
Lheidli T'enneh Final Agreement

**Lands and Natural Resources
April 1 – 3, 2016**

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Treaty Components

Self-government

Lands

Resources

Fiscal Relationship

Things to Think About

- Is the treaty perfect?
 - Does the treaty “fix” everything?
 - Is the treaty guaranteed?
 - On balance would the future under the Indian Act be better than the future with the treaty?
 - What can we learn from Jian Ghomeshi and Donald Trump?
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Lands and Natural Resources

(Includes Law-making authorities)

- Lands
 - Fish
 - Wildlife
 - Migratory Birds
 - Environmental Protection
 - Water
 - Forest Resources
 - Access
 - Roads and Rights of Way
 - “Role Off
 - Consultation
 - Planning
-

Lands

- Land Selection process
 - Lands in search of a strategy vs strategy in search of lands
 - 2003 AIP lands package rural focus
 - 2006 revised land package urban focus
 - Block and parcel strategy options
 - First TSL lands included within an urban area
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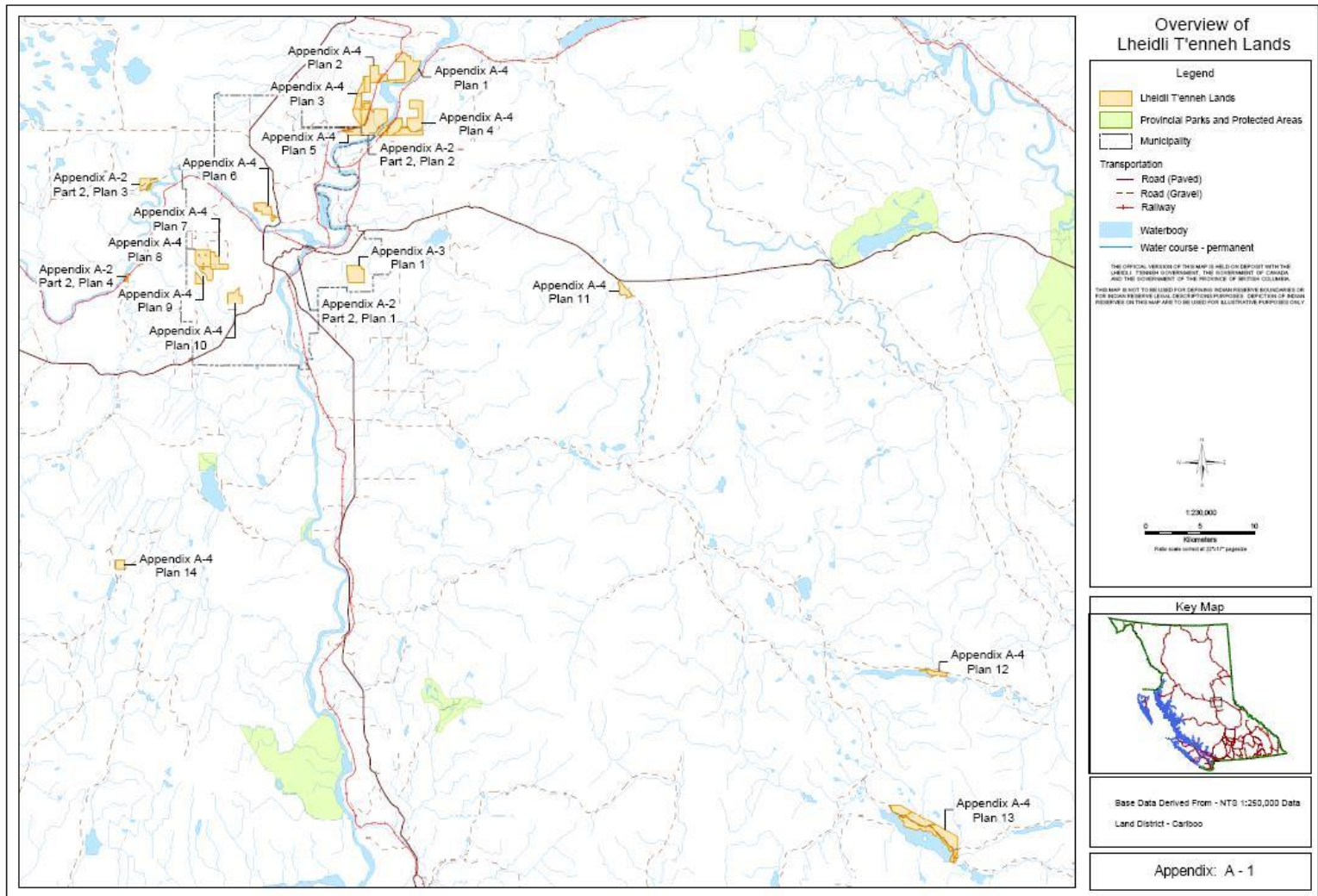
Lands

