FIRST NATIONS
AT THE FOREFRONT

Looking at the world through a 100-year lens rather than just in terms of quarterly shareholder reports, Vancouver Island's First Nations are harvesting the entrepreneurial energy of their people to create a better future — one that belongs to them.

by Andrew Findlay

Carpenter and carver Johnathon Ryce — who worked with his uncle Rick Underwood, the foreman on the installation of the T'Sou-ke Nation's solar panel project — walks among the banks of solar panels on top of a building on the reserve in Sooke.

JEFFREY BOSDET/DOUGLAS MAGAZINE

The T'Sou-ke Nation is small but it has big ideas. At only 250 members, mostly living on 67 hectares of reserve land around the Sooke Basin, you could fold it into any neighborhood in a large metropolis and it would barely make a demographic or economic dent.

But this ambitious band is making a dent in quashing stereotypes of First Nations by investing in a future based on food sustainability and alternative energy. With its Pacific Coast Wasabi operation, the band maintains three large greenhouses with 15,000 wasabi seedlings. Profits from this operation will be used to expand an existing 70-hectare organic community garden. And there's more: thanks to a $1.5-million capital outlay in 2009, the nation's administration building now runs entirely on a 75 kilowatt solar power system. Furthermore, in 2013 the T'Sou-ke partnered with Timberwest Forest Corp. and EDP Renewables Canada Ltd. to explore opportunities to develop, build and operate a massive $750-million, 300 MW wind energy project on southern Vancouver Island.

"This approach comes from our ancestors. Food security was always important to our people," Chief Gordon Planes told *Douglas* while commuting back from Vancouver where he was meeting with other chiefs and Premier Christy Clark.

SETTING A NEW COURSE

Put simply, the T'Sou-ke Nation sees the Island's isolation as a potential business advantage. As conventional fossil fuel energy becomes more expensive, the cost of importing food will also become increasingly prohibitive, says Planes. That's why he hopes his band's focus on food and green energy will place them on the leading edge of a local sustainability push that one day may become a necessity, not a choice.

The T'Sou-ke are exhibiting the kind of entrepreneurial thinking that distinguishes an increasing number of Aboriginal communities as they attempt to free themselves from the business-killing shackles of the Indian Act and reservation system, which renders them as perpetual tenants on federally owned land, and has burdened them with the crippling multi-generational social issues that resulted from the residential school system.

It's a nasty legacy that the Huu-ay-aht First Nation is also working hard to overcome. As a member of the Maa-nulth Treaty Society, this band joined four partner nations to become the first on the Island to sign a modern day treaty, which came into effect April 1, 2011. It gave the Huu-ay-aht self-government and jurisdiction over 8,200 hectares near its main community of Anacla at the mouth of Alberni Inlet.

The Huu-ay-aht now own the Pachena Bay Campground, a forestry firm with 13 employees that also hires as many as 50 contractors, a shake and shingle operation, a gravel pit, a dry land log sort, as well as a market and cafe in Bamfield plus 21 commercial fishing licences.

Last July, in the band's most high-profile venture to date, Huu-ay-aht chief councillor Jeff Cook signed an "opportunity development agreement" with Vancouver-based Steelhead LNG to explore the possibility of building a liquid natural gas plant on Huu-ay-aht land with access to deepwater in outer Alberni Inlet. The 25-year, $30-billion proposal is still speculative, but the agreement signals that this 750-member nation is on the lookout for opportunities — and the business world is taking them seriously.

"We want to tell people that we're open for business," Cook says. "Our treaty is economically driven and it's given us the ability and authority to look at large projects without having to deal with the Indian Act."

The Songhees and Esquimalt nations, whose modern reserves border each other and are sandwiched between Victoria, View Royal and Esquimalt, are also demonstrating an open-for-business approach. They are trying hard to transition from being bystanders to participants in the economy surrounding Victoria Harbour.

