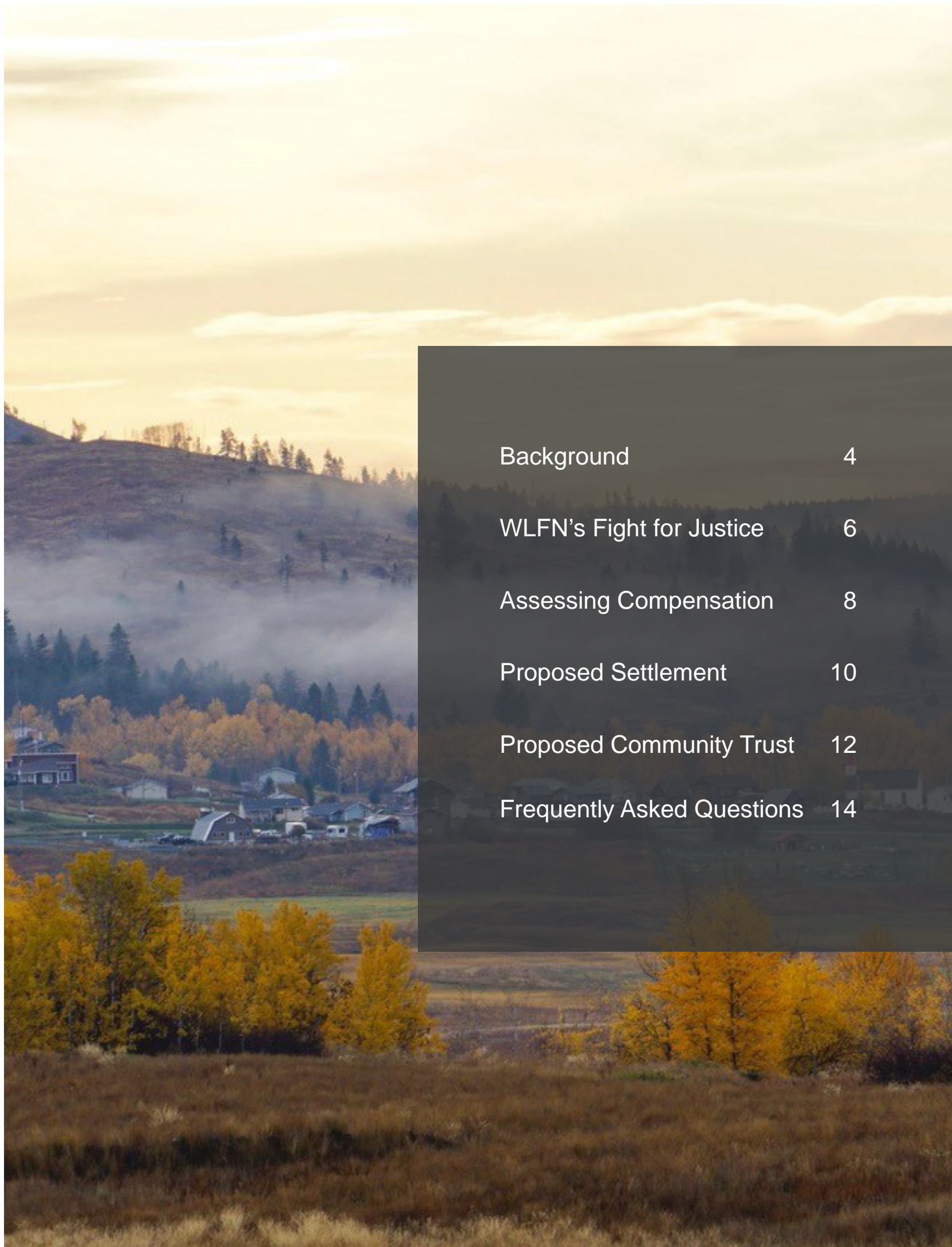


INFORMATION PACKAGE

for WLFN Members
Related to the WLFN Village Claim
www.wlfn.ca/village-claim



Williams Lake
FIRST NATION



Background 4

WLFN's Fight for Justice 6

Assessing Compensation 8

Proposed Settlement 10

Proposed Community Trust 12

Frequently Asked Questions 14

This information package is being provided to the registered Members of WLFN to explain the Proposed Settlement Agreement and the draft Trust Agreement that are the subject of the referendum vote being held by WLFN on Wednesday, June 29, 2022 regarding our Village Claim.

