



For Immediate Release
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Esk'etemc Signs Historic Settlement for \$147M with the Federal Government

Settlement Signifies Landmark Acknowledgement of Loss of Water Rights

Esk'et, B.C.: In a landmark negotiated settlement, Esk'etemc (pronounced Es-KET-em) formerly known as the Alkali Lake Indian Band, has received a settlement in excess of \$147 million from the Federal Government of Canada (Canada), acknowledging the loss of water rights and the hardship suffered by generations of Esk'etemc people. Since 2003, Esk'etemc has been pressing Canada through the Specific Claims process to acknowledge the breach of its fiduciary duties to the Esk'etemc by not obtaining and safeguarding Esk'etemc's water rights, water records and dam, and preventing it from constructing an irrigation ditch. A Specific Claim for the alienation of water rights was first submitted to Canada's Specific Claims Branch by Esk'etemc over 20 years ago. The victory now is an important one to the Esk'etemc people who gratefully acknowledge the Elders and other former and present Esk'etemc leaders who helped move the claim forward and obtain the settlement.

"The settlement process has been a long process for our people, and we are proud of the work that has been done to prove the loss of our rights," shared Esk'etemc Kukpi7 (Chief) Fred Robbins. "My dad, who was on our Band's Council for over 20 years, is not here today to see the successful outcome of this Specific Claim. I wish he could be here to witness this along with all the other Elders. They have all passed on, but they all contributed significantly to this Specific Claim."

In 1861, the first Indian Reserve (IR) in Esk'etemculucw (Esk'etemc territory) was established at what is now IR #1. The reserve was only 40 acres and not enough land for the Esk'etemc to live on. Esk'etemc and other Indigenous communities were fighting to get land, and by 1881, the Indian Reserve Commission sent Commissioner Peter O'Reilly to Esk'etemculucw. O'Reilly surveyed the land and designated Indian Reserves #1 through #7, including IR #6, Wycott's Flat or Tsqewt (pronounced s-K-out), the traditional name for Wycott's Flat. When Canada laid out IR #6, all the water from Vert Lake, which lies to the southeast of the reserve, was set aside by the government in Water Record #142A for the use of the Esk'etemc to irrigate IR #6. An irrigation ditch was also surveyed.

By the 1890s, the Esk'etemc started to work on the irrigation ditch from Vert Lake to Tsqewt. After two years of hand digging the irrigation ditch with picks and shovels for 5.5 kilometres, Canada told the Esk'etemc to stop the work, just 1 kilometre from their goal. In 1925, Canada abandoned Water Record #142A, allowed water rights to be granted to settlers to the detriment of Esk'etemc, and the irrigation ditch has been lying dormant ever since.

“As a result of not having any water, IR #6 remained winter pasturage for horses,” noted Dr. Beth Bedard, Archaeologist and Anthropologist on the Tsqewt Specific Claim team. “One can’t help but think that with the social conditions at that time, the small reserves, and the lack of resources, if the community would have had irrigated land, they could have grown crops. It could have made such a tremendous difference in the quality of life for the Esk’etemc.”

For the Specific Claim process, experts were needed to prove the loss.

“There were two aspects to the process,” remarked lawyer Stan Ashcroft who has been working on this Specific Claim with Esk’etemc for over 20 years. “One is the value of the land; what would the land have been worth if it had water versus if it didn’t have water. Two is about crops; presumably, the crops would have had value. Tsqewt is beautiful land and there was a report that had shown it was capable of growing anything if it had access to water – but it did not.”

Ultimately, through negotiation, Esk’etemc and Canada arrived at a settlement of \$147,606,733.00 to compensate the Esk’etemc for the loss of water rights for over 131 years. That figure was based on the difference in the value of the land if it had access to water versus not having such access, and the value of the crops that could have been grown at Tsqewt since 1893 which is the date Esk’etemc Chief August complained to Indian Superintendent Arthur Vowell about the inability to obtain water for Tsqewt.

