

TREATY NEGOTIATIONS INFORMATION BULLETIN

Canada and B.C. Present Joint Land and Cash Offer to Lheidli T'enneh Band

August 2, 2000

The governments of Canada and British Columbia presented an offer today to the Lheidli T'enneh Band that includes land, resources, cash, governance and other elements of a future agreement-in-principle. The offer includes \$7.5 million and 2,903 hectares of land.

This joint offer is another step toward concluding an agreement-in-principle with the Lheidli T'enneh. The offer summarizes the areas of agreement reached by the parties to date, sets out the views of Canada and B.C. on the issues that still need to be resolved and proposes new opportunities being made available to Lheidli T'enneh.

Negotiations with the Lheidli T'enneh Band are the seventh in the province to have reached this substantive step toward an agreement-in-principle under the British Columbia Treaty Commission process.

Elements of the Offer

Canada and B.C.'s offer to Lheidli T'enneh includes:

- **Land:** Eleven parcels of provincial Crown land (1,978 hectares), and three existing Indian Reserves (totalling 684.5 hectares) would be held as Lheidli T'enneh treaty settlement lands. The offer also includes a federally owned, 240-hectare former agricultural research station. Further negotiation will determine whether or not the Lheidli T'enneh will hold this land as treaty settlement land. It is the view of Canada and British Columbia that the one-hectare Fort George Cemetery Indian Reserve #1A would not remain a reserve and would not be designated as treaty settlement land, but that the Lheidli T'enneh would hold this land in fee simple. Both the federal land and Indian Reserve #1A are located within the municipal boundaries of the City of Prince George.

Access to all private property, including lands located between the Fraser or Nechako Rivers and treaty settlement land, would continue. Public roads are excluded from the land being offered to Lheidli T'enneh and the offer does not include submerged lands. Appropriate provisions would be negotiated to protect access corridors and existing legal interests such as rights-of-way and tenures on proposed treaty settlement lands.

- **Cash:** \$7.5 million would be transferred over a period of time to be negotiated.
- **Governance:** The *Indian Act* would no longer apply. Lheidli T'enneh governance would be exercised within the framework of the Canadian Constitution, and the *Charter of Rights and Freedoms* would apply. Lheidli T'enneh would have the ability to make laws pertaining to matters internal to their community and integral to their culture and identity. Canada and British Columbia propose that non-Lheidli T'enneh people living on treaty settlement lands would have opportunities for involvement and input in Lheidli T'enneh government decisions affecting them.
- **Forest resources:** Lheidli T'enneh would own and manage forest resources on treaty settlement land. Standards for forest practices that apply on Crown land would apply on treaty settlement lands.

B.C. proposes to issue a woodlot licence to Lheidli T'enneh at final agreement to provide the First Nation with a revenue source and training and development opportunities. The size and location of the woodlot will be negotiated prior to final agreement.

- **Subsurface resources:** Lheidli T'enneh would own subsurface and mineral resources located on or under treaty settlement lands. Federal and provincial laws would apply. B.C. has issued a no-staking reserve to be in place for the duration of the offer on all proposed treaty settlement lands to provide protection from any new mineral claims staking.
- **Wildlife harvest:** Lheidli T'enneh would have the right to harvest wildlife for food, social and ceremonial purposes in an area to be negotiated. The harvest would be subject to measures for conservation, public health or public safety. Lheidli T'enneh would harvest wildlife based on annual harvest management plans in accordance with the final agreement.
- **Fisheries:** Lheidli T'enneh would have the right to harvest fish for food, social and ceremonial purposes, in an area to be negotiated, subject to measures for conservation, public health or public safety. The harvest level for sockeye salmon would be abundance based and described as a percentage of the Canadian Total Allowable Catch. Using catch data from 1982 to 1997, a formula would be negotiated to determine an annual average harvest of

6,000 sockeye. Based on catch data from 1984 to 1999, a formula would be negotiated to determine an annual average harvest of 500 chinook.

Canada also proposes that a harvest agreement outside of the treaty would provide Lheidli T'enneh with a fishery which would provide for an average annual harvest of 5,000 sockeye. This economic opportunity would only occur subject to specific conditions being met.