- Total 4,330 Hectares
 - 4,275 ha treaty settlement lands
 - 55 ha fee simple
 - Approximately 1/3 in Prince George
 - Hutda Lake facility
 - Balance around Shelley and Willow River
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Lands

| | |
|--------------------|----------------------------|
| Urban Lands | 1,050 ha (2,595 ac) |
| Urban Fringe Lands | 2,200 ha (5,436 ac) |
| Rural Lands | <u>1,080 ha</u> (2,669 ac) |
| Total | 4,330 ha (10,700 ac) |
| Current I. R.s | 677 ha |

Lands




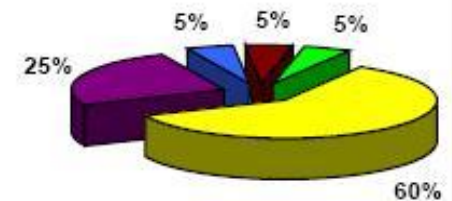
LHEIDLI T'ENNEH URBAN LANDS

LEGEND

-  Prince George Municipal Boundary
-  Roads
-  Railway
-  Rivers
-  Urban Land Parcels

FUTURE LAND USE

-  Community Development/Expansion
-  Commercial/Industrial
-  Cultural Heritage/Traditional Use
-  Natural Resource Development
-  Environmentally Sensitive



