

NATURAL RESOURCES

Resource rights and jurisdiction

The Final Agreement sets out Tla'amin Nation's (Sliammon First Nation) rights to harvest natural resources. In some cases, such as timber and subsurface resources, these harvesting rights apply on Tla'amin Lands. In other cases, such as the harvest of wildlife or fish, these rights may be exercised in wider geographic areas described in the Final Agreement.

Further, Tla'amin Nation will be able to make laws regarding natural resources on Tla'amin Lands and regulate Tla'amin harvesters throughout the Tla'amin Nation harvest areas. Federal and provincial laws will apply, along with Tla'amin laws, and the Final Agreement clearly sets out which law will prevail if there is a conflict.

Wildlife and migratory birds

Under the treaty, Tla'amin will have the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within the Wildlife and Migratory Birds Harvest Area. This right is limited by measures necessary for conservation, public health or public safety.

Tla'amin will be able to make laws to regulate the harvest of wildlife and migratory birds by Tla'amin Nation members harvesting under the Tla'amin right to harvest wildlife and migratory birds, including the requirement to carry documentation issued by Tla'amin. Federal and provincial laws, including laws on the use and possession of firearms, will apply on Tla'amin Lands and throughout the Wildlife and Migratory Birds Harvest Area.

Tla'amin Nation will allow reasonable access to non-members to hunt on Tla'amin Lands in accordance with federal and provincial laws and with Tla'amin laws respecting access to these lands.

Tla'amin Nation members may trade and barter wildlife, wildlife parts, migratory birds and migratory bird parts among themselves and with other Aboriginal people of Canada. Wildlife trade and barter does not include sale. Tla'amin members may sell migratory birds and bird parts where such sale is permitted under federal, provincial and Tla'amin Nation law.

Guide outfitter tenures that exist on Tla'amin lands as of the effective date of the treaty will continue.

Elk allocation

Under the Final Agreement, Tla'amin will receive an allocation for Roosevelt elk of 50 per cent of the total allowable harvest of Roosevelt elk for the Powell-Daniels, Theodosia and Lois Harvest Areas. Harvesting of this allocation will take place within

the designated Tla'amin Wildlife and Migratory Birds Harvest Area. The Final Agreement also allows for Tla'amin Nation to enter into an agreement with another First Nation to authorize members of that First Nation to harvest from Tla'amin's allocation.

Plant gathering

Under the Final Agreement, Tla'amin Nation will have the right to gather plants for food, social and ceremonial purposes on provincial Crown land within the Tla'amin Plant Gathering Area. This right is limited by measures necessary for conservation, public health or public safety. The authority for managing and conserving plant resources will remain with the relevant federal or provincial Minister.

Forest resources

Tla'amin will own all timber and forest resources on Tla'amin Lands and have authority to manage those timber and forest resources. Tla'amin is responsible for the control of insects, diseases, invasive plants and animals on Tla'amin Lands which may affect the health of forest resources on those lands. Provincial law in respect of the protection of resources from wildfire and for wildfire prevention and control applies to Sliammon Lands.

Tla'amin will receive a total of 78,000 cubic metres of annual allowable cut, which includes 28,000 cubic metres per year under BC timber sales. In addition, Tla'amin will receive \$350,000 to acquire additional annual cut on a willing seller – willing buyer basis.

Water

On the effective date of the Final Agreement, British Columbia will establish a water reservation under the Water Act for Tla'amin Nation of 11,225 cubic decameters of water per year for domestic, agricultural and industrial uses from the following streams: Sliammon Creek, Appleton Creek, Okeover Creek, Bern Creek, Whiskey Still Creek, Theodosia River and Kwehtums Kahkeeky. Current water licences on streams subject to Tla'amin water reservations will retain their existing priority. British Columbia will establish hydro power reservations for Tla'amin Nation on Sliammon Creek, Appleton Creek and Theodosia River for five years to enable Tla'amin to investigate the potential for hydro power development.

Planning and management off Sliammon Lands

Tla'amin will have the right to participate in any provincially developed public planning process within the Provincial Public Planning Process Area. Tla'amin Nation may make proposals to British Columbia to establish a public planning process within Tla'amin territory.

The Final Agreement does not prevent Tla'amin from participating in any developments on shared decision-making or any provincial programs, policies or initiatives that British

Columbia makes generally available to First Nations as it continues to develop a new relationship with First Nations in the province.

Theodosia River Watershed and Toquana Reserve

The Final Agreement stipulates that Tla'amin Nation and British Columbia will enter into a shared decision-making agreement for the Theodosia River watershed. Tla'amin will receive \$50,000 from Canada to support the Theodosia Round Table. As well, Tla'amin will receive \$200,000 in federal funds and has received \$100,000 from the Province, as part of a pre-treaty commitment to help it continue mitigation work on Theodosia River to restore flows and revitalize fish habitat lost in a 1990 landslide.

Environment

Provincial and federal laws concerning environmental protection will continue to apply on treaty settlement lands after the treaty comes into effect. The Tla'amin government will be able to make laws concerning environmental protection on Tla'amin Lands. Federal and provincial laws will prevail in the event of a conflict.

Tla'amin Nation will be able to participate in environmental assessment processes regarding its lands, and the Tla'amin Nation government may enter into agreements with other governments on environmental protection and environmental emergencies.

Parks and protected areas

The responsible Minister retains the authority to manage provincial and national parks, protected areas, and marine conservation areas, in a manner consistent with the Final Agreement.

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