“The settlement amount for the loss of water rights is substantial, but the impacts on generations of Esk’etemc who lived in poverty because of the loss of water rights is also substantial,” shared Kukpi7 Robbins. “This settlement will allow us to plan for a better future for our community, our children, our Elders, and generations to come. It will give us a chance to heal and is a step toward reconciliation.”

The next step is for the Esk’etemc to determine how to utilize the settlement, a large responsibility being shared by the Esk’etemc community, a Tsqewt Community Planning group, plus Kukpi7 and Council. Councillor Kerry Bouchard-Chelsea is hopeful for what the future holds for the Esk’etemc.

“I could see the settlement dollars being used to reinvest into our future generations,” noted Bouchard-Chelsea. “Our hope is that the Esk’etemc people in the future can look back and realize that the programs, services, and help that the Band was able to put forward has potentially stemmed from this settlement.”

Kukpi7 and Council have extended an invitation to the Crown-Indigenous Relations Ministry to join them for a special community celebration on August 6, 2024, in Esk’et. The event will be an opportunity to celebrate and acknowledge the many decades of hard work led by Esk’etemc Elders and leadership to reach this settlement agreement with Canada.

A video is available to watch and share: www.bit.ly/TsqewtStory

About Esk'etemc

Esk'etemc is a forward-thinking community with strong cultural values and connection to the land. There are over 1,000 Band members, about half of whom live on-reserve in Esk'et (Alkali Lake) which is located about 50km southwest of Williams Lake. Esk'etemc is a part of the Secwepemc Nation, and the ancestral language is Secwepemctsin. More information on Esk'etemc can be found at www.esketemc.ca. More information on the Specific Claim can be found www.seculecwem.ca.

To Arrange for an Interview:

Aleece Laird, Communications Liaison, 250.574.0221 | aleece@amplifyinc.ca

The Specific Claim Process

This a general timeline of the past process and future outlook.

2003 Esk'etemc files the claim with the Specific Claims Branch.

September 2011 Over eight years after the claim was filed, Canada advised Esk'etemc that it was rejecting the Specific Claim on the basis that, in its view, Canada did not breach any lawful obligation owed to Esk'etemc.

August 2017 Esk'etemc filed a Declaration of Claim with the Specific Claims Tribunal effectively appealing Canada's decision not to negotiate a settlement of the Specific Claim.

March 2018 Canada notified Esk'etemc that it had changed its position and was now prepared to accept the Specific Claim for negotiation.

November 2018 Esk'etemc retains appraisal and agricultural experts.

May 2019 Legal counsel for Esk'etemc provides its expert reports to Canada.

June 2019 Canada advised Esk'etemc's legal counsel that it would retain an expert to prepare a report.

March 2020 Canada was supposed to retain its expert, however COVID intervened, and Canada's main appraiser passed away at the end of March 2020.

August 2020 A meeting with the Esk'etemc Elders was held, followed by Canada's experts and Esk'etemc Elders viewing IR #6 and other areas on August 6 and 7, 2020.

2021 – 2023: Negotiations took place regarding the amount of a proposed settlement of the Specific Claim.

2023 The Federal government presents a Settlement Offer to Esk'etemc, and the Esk'etemc members are presented with a vote to approve or not approve the Specific Claim Settlement Offer.

March 2024 Esk'etemc members voted (510 votes in favour, 5 votes not in favour, 13 ballots not accepted) to accept the Federal Government's settlement offer.

May 2024 Crown-Indigenous Relations Minister Anandasangaree signed the Settlement Agreement.

June 2024 Esk'etemc Kukpi7 and Council approve the establishment of a Tsqewt Community Planning Committee.

July-August 2024 The Specific Claims Planning team and Kukpi7 invite Minister Anandasangaree to Esk'et to hold a signing ceremony.

September-October 2024 Community engagement sessions are planned in Esk'et, Chilliwack, Kamloops, and Williams Lake to listen to community members to plan for the use of the settlement funds.