Prepared by Beverly Deynort
Date: August 17, 2007
Land District - Cariboo

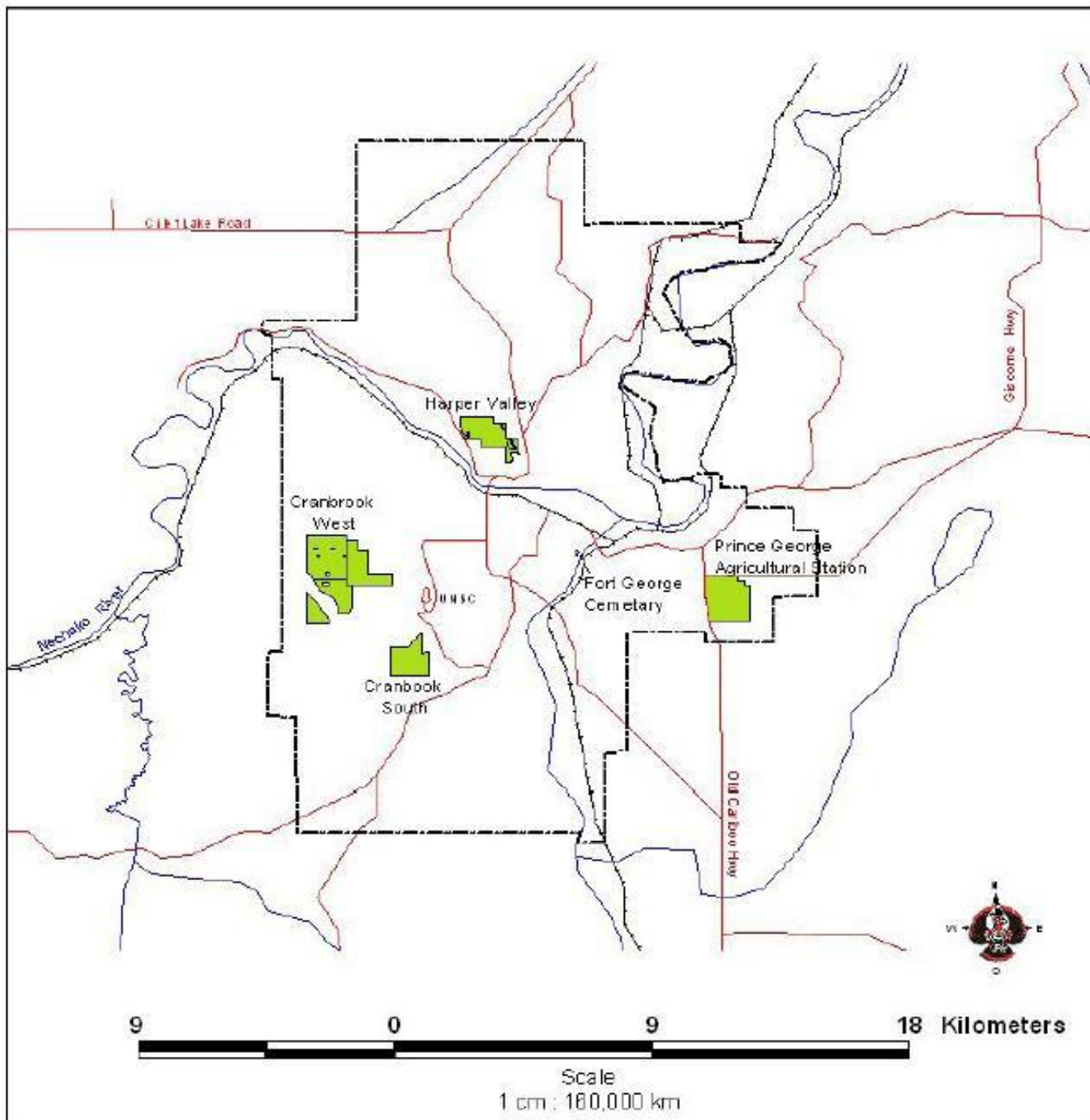
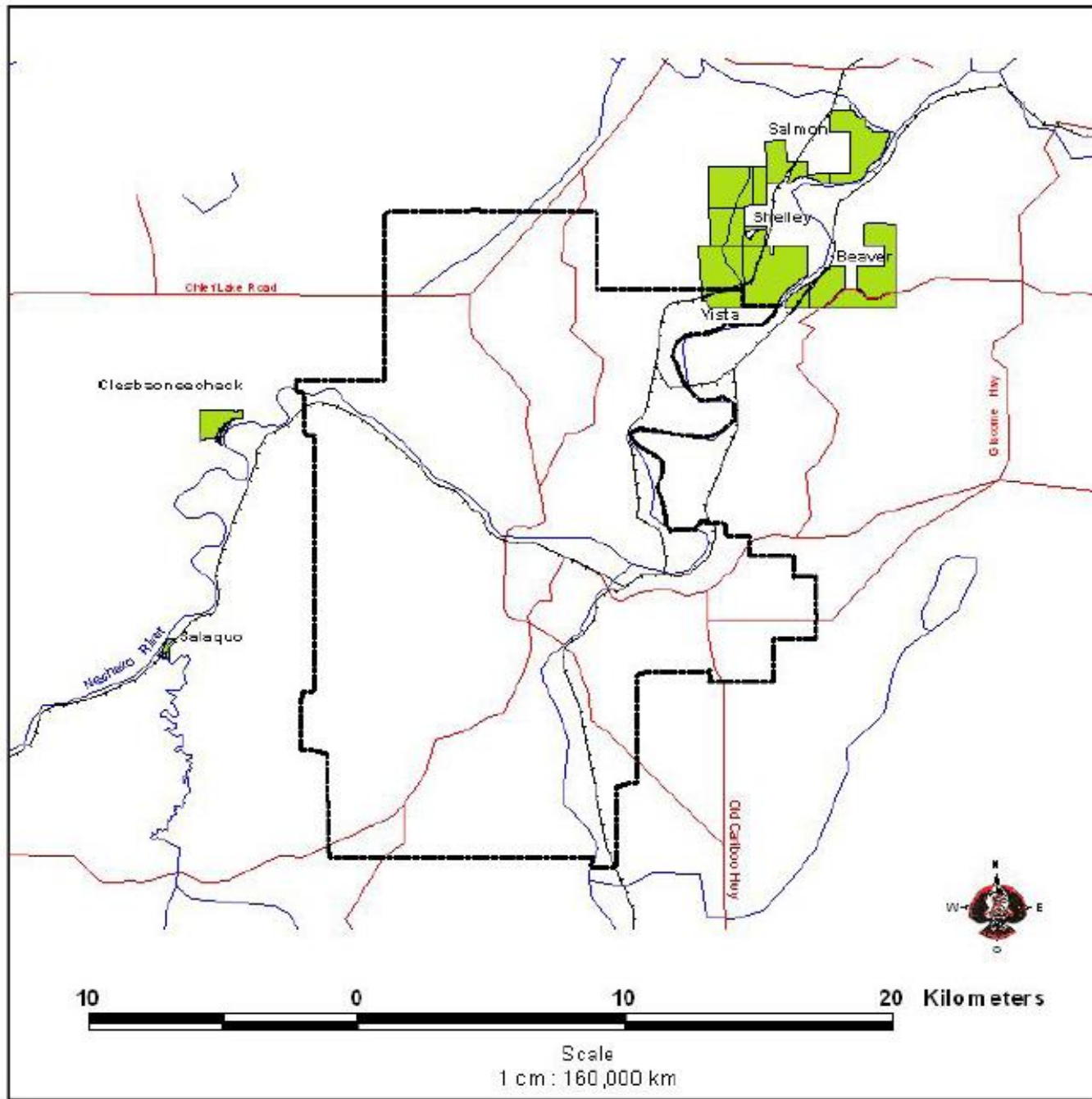