In October, the two nations hired Curtis Grad, former CEO of the Greater Victoria Harbour Authority (GVHA), to head up the Skwin'ang'eth Se'las Development Company, a joint venture between the Songhees, Esquimalt and GVHA that aims to generate business opportunities and jobs for band members. In a news release, Esquimalt chief Andy Thomas called the development company a "vehicle that will enable our young people to return to the harbour to create livelihoods."

CREATING LIVELIHOODS

Creating livelihoods is a goal the K'ómoks First Nation (KFN) is having considerable success in reaching. With a small reserve on the shores of Comox Harbour wedged between Courtenay and Comox, and a total on- and off-reserve population of 320, this nation's economic development arm has been busy while band politicians inch toward a modern day treaty.

In 2012, band-owned Pentlatch Seafoods Ltd., which markets its product under the brand Komo Gway, bought Aquatec, a well-established Comox-based seafood processing company. With over 20 full-time staff, Pentlatch harvests two million oysters annually with sales to Taiwan, China, the U.S. and Canada. Last year the band opened Salish Sea Foods, a retail outlet selling Oysters Rockefeller, Cajun salmon skewers and other value-added seafood products.

The band also owns I-Hos Gallery, the Puntledge RV Campground at the confluence of the Tsolum and Puntledge rivers, and has several MOUs with companies like Upland Excavating Ltd., giving the band economic opportunities for projects on its traditional territory. The KFN is also negotiating with BC Hydro for opportunities in the $1-billion-plus John Hart Dam upgrade on the Campbell River.

"We've always taken baby steps when it comes to economic development," says Melinda

HONOURING THE PAST EXPLORING THE FUTURE



JEFFREY BOSSET/DOUGLAS MAGAZINE

John Jack admits that mentioning First Nations in a room full of business executives might conjure up anti-business obstructionism stereotypes. But these are old, increasingly inaccurate perceptions, says the 33-year-old elected Huu-ay-aht councillor, part of a vanguard of young Aboriginal leaders working hard to show that First Nations can stay true to cultural roots while being progressive in business.

Along with his role as a councillor, he also holds the Port Alberni-based nation's economic, policy and law development portfolios, and represents the band on the Alberni-Clayoquot Regional District board.

"The opportunities are ever expanding for First Nations willing to communicate and engage with business partners and neighbouring communities," says Jack, who is the Huu-ay-aht's lead voice on economic issues including the potential development of a $30 billion LNG plant at Sarita Bay in partnership with Vancouver's Steelhead LNG.

Jack's involvement in Huu-ay-aht politics and administration came about more by accident than design. In 2005 and 2006, while Jack was enrolled at Vancouver Island University, Huu-ay-aht leaders were developing a community constitution, a requirement of the Maa-nulth treaty, which came into effect in 2011. As a band member, he received a survey to fill out. He took a red pen and marked up what he considered to be a poorly worded survey full of leading and misleading questions. Band administrators took notice and asked him to join the process. That offer led him into law, policy and economic development and ultimately into politics.

Jack's accidental career choice has been the Huu-ay-aht's gain. He has represented the band on trade missions to Asia, and last year gave a keynote address at the Northeast B.C. Natural Gas Summit in Vancouver. Now, midway through a second term as councillor, Jack believes the Huu-ay-aht's treaty will be the cornerstone of its future success.

"It gives us legal rights to home and traditional territories, and transparent and accountable governance structures that keeps business and politics at arm's length from each other," Jack says. "We have a guaranteed seat at the table with anyone proposing major projects in Huu-ay-aht territories."

Bands without treaties may resort to confrontational direct action to assert their rights, a strategy that may be necessary in the short term but, says Jack, doesn't bode well for future economic opportunities.

Jack describes the Huu-ay-aht's approach as "positive soft power," using some of the jargon he acquired from his Global Studies degree.

As for the band's decision to further explore the proposal for a LNG plant, an industry not without controversy, Jack says it's the result of careful consideration and a realization that the Huu-ay-aht need a substantial project to form the bedrock of a local economy. In November, the Huu-ay-aht voted 61 per cent in favour of moving onto the feasibility study stage of this joint venture proposal.

