

In-SHUCK-ch Nation Agreement-in-Principle

TREATY INFORMATION

Certainty for British Columbians

The provincial government is committed to negotiating workable, affordable treaty settlements. By resolving Aboriginal land issues, treaties will reduce the need for expensive litigation and will create greater certainty over the ownership and use of Crown land. Modern-day treaties will contribute to overall economic growth throughout British Columbia.

Agreements-in-Principle

Agreements-in-Principle (AIPs) are the fourth step in a six-step treaty process. The AIP reflects British Columbia's principles that guide provincial negotiations with First Nations and Canada. A Final Agreement with the In-SHUCK-ch Nation will clearly define the rights and obligations of the First Nation in a way that is consistent with B.C.'s guiding principles.

The treaty package of land, cash and resources is outlined in the AIP. Canada and British Columbia will share the costs of the treaty package. British Columbia contributes mainly Crown land and Canada contributes mainly cash.

The In-SHUCK-ch Agreement-in-Principle

Since 2002, the Nation has been engaged in intensive negotiations toward an AIP. The In-SHUCK-ch Nation represents the Douglas First Nation, Samahquam Nation and Skatin First Nations with 907 members on 18 Indian reserves located along the Lillooet River Valley between Harrison Lake and Mount Currie.

- Proposed treaty lands encompass an area of approximately 13,208 hectares of provincial Crown land and 1,310 hectares of existing Indian reserves within the core area of the In-SHUCK-ch Statement of Intent area (SOI). British Columbia and Canada are negotiating to acquire 59 hectares of private land on a willing-seller, willing-buyer basis. Overall, proposed treaty lands encompass 14,577 hectares.

A treaty with the In-SHUCK-ch Nation will:

- clearly define the rights and obligations of the First Nation
- stimulate regional economic growth that will benefit all British Columbians
- provide greater certainty on lands and resources, which will improve the investment climate in the region
- increase the Nation's participation in the regional economy
- reduce reliance on government transfers and phase out tax exemptions
- provide agreement on self-government and co-operative local government relations

Land

Proposed treaty lands would connect most of the existing Indian reserves along the Lillooet River between Harrison Lake and Mount Currie. There is a total of approximately 13,208 hectares of provincial Crown lands plus 1,310 hectares of In-SHUCK-ch Nation Indian reserves and may include 59 hectares of private land being negotiated by the provincial and federal governments on a willing-seller, willing-buyer basis. The land package will be 14,577 hectares.

The land package upholds B.C.'s negotiating principle that **private property should not be expropriated for treaty settlements**.

B.C.'s negotiating principle that **treaties should include mechanisms for harmonizing land-use planning between Aboriginal governments and neighbouring local governments** is also reflected in this AIP. In-SHUCK-ch Nation may enter into agreements with local and regional governments to coordinate planning processes to encourage harmonization of standards on and off proposed treaty lands.

Members of the Squamish-Lillooet and Fraser Valley Regional Districts are supportive of the In-SHUCK-ch Nation's treaty aspirations and the economic development potential of a settlement for the local economy.



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In-SHUCK-ch Nation will own its treaty lands in fee simple. Fee simple ownership provides the First Nation with flexibility to manage its land and generate long-term economic benefits. Legal interests on treaty lands existing immediately before the effective date will continue as before, subject to change only by agreement between the holder of the interest and the First Nation. This is in accordance with the negotiating principle that **the terms and conditions of leases and licences should be respected; fair compensation for unavoidable disruption of commercial interests should be ensured.**

Capital Transfer

The federal government will provide most of the capital transfer of \$21 million to the In-SHUCK-ch Nation. The funds will assist them to develop business capacity and economic opportunities, providing a solid economic foundation for their communities. The money may be spent locally, which would also help bolster the local economy.

Forestry

B.C.'s negotiating principle that **province-wide standards of resource management and environmental protection should continue to apply** is reflected in the forest resources chapter of this AIP. The In-SHUCK-ch Nation will own the land negotiated in this treaty and, like any other landowner, will own and manage forest resources on its lands. They will be able to make laws with respect to forest management, but these laws must be consistent with provincial standards.