Information Sessions:

Attend virtually or in person at the WLFN Administration Building, 2561 Quigli Drive.

Email villageclaim@wln.ca for the Zoom link to attend virtually.

Thursday, May 12, 2022

6:30PM - 8:30PM

Thursday, May 26, 2022

6:30PM - 8:30PM

Thursday, June 9, 2022

6:30 PM - 8:30PM

How to Vote:

All registered WLFN member voters will receive a copy of this information document and a mail-in ballot to be completed.

Voters can also choose to cast their ballot in person on Wednesday, June 29, 2022 from 8:00AM - 8:00PM.

Elizabeth Grouse Gymnasium

2674 Indian Drive

Williams Lake, BC

V2G 5K9

Questions?

Contact: villageclaim@wln.ca

BACKGROUND



Williams Lake First Nation (WLFN), also known as T'exelc, are Indigenous Secwepemc people. From time immemorial, T'exelc used and depended on a large territory in the central interior of BC. During that time, T'exelc people followed a seasonal round that promoted sustainability.

One of our important winter village sites is an area located at the west end of what is now the City of Williams Lake (the "Village Lands"). This place, the lake and the City of Williams Lake are all named after Chief William.

In around 1859, Chief William gave permission to a settler to build a cabin and cultivate a garden within the Village Lands. In June 1861, the colonial government ordered that an Indian reserve on the Village Lands be set aside. However, the local official at Williams Lake never carried out the order and our Village Lands were not protected for WLFN.

By November 1861 much of the Village Lands were

taken by settlers, contrary to colonial law. Those settlers drove our ancestors off the Village Lands and for years our people were homeless, taking refuge in the surrounding mountains. The unlawful eviction of WLFN from the Village Lands reduced our people to desperate circumstances.

In 1879 Chief William wrote that our people were threatened by starvation because "the land on which my people lived for five hundred years was taken by a white man." Father Grandidier wrote that our people were "driven away to the top of the hills, where cultivation is out of the question"

When BC joined Confederation in 1871, the Government of Canada assumed responsibility over Indians and Indian lands, including the allotment of reserves in the province. During this period, Chief William urged Canada to protect the Village Lands for WLFN. However, the Indian Reserve Commissioner refused on the basis that doing so would interfere with what they called white men's rights.



WLFN'S FIGHT FOR JUSTICE

For decades, WLFN has worked to have this terrible wrong corrected. Many of our Elders, Chiefs and Councillors have dedicated much of their lives to this fight for justice.

1994

WLFN submitted a Specific Claim under Canada's Specific Claims Policy in which WLFN claimed compensation for Canada's failure to protect the Village Lands (the "Village Claim").

1995

Canada advised that our Village Claim was not accepted for negotiations under their Specific Claims Policy.

2003

WLFN took the Village Claim to Canada's Indian Claims Commission. Many of our elders gave evidence at the hearing held by the Commission.

2006

The Commission issued its report and recommended that Canada accept the Village Claim for negotiations.

WLFN'S FIGHT FOR JUSTICE

2007

Canada advised WLFN that it would not accept their Indian Claims Commission's recommendation and would not accept the Village Claim for negotiations.

2011

WLFN filed their Village Claim with Canada's new Specific Claims Tribunal. Many of our elders testified at the hearing held by the Tribunal.

2014

The Tribunal released its decision finding Canada legally responsible to WLFN for our Village Claim. Canada took the Tribunal's decision to the Federal Court of Appeal, which overturned the Tribunal's decision and denied WLFN's claim.

2018

WLFN took our Village Claim to the highest court in Canada, the Supreme Court of Canada. In 2018 the Court determined that Canada breached its legal obligations to WLFN by: allowing the Village Lands to be taken by settlers through a process known as "pre-emption" contrary to colonial law; by failing to take steps to challenge unlawful pre-emptions of the Village Lands after Confederation; and by refusing to consider protecting any of the Village Lands for WLFN.

