrete and Aggregate Limited Partnership (LCA). LCA concrete batch plant employs up to 53 Lil'wat Nation members.
- PKS - $2 million cash for Lil'wat business development
- Timber Revenues agreement from timber removed as part of upgrade project to the Nation.

Benefits Package cont.

- 600 acres of fee simple lands to be transferred at no cost to Lil'wat Nation.

- Option for five years to purchase at 2004 values a further 600 acres of fee simple lands.

- Total land package value $15 million.

Building Sustainable Economy while Respecting Cultural Values