- **Water:** The final agreement would provide a water reservation to meet the water requirements associated with community and economic development on treaty settlement lands.
- **Certainty:** Canada and British Columbia will require certainty in relation to all Lheidli T'enneh's rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982*. Prior to concluding the final agreement, the parties will agree on the precise legal technique for achieving certainty. Canada and British Columbia's proposed approach is that any existing Lheidli T'enneh aboriginal rights would continue to exist, although as modified to have the attributes and geographic extent as set out in the final agreement. Any aboriginal and treaty rights not contemplated by the final agreement would be released.
- **Taxation:** *Indian Act* tax exemptions would be phased out over an agreed-upon time period. The treaty would include the ability of Lheidli T'enneh to levy taxes on its citizens on treaty settlement lands. Outside of the treaty, Canada and B.C., together or separately, may provide to Lheidli T'enneh specific taxation authorities.
- **Access:** Lheidli T'enneh will ensure reasonable public access onto and across treaty settlement lands. The Lheidli T'enneh government can regulate access by creating laws in areas such as public safety and the prevention of nuisance or damage. Access to and across treaty settlement lands for non-commercial and recreational purposes – including access for public hunting and fishing and to existing tenures and private properties – would be assured. Access for carrying out government programs and emergency response will be negotiated.
- **Planning and advisory processes:** Canada and B.C. are prepared to discuss options to address Lheidli T'enneh's role off treaty settlement lands related to fish, wildlife and water.
- **Treaty-related measure:** To assist Lheidli T'enneh in assessing the offer, Canada and B.C. have proposed a treaty-related measure which would provide funding to the Lheidli T'enneh to undertake a study on the economic development potential of proposed treaty settlement lands.

Lheidli T'enneh

The Lheidli T'enneh Band, formerly known as the Fort George Indian Band, is a member of the Carrier language group. Located east of Prince George, the Lheidli T'enneh live primarily in two communities on the Fort George (Shelley) Indian Reserve No. 2, referred to as North and South Shelley. The band has four reserves totalling 685.6 hectares, with a total population of 273 as of May 2000.

Local Input to the Negotiations

Consultation with local government, community groups, business sectors and other third party interests has been ongoing and will continue throughout the negotiation process. There have been more than 40 meetings of the Northern Interior Regional Advisory Committee, 20 meetings with the Prince George Treaty Advisory Committee and 25 meetings with other interested parties since the start of negotiations with the Lheidli T'enneh. To date, 11 draft chapters have been substantially completed and distributed to the public for consultation.

The Prince George Treaty Advisory Committee is consulted on local government issues, and a committee representative participates as a member of the provincial team for the Lheidli T'enneh negotiations. The Northern Interior Regional Advisory Committee provides advice to the federal and provincial negotiators specific to the Lheidli T'enneh and other Prince George-area negotiations. Committee membership represents diverse interests including forestry, business, labour, education, wildlife, environmental and community groups. Representatives of the committee provided their views to Canada, B.C. and Lheidli T'enneh at negotiation sessions on access and fish. Negotiators have consulted with individuals involved in the forestry and utilities sectors. Negotiators from Canada and B.C. have also made presentations to the Community Treaty Council, which represents Lheidli T'enneh band members.

Main table negotiations are open to the public and are advertised in local newspapers. Since 1994, 12 public information meetings have been held, and more are planned as negotiations proceed.

Next Steps

This offer is subject to successful resolution of all issues at the negotiating table. Canada and B.C. anticipate continuing negotiations toward a goal of reaching an agreement-in-principle by the end of 2000.

Once an agreement-in-principle is reached, it will form the basis for negotiating a final agreement. The final agreement must be ratified by the Lheidli T'enneh membership, the British Columbia Legislative Assembly and the Parliament of Canada.

CHRONOLOGY AND MAP ATTACHED

This information bulletin and the offer are available on the Internet at:

Canada: <http://www.inac.gc.ca>
B.C.: <http://www.aaf.gov.bc.ca>

Aussi disponible en français.