2021

After our victory in the Supreme Court of Canada, we asked Canada to negotiate a resolution of our Village Claim. They refused, so our only choice was to return to the Specific Claims Tribunal, for a determination on what compensation was owed by Canada to WLFN for the Village Claim. Both WLFN and Canada hired experts on valuation. After reviewing the various expert reports, WLFN and Canada agreed to use mediation to see if an agreement in principle on compensation could be reached.

In early 2021, assisted by mediation with Justice Harry Slade of the Specific Claims Tribunal, WLFN and Canada reached an agreement in principle to settle the Village Claim, which, upon the approval of the voting Members of WLFN, will finally resolve our Village Claim.

Assessing Compensation

The loss of our Village Lands has had profound effects on WLFN, which continue today. These include damage to our sacred connection to our homelands, damage to our culture, desecration of grave sites, damage to our histories, traditions and identity connected to the Village Lands, and damage to our ability to live sustainably relying on the Village Lands.

Neither the Specific Claims Tribunal nor Canada's Specific Claims policy allow for the return of our Village Lands or for compensation for cultural or spiritual losses. In addition, by law, the Tribunal cannot order compensation above \$150 Million. Legally, WLFN could only obtain compensation for economic losses based on WLFN's loss of use and the current unimproved market value of the Village Lands. There is no formula for determining these losses. A number of factors are assessed, including the highest and best use of the lands over time, historical uncertainties, and what may have happened if some or all of the Village Lands had been reserved.



Proposed Settlement

Through the mediation on compensation with Justice Slade, the parties reached an agreement in principle to resolve our Village Claim by Canada paying to WLFN \$135 Million for the past, current and future losses (the “Proposed Settlement”). This is an “all-in” settlement which, if approved by WLFN referendum, would resolve any claims WLFN and our Members may have against Canada, now or in the future, for the Village Claim.

The draft Settlement Agreement with Canada includes the following key terms and conditions:

- The claim being settled is all matters, issues and allegations regarding the failure of Canada to protect against pre-emptions of our Indian settlements (including villages, homes, fields, food gathering areas, fisheries or fishing stations, graveyards) and create a reserve for the WLFN in the Village Lands, being District Lots 71 and 72 and adjoining areas in what is now the City of Williams Lake;
- The payment of \$135 Million from Canada to WLFN, including the WLFN Community Trust (see below), as full and final settlement of our Village Claim;
- Canada’s commitment to consider setting apart additions to our reserves up to a maximum of 1,400 acres, provided WLFN pays any and all costs related to acquiring the lands;
- WLFN releasing Canada from any and all future claims by WLFN and its Members regarding the Village Claim, including discontinuing our claim before the Specific Claims Tribunal; and
- Acceptance of the Settlement Agreement by referendum of the voters of WLFN, in which at least 25% plus one of the Voters vote in favour and the vote passes by a majority of those who vote.



Once the draft Settlement Agreement is approved through this referendum, WLFN will make or cause to be made the following payments from the Proposed Settlement:

- \$25,000 as a one time payment to each Elder (WLFN Member over 60 years of age).
- \$1,500 to each WLFN Member annually, including the Elders, with the payments to WLFN Members under 18 years placed in their Minor's Fund within the WLFN Community Trust.
- \$1 million to WLFN to repay the costs incurred to achieve justice in this matter, including legal, expert, ratification and administrative expenses.
- The remaining amount, being \$130 million, paid to the **WLFN Community Trust**.



Williams Lake
FIRST NATION

Village Specific Claim

**Williams Lake
British Columbia, Canada**

**Topographic Map of the
City of Williams Lake**

THE LOCATION OF D.L. 71 AND 72, AND PARK BOUNDARIES
WERE OBTAINED FROM THE PROVINCE OF BRITISH
COLUMBIA, MINISTRY OF CITIZENS SERVICES - DATA BC.

