

Natural Resources

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.

RESOURCE RIGHTS AND JURISDICTION

The Final Agreement sets out Lheidli T'enneh's rights to harvest natural resources. In some cases, such as for timber and subsurface resources, these harvesting rights apply on Lheidli T'enneh Lands. In other cases, such as for the harvest of wildlife or fish, these rights

may be exercised on Crown land in the wider geographical areas described in the Final Agreement as the Lheidli T'enneh Area or Fish Area.

Further, Lheidli T'enneh will be able to make laws to manage natural resources on Lheidli T'enneh Lands and regulate Lheidli T'enneh

harvesters throughout the Lheidli T'enneh Area. Federal and provincial laws will apply, along with Lheidli T'enneh's laws, and the Final Agreement clearly sets out which law will prevail if there is a conflict.

WILDLIFE AND MIGRATORY BIRDS

Under the treaty, Lheidli T'enneh will have the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within the Lheidli T'enneh Area. This right is limited by measures necessary for conservation and by legislation enacted to protect public health and public safety.

Federal and provincial laws will apply on Lheidli T'enneh Lands

and throughout the Lheidli T'enneh Area. Lheidli T'enneh laws with respect to the management of the harvesting of wildlife and migratory birds will apply to Lheidli T'enneh citizens. Federal and provincial laws on the use and possession of firearms will also apply.

Lheidli T'enneh will be able to make laws to regulate the harvest of wildlife and migratory birds by its citizens, including the requirement to carry documentation issued by the Lheidli T'enneh government. Lheidli T'enneh will allow reasonable access for non-members to hunt on Lheidli T'enneh Lands in accordance with federal and provincial laws and with



Lheidli T'enneh laws respecting access to these lands.

If it is necessary to address a conservation risk to a specific wildlife or migratory bird species, the treaty allows the Minister responsible to identify that species as designated. Once a species is designated, the total allowable harvest for that species is also established by the Minister. For a designated wildlife species, Lheidli T'enneh and British Columbia will negotiate the harvest level for Lheidli T'enneh, with the Minister taking into account harvesting by non-Aboriginal people. In the case of a designated migratory bird species, Lheidli T'enneh's harvest level will be determined by the federal Minister, in consultation with Lheidli T'enneh.

Lheidli T'enneh will develop a wildlife harvest plan for designated wildlife species, or other wildlife species as agreed to by the First Nation and British Columbia. The plan will set out how Lheidli T'enneh will conduct its harvest, including how many of each species will be harvested, when the

harvest will take place, and how the harvest will be monitored. The plan will be submitted for approval of the provincial Minister responsible for wildlife. Unless Lheidli T'enneh laws or the approved harvest plan state otherwise, Lheidli T'enneh hunters may harvest wildlife throughout the year.

The initial designated wildlife species will be grizzly bears and mountain caribou. Their harvest levels will be negotiated between British Columbia and Lheidli T'enneh prior to the effective date of the treaty.

Lheidli T'enneh citizens will be able to trade and barter wildlife, wildlife parts, migratory birds and migratory bird parts among themselves and with other Aboriginal people of Canada who live in British Columbia. Wildlife trade and barter does not include sale.

Trap lines, angling guide licences and guide outfitter tenures that exist on Lheidli T'enneh Lands as of the effective date of the treaty will continue.

PLANT GATHERING

Under the treaty, Lheidli T'enneh will have the right to gather plants for food, social and ceremonial purposes within the Lheidli T'enneh Area. This right is limited by measures necessary for conservation and by legislation enacted to protect public health and public safety.

The authority for managing and conserving plant resources will remain with the relevant federal or provincial Minister.

FOREST 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.

Lheidli T'enneh will receive replaceable forest tenures totalling approximately 107,000 cubic metres of timber. The tenures will be issued under provincial law and will not be part of the constitutionally-protected treaty.

PLANNING AND MANAGEMENT OFF LHEIDLIT'ENNEH LANDS

The Final Agreement sets out that Lheidli T'enneh will have the right to participate in any provincially developed public planning process within the Lheidli T'enneh Area. Lheidli T'enneh may make proposals to British Columbia to establish a public planning process within the Lheidli T'enneh Area. However, the province is not obligated to do so under the agreement.

Further, the Final Agreement does not prevent Lheidli T'enneh from participating in any developments on

shared decision making or any provincial programs, policies or initiatives that British Columbia makes generally available as it continues to develop a new relationship with First Nations in the province.

Lheidli T'enneh and British Columbia will negotiate a Parks Protocol outside of the treaty, which will address Lheidli T'enneh's role in park planning and management, economic opportunities and any other matters the two parties wish to include for the following parks and protected areas in the Lheidli T'enneh Area: Bowron Lake Provincial Park, Fort George Canyon Provincial Park, Kakwa Provincial Park and Protected Area, Purden Lake Provincial Park, West Lake Provincial Park, and West Twin Provincial Park and Protected Area.

WATER

On the effective date of the treaty, British Columbia will establish a water reservation under the *Water Act* for Lheidli T'enneh of 13,400 cubic decametres of water per year for domestic, agricultural and industrial uses. The Lheidli T'enneh government may participate in water planning processes for the Upper Fraser River Watershed and any tributary of the Fraser River within this area.

Current water licences on streams subject to Lheidli T'enneh water reservations will retain their existing priority.

British Columbia will establish a Lheidli T'enneh hydro power reservation for identified watersheds to allow Lheidli T'enneh the opportunity to investigate the potential for hydro power development.

ENVIRONMENT

Provincial and federal laws on environmental protection will continue to apply after the treaty comes into effect. The Lheidli T'enneh government will be able to make laws concerning environmental protection on Lheidli T'enneh Lands. Federal and provincial laws will prevail in the event of a conflict.

Lheidli T'enneh will be able to participate in environmental assessment processes regarding its lands, and the Lheidli T'enneh government may enter into agreements with other governments on environmental protection and environmental emergencies.

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:

Canada

Indian and Northern Affairs Canada
British Columbia Region
600 - 1138 Melville Street
Vancouver, BC V6E 4S3
1-800-567-9604
www.inac.gc.ca/bc/ftno
infopubs@inac.gc.ca



Lheidli T'enneh

Lheidli T'enneh Treaty Office
1040 Whenun Road
Prince George, BC V2K 5X8
250-963-8451
www.lheidli.ca



BRITISH COLUMBIA
The Best Place on Earth

British Columbia

Ministry of Aboriginal Relations
and Reconciliation
PO Box 9100 Stn Prov Govt
Victoria, BC V8W 9B1
1-800-880-1022
www.gov.bc.ca/arr
ABRInfo@gov.bc.ca