

# Fisheries

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.

## FISHERIES IN TREATIES

Fish is an important topic of treaty negotiations in British Columbia. Most treaties can be expected to provide for allocations of fish for food, social and ceremonial purposes. Commercial fishing

opportunities may be provided through harvest agreements negotiated outside of a final agreement. These harvest agreements do not create a constitutionally-protected right for First Nations to fish commercially.

## LHEIDLI T'ENNEH FOOD, SOCIAL AND CEREMONIAL FISHERY

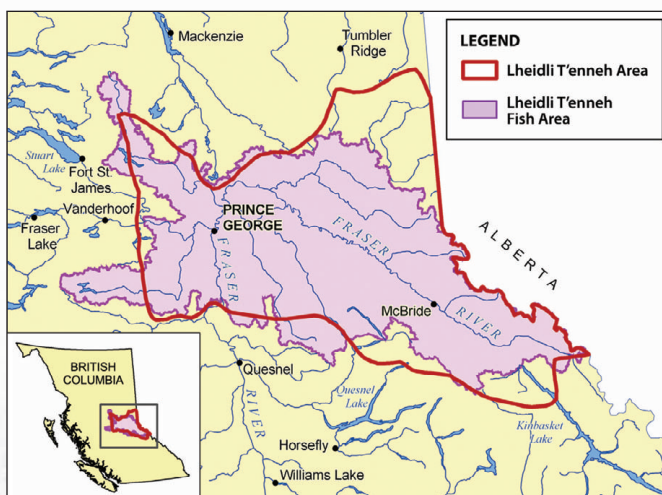
Under the treaty, Lheidli T'enneh will have the right to harvest fish and aquatic plants for food, social and ceremonial purposes, subject to conservation, public health and public safety requirements.

This right will be exercised within a defined geographic area known as the Lheidli T'enneh Fish Area, as described in the Final Agreement.

The Final Agreement provides for Lheidli T'enneh's treaty allocation of Upper Fraser sockeye salmon for food, social and ceremonial purposes.

This allocation is calculated using a formula set out in the Final Agreement, and will vary depending on the size of the Canadian Total Allowable Catch determined by the Minister of Fisheries and Oceans for those stocks in any given year. However, regardless of the total allowable catch, the treaty allocation will not exceed a maximum of 12,350 sockeye per year. If the allocation were applied to the abundance levels for the years 1982-1997, the allocation would have averaged 9,000 sockeye per year over those years.

For other fish, a process has been set out in the Final



Agreement to establish allocations at the request of any party to the agreement.

## **LHEIDLI T'ENNEH HARVEST AGREEMENT**

A harvest agreement, separate from the Final Agreement, provides for commercial fishing licenses to be issued to Lheidli T'enneh for Upper Fraser sockeye salmon. The harvest agreement provides Lheidli T'enneh with a defined share of 0.7043 per cent of the Canadian Commercial Total Allowable Catch for Upper Fraser sockeye, as determined by the Minister of Fisheries and Oceans. If this harvest agreement share were applied to the abundance

levels for the years 1982-1997, it would have averaged 6,000 sockeye per year for those years.

Federal and provincial laws will continue to apply with respect to the sale of salmon caught in the harvest agreement fishery. The harvest agreement fishery will only take place if the Minister of Fisheries and Oceans authorizes it, and its management would be integrated within the general commercial fishery.

If the Minister of Fisheries and Oceans agrees, Lheidli T'enneh's food, social and ceremonial allocation of sockeye salmon may be reduced by a maximum

of 50 per cent in any year, and that amount of sockeye can be added to the harvest agreement. Harvesting of these fish by Lheidli T'enneh would then be managed as a general commercial fishery and would no longer be an exercise of a treaty right.

A request to reduce the allocation for food, social and ceremonial fish, and thereby to increase the harvest agreement share, would be made by Lheidli T'enneh as part of its annual fishing plan in advance of the fishing season. If the Minister did not authorize a commercial fishery in the Lheidli T'enneh Fish Area, Lheidli T'enneh would also lose the opportunity to catch those fish reallocated from its food, social and ceremonial allocation for that season.

## **FISHERY MANAGEMENT AND CONSERVATION**

Canada and British Columbia retain authority to manage and conserve fish, aquatic plants and fish habitat, according to their respective jurisdictions.

Lheidli T'enneh will have law making authority with respect to the internal regulation of its fishery, including who can participate in the harvest of fish and how the harvest will be distributed among Lheidli T'enneh members.

Canada, British Columbia and Lheidli T'enneh will establish and be represented on a Joint Fisheries Committee (JFC) to undertake cooperative planning for Lheidli T'enneh fishing, fisheries management activities, environmental protection activities, and other fisheries-related matters. The committee may make recommendations to the Ministers on these matters.

Lheidli T'enneh will prepare an annual fishing plan for the harvest of fish under the treaty fishing right. The JFC will review the plan, and will forward both the plan and any recommendations to the Ministers.

The agreement also provides for Lheidli T'enneh participation or representation in any multi-sectoral fisheries advisory process for the

## **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.

Fraser River watershed, should one be established.

Canada will provide a one-time amount of \$3,000,000 for the establishment of a Lheidli T'enneh Fisheries Fund. Under the direction of the Lheidli T'enneh, the fund will be used to support ongoing fisheries management programs and activities. In addition to the fund, Canada will provide a one-time amount of \$275,000 in implementation funding to support the capital costs for stock assessment equipment,

including hydro-acoustic monitoring equipment.

### **TRADE, BARTER AND SALE**

Lheidli T'enneh will be able to trade or barter fish among themselves or with other Aboriginal people of Canada, resident in Canada. Trade and barter of fish does not include sale.

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

**Canada**

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](http://www.inac.gc.ca/bc/ftno)  
[infopubs@inac.gc.ca](mailto: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](http://www.lheidli.ca)



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**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](http://www.gov.bc.ca/arr)  
[ABRInfo@gov.bc.ca](mailto:ABRInfo@gov.bc.ca)