THE LOCATION OF THE D.L. 71 LOT LINES PLOTTED FROM CITY
OF WILLIAMS LAKE DIGITAL BASE MAPPING (NO FIELD TIES
HAVE BEEN MADE TO VERIFY THE GROUND LOCATIONS OF LOTS)

SAN JOSE IR NO. 6 LOCATION OBTAINED FROM
GOVERNMENT OF CANADA, NATURAL RESOURCES CANADA.

ALL OTHER IR LOCATIONS COMPILED FROM FIELD NOTES OBTAINED
FROM ENERGY MINES AND RESOURCES CANADA, LEGAL SURVEY
DIVISION, CANADA LAND SURVEY RECORDS AND THE PROVINCE
OF BRITISH COLUMBIA, CROWN LANDS REGISTRY.

THE HISTORIC AIRPORT RUNWAY AND BOUNDARY PLOTTED FROM
THE LINDSAY REPORT (COMMON BOOK OF DOCUMENTS, TAB 11A).

THE RAILWAY, HYDROLOGY, CONTOUR, AND WOODED AREA
DATA WAS OBTAINED FROM GOVERNMENT OF CANADA,
NATURAL RESOURCES CANADA - CANVEC.

THE ROAD DATA WAS OBTAINED FROM THE PROVINCE OF
BRITISH COLUMBIA, GEO BC - DIGITAL ROAD ATLAS.

Legend

- Claim Lands
- Park
- Highway / Primary Road
- Secondary Road
- Road
- Trail
- Separated Road/Highway
- Railway
- Historic Airport
- Historic Airport Boundary (Approximation)
- Contour
- Wooded
- Waterbody



PROJECTION: UTM 10N NAD 83
DATE: OCTOBER 22, 2019

INLA ILAWATASH LIMITED PARTNERSHIP
3178 ALDER COURT, NORTH VANCOUVER, BC, V7H 2V6

0 250 500 750 1,000 Meters

1:30,000

PROPOSED WLFN COMMUNITY TRUST



In order to ensure that our current and future Members obtain a lasting benefit from the Proposed Settlement, Canada and WLFN have agreed in principle that the Proposed Settlement, after payment of the amounts described above, would be invested and managed through a trust. The benefit of creating a trust is that it ensures that the trust funds are invested safely over time and distributed and used only in the manner set out in the trust agreement.

A trust is created by a legal agreement that identifies who benefits from the trust (the beneficiaries), who is legally responsible for managing the trust (the trustees), and the terms and conditions by which the trust funds are managed over time (the trust agreement).

THE PROPOSED DRAFT WILLIAMS LAKE FIRST NATION COMMUNITY TRUST AGREEMENT (THE TRUST) INCLUDES THE FOLLOWING KEY TERMS AND CONDITIONS:

- The Trust is for the benefit of WLFN and its Members, including current and future generations, to heal, restore and sustain the community.
- The Beneficiaries of the Trust are WLFN and its Members.
- The Trustees would be: a member of WLFN Council, the Chief Financial Officer of WLFN, an independent individual who may or may not be a Member, who is not employed by WLFN and who has been selected by WLFN; and for at least the first 10 years, an Administrative Trustee.
- The first Administrative Trustee would be BMO Trust Services a financial institution who will bring financial and administrative expertise, capacity and oversight to the Trust.
- The initial payment into the Trust of \$130 Million is the Capital of the Trust.
- The Trustees will work with the WLFN to implement the Trust, including the annual distributions from the Income of the Trust, and from time to time, distributions from the Capital of the Trust.

PROPOSED WLFN COMMUNITY TRUST

IN EACH YEAR OF THE TRUST, THE INCOME OF THE TRUST WILL BE USED AS FOLLOWS:

- One time payment of **\$25,000** (adjusted for inflation) to each Elder once they turn 60 years old.
 - Annual payment of **\$1,500** (adjusted for inflation) to each adult Member (age 18 and older).
 - Annual payment of **\$1,500** (adjusted for inflation) for each Minor Member to be paid into a Minors' Fund within the Trust. Each Minor's payment will grow annually at an interest rate of prime plus 1% annually. A Minor Member will be eligible to receive their payment upon turning 18 years of age and completing high school and a financial literacy program offered to Members by the Trust, or at 21 if they do not complete high school and the financial literacy program.
 - The remaining Income will be available to WLFN annually for programs, services and other initiatives, including capital projects.
-
- If WLFN wants to use funds from the Capital of the Trust, WLFN must apply to the Trustees for that distribution, explain the proposed use of those funds, and if the amount requested from the Capital is \$5 million or greater in one year (adjusted for inflation), WLFN must provide the Trustees confirmation that the voting Members of the WLFN have approved that use of the Trust Funds.
 - Throughout the expected life of the Trust (80 years), the Trustees must manage the Trust Funds so that there is always \$75 million in the Trust (the minimum protected amount).
 - If WLFN wishes to collapse (terminate) the Trust prior to the end of its term, WLFN must create an alternative to the Trust that has all of the above conditions. At the end of the 80 years, the Trust will be collapsed and must be replaced with a similar legal and financial structure.
 - Trust Property will only be distributed to the Beneficiaries pursuant to the provisions of this Trust Indenture, including specifically section 3.2 of the Trust Indenture, when the Trustees are satisfied that the proposed distribution will be used for one or more of the following uses or purposes:
 - 1) Elder Payments from Income
 - 2) Per capita payments to Members from Income, including Annual Member Distributions
 - 3) Administration and governance, including policing and law enforcement
 - 4) Aboriginal title, rights or responsibilities, including Treaty rights
 - 5) Cultural and heritage-related
 - 6) Social and spiritual well-being
 - 7) Economic development and well-being
 - 8) Education and training
 - 9) Emergency response, recovery, support and training, including fire and rescue
 - 10) Environmental and natural resources
 - 11) Health
 - 12) Infrastructure and programming, including housing, community buildings and support, day cares etc.
 - 13) Recreation and Sport
 - 14) Land acquisitions

FREQUENTLY ASKED QUESTIONS

HOW WAS \$135 MILLION DETERMINED AS THE APPROPRIATE SETTLEMENT?

WLFN and Canada each hired their own experts to provide opinions on the appropriate compensation. The experts used different approaches and came up with different numbers.

\$135 million was a negotiated outcome reached during mediation which was held with WLFN and Canada with Justice Slade.

Recognizing that the Tribunal has a \$150 million cap, Justice Slade supported \$135 million as fair and reasonable and cautioned WLFN that we risked getting less before the Tribunal.

IF THE SETTLEMENT IS APPROVED, WHAT WOULD A MEMBER RECEIVE? AND WHEN?

Every Elder would get a one time Elders payment of \$25,000. They would get that payment either when the Settlement has been approved by Referendum and finalized, or when a Member becomes an Elder.

Each year of the Trust, every adult Member would get an annual payment of \$1,500, adjusted for inflation.

A Minor Member's annual payment of \$1,500 per year, adjusted for inflation, would be paid into a Minors' Fund within the Trust. Each Minor's payment would grow annually at an interest rate of prime plus 1%. A Minor Member would be eligible to receive their payment upon turning 18 years of age and completing high school and a financial literacy program offered to Members by the Trust, or at 21 years of age if they do not complete high school and the financial literacy program.

WHAT HAPPENS IF A MEMBER NEVER REACHES THE AGE OF 60? WILL THEIR FAMILY INHERIT THEIR ELDERS' PAYMENT, OR DOES IT STAY IN THE TRUST?

No, an entitlement to an elders' payment only happens when a member reaches the age of 60.

FREQUENTLY ASKED QUESTIONS

FOR PARENTS OF CHILDREN WHO ARE, FOR EXAMPLE, 10 AND OVER, DO THE ANNUAL PAYMENTS GO BACK AND BEGIN AT BIRTH, OR DO THEY BEGIN NOW?

Payments begin once the Trust is in place and the monies from Canada have been received. There is no “catch-up” payment.

HOW OLD DOES A MEMBER HAVE TO BE TO GET THEIR PAYMENTS?

A Member needs to be 60 years old to get their one time Elders Payment.

All adult Members (18 years of age) are eligible for the annual payment directly.

