

BACKGROUND

2006OTP0151-001295
Oct. 29, 2006

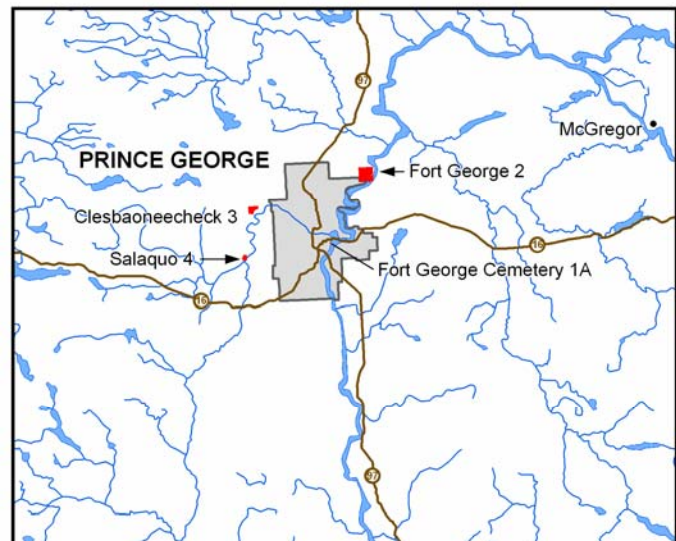
Office of the Premier
Indian and Northern Affairs Canada
Lheidli T'enneh Band

LHEIDLI T'ENNEH FINAL AGREEMENT

A treaty with Lheidli T'enneh will bring certainty with respect to Lheidli T'enneh's Aboriginal rights and title and provide economic benefits to the whole Prince George region. It will provide Lheidli T'enneh with the modern governance tools required to build strong and workable relationships with other governments, including federal, provincial and local governments.

In the Carrier language, Lheidli T'enneh means "the people from the confluence of the two rivers." The Lheidli T'enneh people have historic ties to the Fraser and Nechako rivers and the land around Prince George, in central British Columbia.

The primary Lheidli T'enneh community is located at Shelley, about 16 km northeast of Prince George. Of the band's current 320 members, about 100 live at Shelley. The majority of other members live in Prince George.



 Lheidli T'enneh Indian Reserves

Land

- The land included in the Final Agreement comprises 4,330 hectares of former provincial and federal Crown land, including 677 hectares of former reserve land.
- The land will be held in fee simple by Lheidli T'enneh. Fee-simple ownership gives Lheidli T'enneh the flexibility to manage its lands and generate long-term economic benefits.

Financial Components

- A capital transfer of \$13.2 million over 10 years, less any outstanding negotiation loans.
- \$400,000 per year for 50 years in resource revenue sharing payments. These payments will be indexed to inflation.
- Ongoing funding of \$1.8 million per year for existing programs and services and a number of new activities.
- One-time funding of \$12.1 million to support: ongoing costs of treaty management, as well as time-limited transition costs of land and resources management; the establishment of a capacity-building and transition fund; and the establishment of a fisheries fund to support ongoing Lheidli T'enneh fisheries management.

Forestry

- Lheidli T'enneh will own and manage the forest resources on treaty lands consistent with provincial standards for private lands.
- 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.

Wildlife, Migratory Birds and Fish

- Lheidli T'enneh will have the right to harvest fish, wildlife and migratory birds for food, social and ceremonial purposes within specified areas, subject to conservation measures, public health and public safety regulations.
- The federal and provincial ministers will retain authority, within their respective jurisdictions, to manage fish, wildlife and migratory birds and their habitats.
- Existing guide outfitter tenures and registered traplines have been identified and protected.
- Lheidli T'enneh will have law-making authority with respect to the internal regulation of the harvest of wildlife, migratory birds and fish, including: participation in the harvest; the distribution of harvested wildlife, migratory birds and fish among Lheidli T'enneh members; and the designation and documentation of Lheidli T'enneh harvesters.
- The Final Agreement provides a treaty right to harvest fish and aquatic plants for food, social and ceremonial purposes, including an allocation of Upper Fraser sockeye salmon. This allocation is calculated using a formula and will vary depending on the size of the Canadian Total Allowable Catch for Upper Fraser sockeye determined by the Minister of Fisheries and Oceans. 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.
- A harvest agreement, separate from the Final Agreement and not constitutionally protected, 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 determined by the Minister of Fisheries and Oceans for Upper Fraser sockeye. If this defined share were applied to abundance levels for the years 1982-1997, it would have averaged 6,000 sockeye per year for those years.
- The harvest agreement fishery will only take place if authorized by the Minister of Fisheries and Oceans, and the fishing would be managed in an integrated manner along with the general commercial fishery.