"Eighty per cent of our members live off-reserve," Jack says, "And we need to give them a reason to move back."

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"We always ask the question, 'What will we be leaving our children?'"



ARTIST: ANDY EVERSON

The I-Hos Gallery is located on the site of the original K'ómoks Village. The gallery features traditional and contemporary Northwest Coast artwork by First Nations artists, including Andy Everson's "Majestic."

Knox, CEO of K'ómoks Economic Development Corp. "We have a criteria to vet business inquiries. Are they successful, do they have a good environmental record and do they fit within the KFN's vision? We work on a 100-year vision and always ask the question, 'What will we be leaving our children?'"

Further north, the Namgis First Nation is attempting to shift salmon aquaculture to a more environmentally sustainable paradigm with a land-based Atlantic salmon fish farm, built three years ago south of Port McNeill with more than $7 million in investment from government and conservation foundations.

In October, the fish farm, 100-per-cent owned by the Namgis, received the highest ranking possible from the Monterey Bay Aquarium Seafood Watch program for its Atlantic salmon, marketed and sold through Vancouver wholesaler Albion Fisheries.

POISED FOR PROSPERITY

Little happens in B.C. these days in terms of large economic projects without some First Nations involvement. Despite the challenges bands face in generating jobs and wealth, there's no doubt B.C.'s indigenous people are in a greater position of influence than any other time in their modern history.

Dust off archives of legal case history and you'll find some compelling reasons why. For example, the 1997 *Delgamuukw versus British Columbia* case opened the door a crack for making a constitutional argument for Aboriginal title over land. Then in 2004, the *Haida Nation versus British Columbia* decision enshrined the duty for project proponents to consult First Nations prior to exploiting lands to which they have a claim. Most recently, last July, the Supreme Court of Canada gave the Tsilhqot'in people sweeping veto powers over projects on land to which they have both proven and unproven rights and title. This decision has the potential to change the landscape of economic development in B.C. for good, and also de-rail some projects that might have been slam-dunks before.

One thing is clear: the investors behind large projects can no longer pay lip service to the notion of consulting First Nations. Nigel Kuzemko, president and CEO of Steelhead LNG, has decades of experience in the global natural gas sector. He says that in B.C., working with First Nations is fundamental to his company's philosophy. "We can't look at it any other way. Partnering with First Nations is integral to this project moving forward," Kuzemko says, regarding the agreement signed with the Huu-ay-aht to explore LNG opportunities. "...in 100 years, the nation will still be there but the project won't be."

THE REALITY

However, optimism about the economic prospects for First Nations is tempered by some hard realities. The Island is home to 53 nations — 20 per cent of all nations in B.C. They belong to three distinct tribal regions: Coast Salish, Nuu-chah-nulth and Kwakiutl. According to a decade-old B.C. census, First Nations number 43,420, nearly seven per cent of the Island's population. But though there are bright spots, First Nations still have some of Canada's highest rates of incarceration and unemployment.

Many bands, like the Ahousaht and Ditidaht, are geographically isolated, making mainstream economic success challenging and opportunities for their youth difficult to come by. Many bands are also small and have limited financial and human resources.

"First Nations are still the most disadvantaged in the whole country. Everyone can see it," says the T'Sou-ke Nation's Chief Gordon Planes. "And a lot of small tribes like ours don't have a lot of money and that makes economic development hard."

Melinda Knox of the KFN agrees. She says band resources are often overwhelmed by treaty negotiation and legal wrangling, leaving little left over in the way of human and financial capital for harnessing business opportunities.

In spite of the precedent-setting court cases that have laid the foundation for a new relationship, a reality for B.C.'s Aboriginal leaders is spending time in court facing off government lawyers. The tiny Hupacasath First Nation, based in Port Alberni, got out of the gate early and jumped into the Independent Power Producing goldrush that resulted when BC Hydro first put out a call for IPPs.

In 2003, the Hupacasath forged a joint venture with Vancouver-based Synex Energy and formed Upnit Power Corporation to develop the 6.5 MW run-of-river hydro project on China Creek, which began producing power in 2005. The band retains a 72.5 per cent majority ownership in Upnit Power.

