Aboriginal Title & Rights
Certainty Through Accommodation Agreements

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

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Lil’wat Nation
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 interests.
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