A Minor Member would be eligible to receive the total of all payments paid into the Trust's Minors' Fund on their behalf upon turning 18 years of age and completing high school and a financial literacy program offered to Members by the Trust, or at 21 years of age if they do not complete high school and the financial literacy program.

WHY IS CHIEF AND COUNCIL RECOMMENDING WE USE A TRUST?

A trust is the best legal and financial mechanism available to ensure that our current and future Members obtain a lasting benefit from the Settlement. The benefit of creating a trust is that it ensures that the trust funds are invested safely over time and distributed and used only in the manner set out in the Trust Agreement.

HOW DID CHIEF AND COUNCIL COME TO DECIDE ON A TRUST, AND ON THE PROPOSED TRUST?

Chief & Council discussed different scenarios and looked at what other First Nations have done with large settlements. Chief & Council looked at communities that have had settlements and what happened based on how funds were distributed. Some First Nations gave more and some are back to where they were a few years before, because there was no lasting benefit to the community. In some cases, larger per capita payments resulted in destroyed lives. Of the options considered, Chief & Council considered that the Trust allowed the best opportunities for community revitalization and benefiting future generations as well as today's members.

FREQUENTLY ASKED QUESTIONS

HOW DID COUNCIL SET THE \$1,500 AMOUNT FOR ANNUAL MEMBER PAYMENTS?

It was a balancing between how much Income from the Trust will be spent annually from the Income on per capita payments and how much will be spent on programs and services offered to WLFN Members, both on and off reserve. Currently the only per capita payment is \$150, and so Council felt a new annual payment that was 10 x that amount would be welcomed and appreciated by the WLFN members. Programs could include targeted spending to assist families with cost of living issues. Council is also very interested in working with off reserve Members to identify possible programs and services that respond to your needs.

WHAT IS THE MONEY IN THE TRUST GOING TO BE SPENT ON?

The trust monies will be used for the one time Elders payments, the annual Members payments and for programs, services and other initiatives, including capital projects that strengthen and build up the WLFN. If WLFN proposes use of capital monies greater than \$5 million in one year, then the voting Members will need to approve that use of Trust Funds.

WILL THERE BE SPECIFIC DOLLARS FOR BUSINESS DEVELOPMENT BY INDIVIDUALS?

There is a range of possibilities for how Council can spend income from the Trust. Council will do community engagement to begin developing priorities. Business development grants for WLFN members who have business development plans are possible.

HOW WILL THE MONEY IN THE TRUST BE INVESTED?

The Trust will be managed by an investment manager who will report to and be overseen by the Trustees. The investment manager will invest the Trust funds in accordance with an investment policy that the Trustees will develop and that are reviewed by WLFN Council. These policies will not allow high risk investments. The Trust will aim to earn the best return possible at an acceptable level of risk.

ARE WE EXTINGUISHING OUR ABORIGINAL TITLE AND RIGHTS AS PART OF THIS SETTLEMENT?

No. The Claim being settled relates to Canada's failure to set aside and protect a reserve in what is now the City of Williams Lake. The claim does not relate to WLFN aboriginal title and rights or any future treaty rights.

FREQUENTLY ASKED QUESTIONS

WHO WILL BE THE TRUSTEES OF THE TRUST?

The initial Trustees will be a representative of Chief & Council, WLFN's Chief Financial Officer, and BMO Trust Company as administrative trustee. One more individual Trustee with relevant expertise and who is not affiliated with WLFN administration will be appointed within the first year of the Trust.

WILL WLFN BE ABLE TO PURSUE OTHER CLAIMS IF IT APPROVES THIS SETTLEMENT?

Yes, this settlement agreement deals only with Canada's liability regarding the village lands. The settlement agreement does not affect WLFN's rights to pursue any other specific claims regarding other breaches by Canada, including other historical claims regarding WLFN reserve lands.

REGARDING THE RELEASE OF THE VILLAGE CLAIM: IF THE SETTLEMENT OF THE VILLAGE CLAIM ONLY PAYS COMPENSATION, AND DOESN'T GIVE DIRECT RECOVERY OF THE HARMS FROM, FOR EXAMPLE, LOST CULTURE, ARE THERE OTHER STEPS THAT CAN BE TAKEN FOR MORE DIRECT RECOVERY OF THOSE HARMS?