Today, the Hupacasath are also leading the fight against Canada's newly minted Foreign Investment Promotion and Protection Agreement (FIPA) with China that the federal government signed into law this fall. Critics, the Hupacasath among them, say the deal enables China to circumvent the duty to consult First Nations on major economic projects on land over which they have claims or title.

"Our nation is rich in forest resources, salmon and fresh water," says Judith Sayers, former chief councillor of the Hupacasath, who launched the Supreme Court challenge of FIPA. "We want to be in the position as a sovereign First Nation to protect our resources."

The fact that resource-poor nations are being dragged into court battles to repeatedly defend rights and title, adding a further drain to their resources, is a sore point for Sophie Pierre, chief commissioner of the BC Treaty Commission and the former longtime chief of the St. Mary's Indian Band near Cranbrook.

As a nod to the increasing economic importance and influence of First Nations, the Vancouver Island Economic Alliance (VIEA) invited Pierre to be the keynote speaker at the 2014 Vancouver Island Economic Summit. Then, as it still is, the treaty process was under pressure. Pierre is sharp and energetic, and bristles with both enthusiasm for the future of indigenous people in the province and also with frustration over the roadblocks and prejudices that still stand in the way.

Since the treaty commission was launched in 1992, just the Maa-Nulth Treaty Society and Tsawwassen nation have implemented treaties (the 1996 Nisga'a treaty was negotiated outside of the treaty commission process,) even though more than half of B.C.'s bands are engaged in the process.



Take the time to understand the unique governance and leadership paradigm, which often involves a blend of traditional hereditary and elected leadership, that make First Nations unique.

Sophie Pierre, chief commissioner of the BC Treaty Commission

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Consultants and lawyers are doing well, but not many treaties are getting signed. Bureaucratic inertia is partly to blame, according to Pierre. For example, the Sliammon First Nation treaty has bounced around Ottawa for three years waiting for royal assent. Last summer's seminal Tsilqhot'in decision has prompted some bands, like the T'Sou-ke Nation, to hit the pause button and ask whether treaty is the best away to achieve Aboriginal rights and title aspirations, further undermining the already faltering treaty process. Yet Pierre believes firmly that treaty is still the best way for a nation to position itself for future self-sufficiency and prosperity.

"There's always the expectation that things will happen quicker than they do after treaty but capacity building takes time," Pierre says. "Imagine if you're wanting to do a run-of-river project, for example. You need to have rules and regulations; you can't have nothing, no structures in place."

That's Pierre's message for First Nations wavering on the treaty process. For the non-Aboriginal community wanting to engage with the First Nations in a business relationship, she has another message. Take the time to understand the unique governance and leadership paradigm, which often involves a blend of traditional hereditary and elected leadership, that make First Nations unique.

Pierre also urges people not to fall into stereotypical prejudicial views. She brings up the case of Kwikwetlem First Nation chief Ron Giesbrecht, who was recently accused of pocketing an $800,000 bonus for economic development projects, and whose band has been fingered by critics as an example of another unaccountable First Nation government that's a breeding ground for corruption. In late October, news surfaced about two Squamish Nation members and employees who were fired for inappropriately disbursing more than $1 million in band funds. Still, Pierre is in a fighting mood, and says too often media and the general public focus on the negative rather than the positive steps First Nations are taking.

"Why isn't every white mayor tarred with a Rob Ford comparison?" she asks.

There's no doubt, Pierre is an able champion for First Nations in B.C. Her people have come a long way since the dark days of no hope, but they still have much ground to gain. As for the largely non-Aboriginal corporate world, it will have to become accustomed to a new mode of doing business, of looking at projects through a 100-year lens that factors in the economic and cultural interests of Aboriginals and not just the interests of quarterly shareholder reports.

"In my mind, we're not there yet in terms of economic development but we want to be players in the economy," says Huu-ay-aht chief councillor Jeff Cook, "and we will be players." ■

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