

# Lheidli T'enneh Lands

The Lheidli T'enneh Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and the Lheidli T'enneh Band. It is the first Final Agreement reached in the province under the British Columbia treaty process.

The Final Agreement provides Lheidli T'enneh with certain rights and benefits regarding land and resources, and self-government over its lands and resources and its citizens. It provides certainty with respect to ownership and management of lands and resources and the exercise of federal, provincial and Lheidli T'enneh governmental powers and authorities.

The negotiation of a Final Agreement marks Stage Five of the six-stage British Columbia treaty process, and is the conclusion of substantive treaty negotiations. Once ratified by all parties, the Final Agreement will become a treaty through legislation.

It will be a constitutionally-protected, legal agreement that creates mutually binding obligations and commitments.

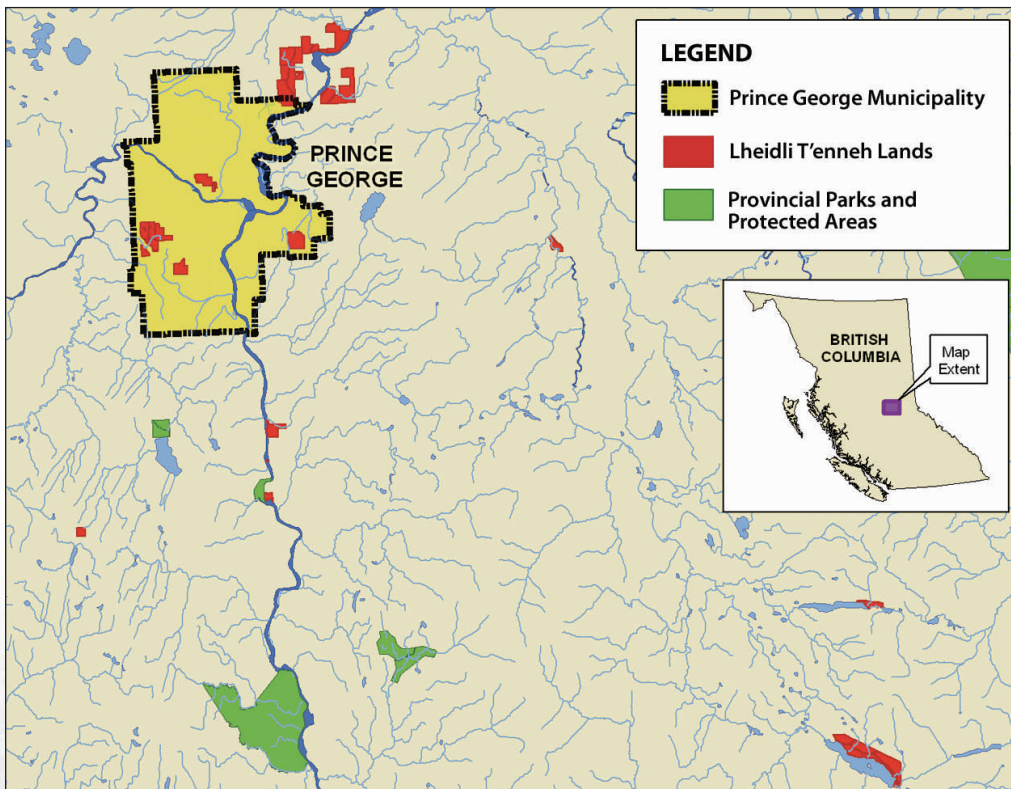
## LHEIDLI T'ENNEH LANDS

The Final Agreement land package consists of

approximately 4,330 hectares of treaty settlement land for Lheidli T'enneh. This includes 677 hectares of former reserves,

237 hectares of former federal Crown land, and 3,416 hectares of former provincial Crown land. Lheidli T'enneh will own

its lands in fee simple. Lheidli T'enneh reserves will no longer exist as reserves and will become Lheidli T'enneh Lands.



Overview of Lheidli T'enneh Lands

Federal and provincial laws will apply to all lands owned by Lheidli T'enneh. Under the treaty, Lheidli T'enneh will own two types of land. The majority of the lands, 4,275 hectares, will be called Lheidli T'enneh Lands. Lheidli T'enneh will have law-making authority over these lands. Lheidli T'enneh will have no governance authority over the remaining 55 hectares of land that will transfer to Lheidli T'enneh as private fee-simple land.

Lheidli T'enneh treaty settlement lands will be transferred to the First Nation

as of the effective date of the treaty. Many of the parcels of land are currently registered in the provincial land registration system and this registration will continue. In addition, the Final Agreement identifies other parcels that will be registered in this system. This arrangement will allow Lheidli T'enneh to use its lands to raise capital, something that is difficult to do with a reserve.

While all parties agree that as a general principle Lheidli T'enneh Lands will not be subject to expropriation, the Final Agreement contains processes whereby either Canada or British Columbia may expropriate Lheidli T'enneh Lands.

### **RESOURCES ON LHEIDLI T'ENNEH LANDS**

Lheidli T'enneh will own all subsurface resources on or beneath the surface of Lheidli T'enneh Lands. Lheidli T'enneh will be able to determine and collect any fees for the development or extraction of these resources.

Lheidli T'enneh will own all timber on Lheidli T'enneh Lands, with the exception of four parcels in the Shelley area. On these four parcels, British Columbia will reserve ownership of the coniferous timber for approximately 10 years. During this time the harvest of this timber will be managed in accordance with the Shelley Timber Agreement, agreed to between British Columbia and Lheidli T'enneh. The agreement provides that Lheidli T'enneh either harvest the coniferous timber or purchase it from British Columbia. At the end of the Shelley Timber Agreement, Lheidli T'enneh will own all forest resources on these four parcels.