FIGURE 1

LHEIDLI T'ENNEH URBAN FRINGE LANDS

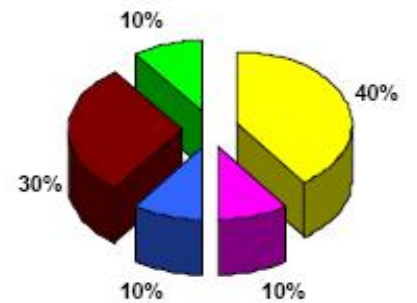


LEGEND

- Prince George Municipal Boundary
- Roads
- Railway
- Rivers
- Urban Land Parcels

FUTURE LAND USE

- Community Development/Expansion
- Commercial/Industrial
- Cultural Heritage/Traditional Use
- Natural Resource Development
- Environmentally Sensitive



Produced by Daryl Seymour
Date: August 17, 2007
Land District - Cariboo

FIGURE 2

Lands

- Includes ownership of sub-surface resources
 - Fees, royalties, etc.
 - Except nuclear
 - ALR excluded except for one parcel
 - Expropriation provisions = Land Code
 - Right to acquire additional lands
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Lands

- Not Indian reserves
 - Lheidli T'enneh owns in fee simple
 - But not private fee simple – “fee simple plus”
 - Constitutionally protected
 - Land Title registration optional
 - Saleable but remain Lheidli T'enneh Lands
 - Local Government Relations
 - Comprehensive Master Agreement
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Future Acquisitions

- CN sidings
 - Two destination resort sites in McBride area
 - Must decide within 5 years
 - Cale Creek
 - Purden Lake
 - Shelley B,C, & D
 - Commercial Tenure in Willow River Watershed
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Fish

- Right to take salmon and freshwater fish throughout the Fish Area (approx. 45,000 square kilometers) subject to conservation and public health and safety
 - Harvest Level
 - Status quo until stock allocated
 - Average 9000 -10,000 sockeye allocation (FSC)
 - Lheidli T'enneh Annual Harvest Plan
 - Harvest Document (“Treaty fishing license”)
 - Law making for who may fish, distribution of the harvest, trade and barter and other matters
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Fish

- Harvest Agreement - commercial
 - 6,000 sockeye (average)
 - Process to transfer FSC to commercial
 - Joint Fisheries Committee
 - Fish Operational Guidelines
 - Fish Fund (\$3 million)
 - \$275,000 stock assessment equipment
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Wildlife and Migratory Birds