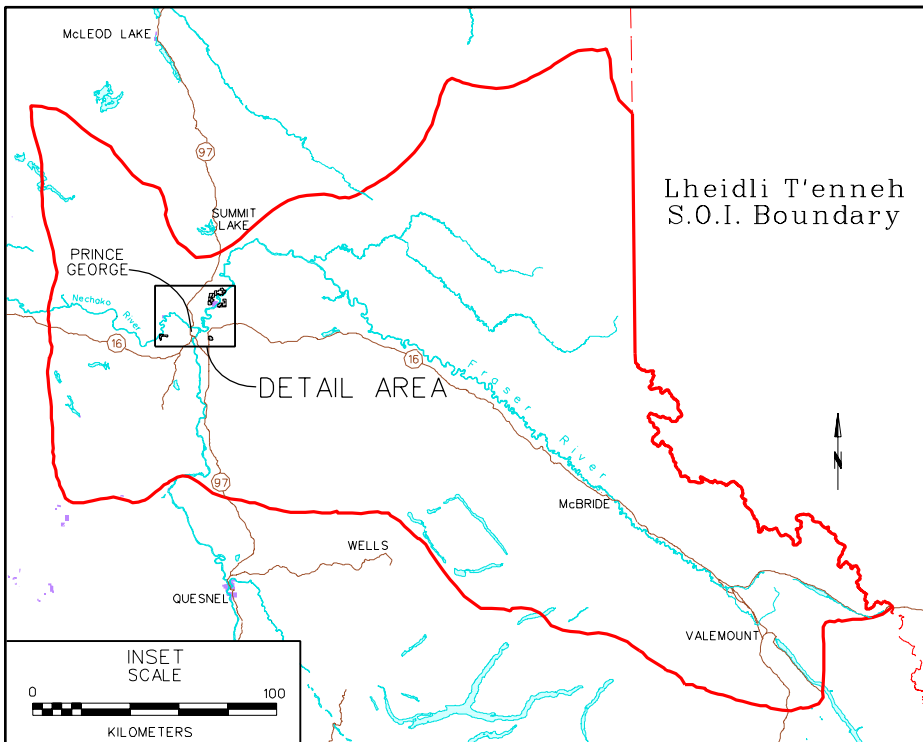
For more information:

Seanna McConnell
Federal Treaty Negotiation Office
Tel: (604) 775-7016
Toll free: (800) 665-9320

Lise Johnson
Ministry of Aboriginal Affairs
Tel: (250) 387-1959
Toll free: (800) 880-1022

A Chronology of Lheidli T'enneh Negotiations

- December 1993** Lheidli T'enneh Band files a Statement of Intent with the British Columbia Treaty Commission declaring Lheidli T'enneh's desire to negotiate a treaty.
- February 1995** Canada, B.C. and Lheidli T'enneh sign an Openness Protocol to guide public participation in the process.
- April 1995** B.C. establishes the Prince George Treaty Advisory Committee, comprising local government representatives, to provide advice to the provincial negotiating team on municipal issues.
- November 1995** Lheidli T'enneh table declared ready to negotiate by the British Columbia Treaty Commission.
- November 1995** The Northern Interior Regional Advisory Committee is formed by Canada and B.C. to provide advice on local third-party interests associated with treaty negotiations with First Nations in the Prince George region.
- August 1996** Lheidli T'enneh, Canada and B.C. sign a framework agreement outlining topics of negotiation. Agreement-in-principle negotiations commenced.
- August 2000** Canada and B.C. present a settlement proposal on land, cash and related components to Lheidli T'enneh.