### **ADDITIONS TO LHEIDLI T'ENNEH LANDS**

Lheidli T'enneh may purchase fee-simple lands and request to have them added to Lheidli T'enneh Lands, subject to the approval of Canada and British Columbia. Land proposed for addition to Lheidli T'enneh Lands must be within the Lheidli T'enneh Area and outside of municipal

boundaries, unless the municipality consents to the addition. If the proposed land is added to Lheidli T'enneh Lands, the First Nation will have governance authority over it.

### **FUTURE ACQUISITIONS OF LANDS**

On the effective date of the treaty and for a period of five years, British Columbia agrees not to dispose of certain provincial Crown lands identified in the Final Agreement. Within that time, Lheidli T'enneh and British Columbia may negotiate the market value of the land and Lheidli T'enneh can purchase it. For specific parcels, if Lheidli T'enneh purchases the land it will be added to Lheidli T'enneh Lands.

Also, within five years of the effective date of the treaty, Lheidli T'enneh may identify to British Columbia up to two areas of provincial Crown land, between 10 and 100 hectares each and located within the Lheidli T'enneh Area, which it has an interest in acquiring for purposes such as destination resort development. If British Columbia agrees, then Lheidli

T'enneh and British Columbia will negotiate a purchase price for these lands.

### **LHEIDLI T'ENNEH LANDS AND THE AGRICULTURAL LAND RESERVE (ALR)**

Approximately 1,865 hectares of the Lheidli T'enneh Lands included in the land package are currently within the boundaries of the ALR. Of these lands, approximately 890 hectares are federal lands to which the designation does not apply. The Final Agreement provides that these federal lands will be excluded from the ALR to ensure that the designation does not apply once the lands transfer to Lheidli T'enneh. The remaining 975 hectares of Lheidli T'enneh Lands within the ALR are provincial Crown land. Of this land, 643 hectares will be excluded from the ALR and the designation will be retained on the remaining 322 hectares of land which is suitable for agricultural development.

The 55 hectares of private fee-simple land in the land package are included in the ALR and will retain this designation.

Land that is unencumbered by the ALR designation can be used for community expansion and economic development, both of which are key priorities for Lheidli T'enneh.

In the future, if Lheidli T'enneh wishes to have additional land removed from the ALR, as the landowner and as a First Nation government, it can apply to the Agricultural Land Commission through the process set out in the *Agricultural Land Commission Act*.

## **ACCESS**

The Final Agreement provides for reasonable public access for hiking, canoeing and other recreational activities on Lheidli T'enneh Lands. While the general public may hunt and fish on Lheidli T'enneh Lands, Lheidli T'enneh can regulate access for these activities. There are provisions to ensure public access for rights-of-way and navigable waters, and specific access for owners of adjacent fee-simple parcels and tenure-holders.

Public provincial highways and key forest service roads will continue to be owned and

maintained by the province. The City of Prince George will continue to own and maintain municipal roads other than those that are within parcels of Lheidli T'enneh Lands and provide access primarily to these lands.

The Lheidli T'enneh government will own, regulate and maintain all Lheidli T'enneh roads which, unless designated otherwise by the Lheidli T'enneh government, are open to the public.

## **LEASES AND LICENCES ON LHEIDLIT'ENNEH LANDS**

The terms and conditions of continuing leases and licences on Lheidli T'enneh Lands will be respected after the treaty comes into effect. Replacement tenures have been negotiated with tenure holders currently operating on Lheidli T'enneh Lands.

## **LHEIDLIT'ENNEH AND THE NEIGHBOURING COMMUNITY**

Approximately 1,183 hectares of Lheidli T'enneh Lands will be located within the boundaries

of the City of Prince George. An excellent relationship already exists among Lheidli T'enneh, the City of Prince George and the Regional District of Fraser-Fort George.

The parties are negotiating a Comprehensive Master Agreement which will set out principles, procedures and guidelines to assist one another in implementing the treaty, including coordination of land-use planning, harmonization of tax structures and laws, and servicing agreements for Lheidli T'enneh Lands located within local or municipal government boundaries.

Under the Final Agreement, the Lheidli T'enneh government may participate on the Board of the Regional District of Fraser-Fort George in the same capacity as a municipality.

## **OVERLAPS WITH NEIGHBOURING FIRST NATIONS**

First Nations' claimed traditional territories can and do overlap. In British Columbia, there are often multiple, overlapping claims. As part of the British Columbia treaty process, First Nations must establish

a process to resolve overlaps and report to the British Columbia Treaty Commission on the progress of discussions with other First Nations.

The Final Agreement has provisions to safeguard the interests of any overlapping groups. Canada, British Columbia and Lheidli T'enneh are consulting with Lheidli T'enneh's neighbouring First Nations and will continue to work to resolve any remaining overlap issues. The harvesting areas set out in the Final Agreement are not exclusive, and other First Nations and the general public may fish and hunt there as they do now on provincial Crown land.

## LHEIDLI T'ENNEH

Lheidli T'enneh, “the people from the confluence of two rivers,” is a Carrier-speaking First Nation that has traditionally occupied and used the land around Prince George, east to the Alberta border. The main Lheidli T'enneh community is located on the Shelley reserve, 20 kilometres northeast of Prince George. The band has 320 members, about 100 of whom live in Shelley. The majority of the other members live in Prince George.

*If you would like more information about the Lheidli T'enneh Final Agreement, contact:*

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