Not in relation to the Village Claim. The settlement of the Village Claim is in full settlement in relation to that claim.

WHY DOESN'T THE SETTLEMENT INCLUDE THE RETURN OF OUR VILLAGE LANDS?

Canada has no legal authority to return the village lands to WLFN. Canada can only provide monetary compensation. The only way for WLFN to recover the village lands is by purchasing it from current owners who may be willing to sell it. If WLFN purchased some of the village lands or other lands in the area, WLFN could apply to Canada to return the land to reserve status.

FREQUENTLY ASKED QUESTIONS

HAS CANADA AGREED TO ADDITIONS TO RESERVE?

Canada won't commit to the ATR until they see the application.

WHAT TYPES OF LAND COULD BE ADDED TO RESERVE AS PART OF THE 1,400 ACRE COMMITMENT TO CONSIDERATION OF ADDITIONAL RESERVE? COULD THESE BE SMALL PARCELS OF INDIVIDUALLY-OWNED LAND?

The land has to be in WLFN's traditional territory. It's for community lands, not individual lands.

IS THE PROPOSED TRUST STILL OPEN FOR DISCUSSION?

The referendum vote is a package - WLFN voters have the opportunity to vote yes or no to the Settlement Agreement and the Trust. Chief and Council have committed to continue to engage with WLFN members regarding the types of programs and services which will be offered under the Trust, including for on and off reserve members.

WHAT HAPPENS IF WE REJECT THE TRUST?

If you vote no, you are voting no to the Settlement Agreement and the Trust. WLFN would then have to go back to the Tribunal to litigate the compensation owing by Canada for the Village Lands. During the mediation, WLFN was cautioned that they could receive a significantly lower compensation amount.

HOW WILL WE BALANCE BENEFITS FROM THE TRUST BETWEEN MEMBERS LIVING ON-RESERVE AND OFF-RESERVE?

Council has committed to engagement with membership relating to spending priorities relating to trust income, including improving services offered to off-reserve members.

COULD THE FINANCIAL LITERACY COURSE REQUIRED FOR MINORS ALSO BE MADE AVAILABLE TO ELDERS?

Yes. The Trustees will be developing this course and WLFN can provide input to the Trustees on what it should include and who can take it. It can definitely be made available to elders as well.

FREQUENTLY ASKED QUESTIONS

WHAT IS THE FINANCIAL LITERACY COURSE THAT MINORS ARE REQUIRED TO COMPLETE BEFORE RECEIVING THEIR DISTRIBUTION FROM THE MINORS' FUND?

The course needs to be developed and will be once the Trust is approved. The course could include such things as the use of credit cards, down payments, investing, and difficult conversations that people may need to have with family members and friends who are aware they are receiving some money. Other things to think about - the timing of offering a course or courses. It may have a bigger impact if you begin these discussions when a child is 15 years old, instead of 17.5 and is already considering how to spend their money.

ARE THERE INDIVIDUAL TRUSTS FOR EACH OF THE MINORS?

No, the minors' fund is part of the Community Trust. The funds identified for a minor can be reported on.

WLFN Chief and Council unanimously recommend acceptance of the Settlement Agreement and the Trust Agreement as being in the best interests of WLFN, including its past, present and future Members.

For decades, the WLFN Chief and Council have actively pursued a just and fair resolution of our Village Claim and, together with all the elders who have fought for justice related to this claim, have worked to achieve the Proposed Settlement.

By resolution of the WLFN Council dated April 21st, 2022, the Proposed Settlement Agreement and the draft Trust Agreement were approved for review and ratification by referendum of the registered Members of the WLFN.



2561 Quigli Drive
Williams Lake,
BC, Canada
V2G 0B1

Copies of the Proposed Settlement Agreement and draft Trust Agreement are available for review by a registered Member of the WLFN. If you would like to review the Proposed Settlement Agreement or the draft Trust Agreement please contact Lisa Camille at 250 296 3507 ext. 103.