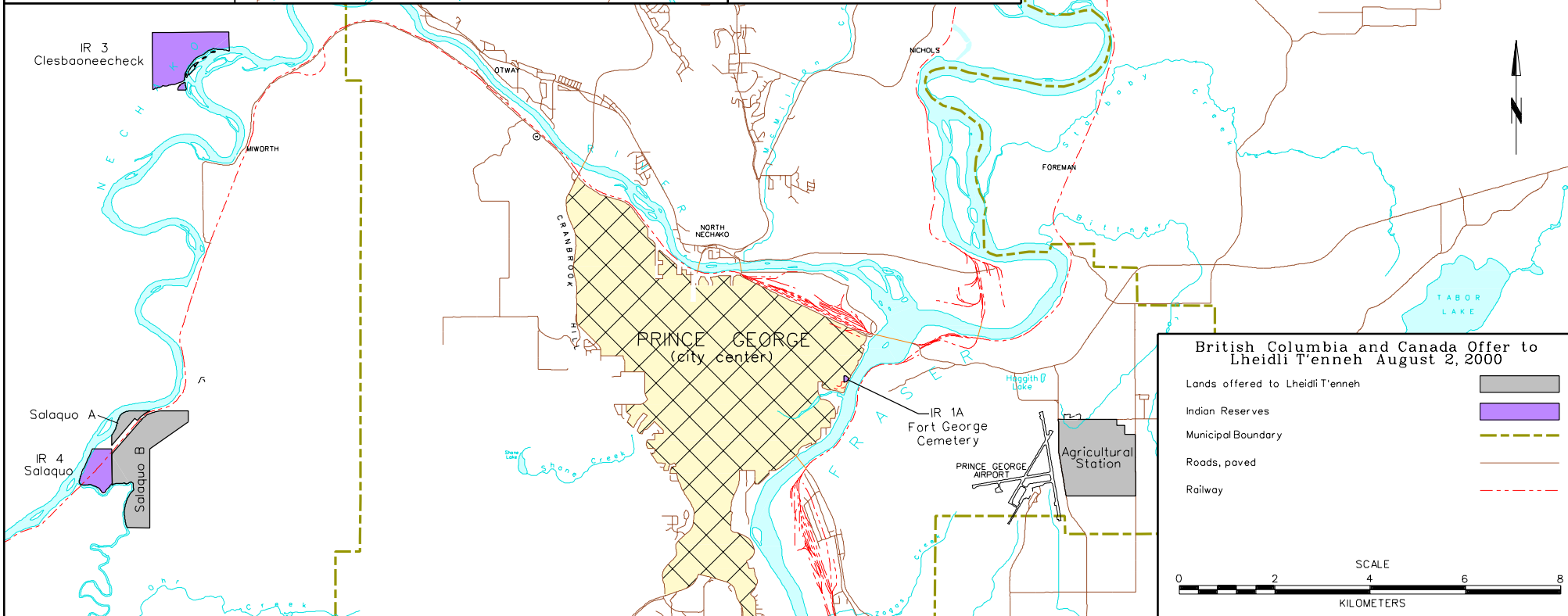
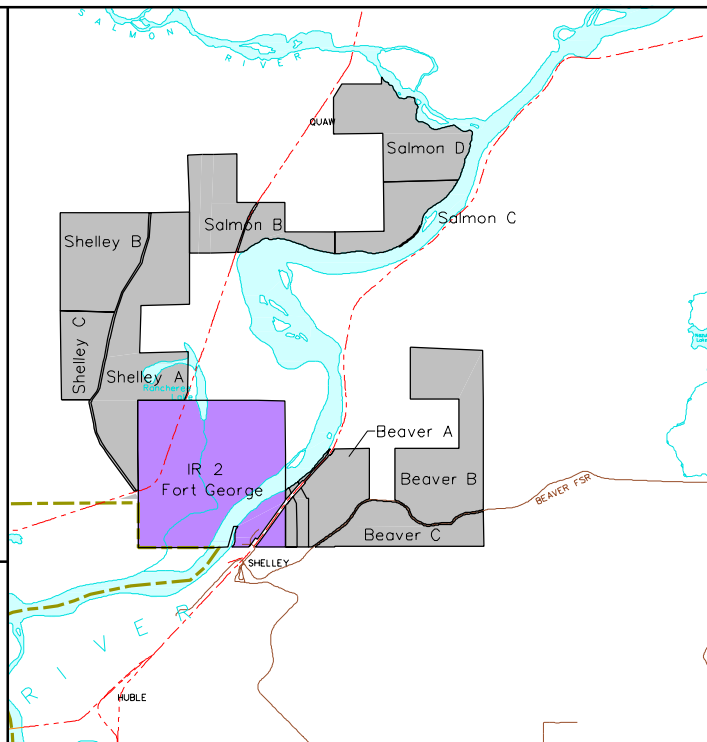


Lands offered to Lheidli T'enneh
by British Columbia and Canada

Salmon B	201.61 ha
Salmon C	101.51 ha
Salmon D	220.49 ha
Shelley A	348.16 ha
Shelley B	204.78 ha
Shelley C	105.99 ha
Beaver A	161.12 ha
Beaver B	293.33 ha
Beaver C	134.58 ha
Salaquo A	33.22 ha
Salaquo B	173.75 ha
Agricultural Station	240.83 ha



Canada



British Columbia and Canada Offer to
Lheidli T'enneh August 2, 2000

Lands offered to Lheidli T'enneh	
Indian Reserves	
Municipal Boundary	
Roads, paved	
Railway	