- Right to harvest for FSC throughout the territory, (approx. 45,000 square kilometers) subject to conservation and public health and safety
 - LT Harvest Plan for designated or agreed species
 - Arbitration if disagreement on allocation
 - Trade and barter
 - Commercial traffic under general law
 - Veto over allocation of vacant traplines
 - Law-making authority over documentation, distribution, timing, method, allocation, trade and barter, etc.
 - Information sharing agreements
 - Regional Wildlife Management Process
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Environmental Protection

- Law-making authority = Land Code
 - prevent/mitigate pollution and other threats
 - waste management
 - air quality
 - environmental emergency response
 - Negotiable agreements
 - protection services
 - environmental emergencies
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Water

- Water Reservation - 13,400 cubic decameters/year
 - domestic, industrial, agricultural
 - Bowron R., Fraser R, Hutda L., Willow R. and Nechako R.
 - Licensing control over the reservation
 - Priority as of June 19, 2006
 - Upper Fraser Watershed planning processes
 - 20-year Hydro Power reservations
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Forest Resources

- Owned and managed as private lands
 - Including non-timber forest resources
 - Log exports = Indian reserve status
 - 93,000 m³ renewable tenure
 - 15,000 m³ community forest license
 - In addition to FRO
 - Shelley Timber Agreement
 - Forest Fire Suppression Agreement
 - Forest health responsibilities
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Access

- Governs public and government access to Lheidli T'enneh Lands
 - Presumption of public access for recreational and non-commercial purposes
 - but LTN may zone to restrict access
 - Access to private tenures
 - Government access to deliver programs, enforce laws
 - Advance notice where possible
 - Reciprocal for LT Government on Crown land
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Roads and Rights of Way

- Law-making authority over traffic and transportation
 - Specifies ownership of specific roads
 - Access to adjacent lands for maintenance
 - Acquisition of abandoned rights of way
 - Continue existing rights of way for hydro, gas, Telus, Shaw, pipelines with process to develop new rights of way
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Rights off Lheidli T'enneh Lands

- “Role Off” – Consultation and Planning
 - Definition of “Consult” or “Consultation”
 - Essentially, due process, as required:
 - Under the Final Agreement
 - In federal or provincial legislation
 - Under other agreements
 - At common law for s. 35 infringements
 - Definition of “Public Planning Process”
 - Regional land or resource use management plans
 - Sector-specific plans or guidelines
 - But not operational plans for government staff
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Rights off Lheidli T'enneh Lands

- Park co-management
 - Bowron
 - Kakwa
 - West Lake
 - West Twinn Lake
 - Purden
 - Fort George Canyon
 - Back Country Recreation tenure
 - Right to gather plants, etc. throughout the territory, subject to measures necessary for conservation and public health and safety
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Planning Provisions

- (Other than internal operational plans)
 - Lands – Treaty Settlement Lands
 - Agricultural Land Reserve
 - Gravel Management Plan, Millar Pit
 - Law-Making
 - management, planning, zoning and development
 - ownership and disposition
 - expropriation
 - registration
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Planning Provisions

■ Access

- In accordance with Lheidli T'enneh land use plans, including harmonization with local government and notice provisions

■ Water

- Participation in water planning processes on same basis as local government and other First Nations
 - Identify watershed planning needs
 - Negotiate management agreements
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Planning Provisions

■ Fisheries

- Reasonable opportunity impact process
- Annual Fishing Plan – food, social, ceremonial
- Multi-first nation fisheries management
- Multi-sectoral advisory processes

■ Wildlife, Migratory Birds

- Reasonable opportunity impact process
 - Harvesting plans for “Designated Species”
 - Regional Wildlife Management Process
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Planning Provisions

- Environmental Protection
 - Environmental Emergency response
 - Participation in Public Planning Processes
 - Propose processes; develop terms of reference;
 - Review and recommend re: final reports
 - “New Relationship” processes and institutions
 - Gathering – reasonable opportunities process
 - Parks Agreement, includes planning
 - Commercial recreation management plan
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Planning Provisions

- Local Government Relations
 - Comprehensive Master Agreement
 - Coordination of planning and land use
 - Harmonization of tax, legislation, land use and development
 - Ongoing processes

 - Comprehensive Community Plan
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Thank You! Mussi Cho!

- ***Questions?***
- ***Follow-up***



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