Culture and Heritage

- Lheidli T'enneh may make laws on treaty lands to conserve and protect Lheidli T'enneh culture and language, to deal with ancient human remains and to regulate access to Lheidli T'enneh cultural heritage resources.
- The Royal British Columbia Museum collection of Lheidli T'enneh artifacts will be divided between the museum and Lheidli T'enneh, and specified geographic features or places will be identified for naming by British Columbia with Carrier names.

Governance

- The Lheidli T'enneh government will operate within the framework of the Constitution of Canada and the Canadian Charter of Rights and Freedoms.
- Lheidli T'enneh will have a constitution that provides for a government that is democratically and financially accountable to Lheidli T'enneh members.
- Lheidli T'enneh's financial accounting standards will be comparable to those adopted by other governments in Canada.
- The Lheidli T'enneh government will also be accountable to other public governments for financial transfers it receives, so the government that provides the funding can ensure that public funds were used for their intended purposes.
- With the exception of determining Indian status, after a transition period the Indian Act will no longer apply to Lheidli T'enneh, its lands or members.
- The Lheidli T'enneh government will make its own decisions on matters related to culture, treaty rights and government operations.
- The Lheidli T'enneh government will include at least one representative elected from non-member residents on treaty lands. Further, non-member residents may participate in the decision-making processes of a Lheidli T'enneh public institution, such as a school or health board, if the activities of that institution directly and significantly affect them.

Taxation

- Lheidli T'enneh will have law-making authority in respect of direct taxation of Lheidli T'enneh members on treaty lands.
- Section 87 Indian Act tax exemptions for transaction taxes and other taxes will be phased out after eight and 12 years, respectively.
- Through a negotiated side agreement, British Columbia will share with the Lheidli T'enneh government 50 per cent of provincial income tax and sales tax revenue collected from Lheidli T'enneh members on Lheidli T'enneh Lands after the phase-out of the tax exemption and 100 per cent of real property tax collected from anyone residing on Lheidli T'enneh Lands.

Local Government Relations

- The Lheidli T'enneh government may participate on the Board of the Regional District of Fraser-Fort George in the same capacity as a municipal government.
- Lheidli T'enneh, the City of Prince George and the Regional District of Fraser-Fort George will negotiate a Comprehensive Master Agreement for land use planning; taxation harmonization; harmonization of land use strategies; harmonization of land use and development bylaws; and costs for services and environmental protection.

Next Steps

- By initialling the Final Agreement, the chief negotiators for Canada, British Columbia and Lheidli T'enneh agree to present the agreement to their respective principals with a recommendation that it be signed and ratified.
- Under the Lheidli T'enneh approval process, Lheidli T'enneh members will ratify the Final Agreement through a community vote, which requires a 50 per cent plus one vote in favour to ratify the agreement.
- If the Lheidli T'enneh community ratifies the Final Agreement, the Province of British Columbia will then proceed through its ratification process. Settlement legislation will be introduced into the Legislature, where it will be debated.

- If British Columbia ratifies the Final Agreement, the Government of Canada will proceed through its ratification process. Settlement legislation would be introduced in Parliament for debate.
- Once enacted through legislation, the Final Agreement will become a treaty.

Media contact: Mike Morton
Press Secretary
Office of the Premier
250 213-8218

Michael Bozoki
Lheidli T'enneh Treaty Office
250 963-8451
250 552-8994 (cell)

Deirdra McCracken
Press Secretary
Office of the Honourable Jim Prentice
819 997-0002

For more information on government services or to subscribe to the Province's news feeds using RSS, visit the Province's website at www.gov.bc.ca.