Wildlife, Migratory Birds

The AIP addresses the provincial negotiating principle that **hunting, fishing and recreational opportunities on Crown land will be ensured for the use and benefit of all British Columbians.** The Nation will be able to harvest wildlife and migratory birds within a defined harvest area that will include treaty and non-treaty lands. Hunting will be carried out in accordance with a wildlife management plan approved by the provincial Minister of Environment. Hunters will be required to carry documents that meet criteria set out in the treaty.

The Supreme Court of Canada has confirmed that Aboriginal people have a constitutional right to hunt and fish for domestic purposes – but this right is not clearly defined. A Final Agreement with the In-SHUCK-ch Nation will provide certainty for the long-term diversity and abundance of wildlife and ensure the Province's continued ability to use, manage and conserve these resources for all British Columbians.

In-SHUCK-ch Nation will allow reasonable public access on In-SHUCK-ch Nation land for temporary recreational and non-commercial purposes, including reasonable opportunities for the public to hunt and fish on treaty land.

Fisheries

The provincial negotiating principle that **hunting, fishing and recreational opportunities on Crown land will be ensured for the use and benefit of all British Columbians** is upheld in this AIP.

The First Nation will have a right to harvest fish for food, social and ceremonial purposes, limited by measures necessary for conservation and public health or public safety. This right will be implemented through an In-SHUCK-ch Nation harvest document issued by the federal Minister.

The Province supports treaty arrangements that reflect the following objectives in relation to fisheries.

- a fishery that is accessible to all British Columbians
- equitable fishing arrangements for all participants
- an integrated and effective management regime that is capable of ensuring the sustainability of the resource

Before Final Agreement, the Parties may negotiate and attempt to reach agreement on economic fishing opportunities for the In-SHUCK-ch Nation.

Environmental Protection and Parks

B.C.'s negotiating principle that **parks and protected areas will be maintained for the use and benefit of all British Columbians** is addressed in the AIP.

The In-SHUCK-ch Nation will be able to participate in environmental assessment processes for proposed projects that could have adverse effects on treaty lands and will be able to make environmental protection laws for treaty lands.

The Province is committed to working together with the First Nation and local recreational groups to preserve and enhance parks and protected areas. The First Nation also values the importance of tourism and recreational opportunities in the region. The In-SHUCK-ch Nation may work on a Parks Management Agreement through the Ministry of Environment.

The Final Agreement will not affect public access to provincial parks.



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Culture and Heritage

The AIP provides a process of reconciliation that respects the Nation's heritage, such as the sharing of In-SHUCK-ch Nation artifacts. The AIP will also address the protection of key sites of cultural and historical significance and the naming or renaming of geographic place names.

Governance

In-SHUCK-ch Nation will have a constitution that will provide for an accountable and democratically-elected government.

The Nation will have authority to make laws as set out in the Final Agreement and other agreements outside of the Final Agreement. These agreements will set out which laws will prevail in the event that an In-SHUCK-ch Nation law conflicts with a federal or provincial law. The nature and scope of each law-making authority will be determined during Final Agreement negotiations.

The First Nation government will consult with individuals who are not In-SHUCK-ch Nation members but who live on, or hold property on, In-SHUCK-ch Nation treaty land.

Taxation

After a transition period, In-SHUCK-ch Nation members will pay taxes like all British Columbians. This is in step with the provincial principle that existing tax exemptions for Aboriginal people should be phased out. The First Nation government will have the ability to tax its members living on their lands and, upon agreement with Canada or British Columbia, over non-members living on treaty land. Provincial consent will be based on appropriate provisions for non-member representation in the In-SHUCK-ch Nation government.

For more information:

Ministry of Aboriginal Relations and Reconciliation

PO Box 9118 Stn Prov Govt

Victoria, BC V8W 9B1

Telephone: Enquiry BC: Vancouver 604 660-2421, Victoria 250 387-6121,

BC (other than Vancouver or Victoria): 1 800 663-7867

Toll-Free Telephone: 1 800 880-1022

E-Mail: ABRInfo@gov.bc.ca



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