

Yale First 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 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 Yale First 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 Yale First Nation Agreement-in-Principle

Since October 2002, the Yale First Nation has been engaged in intensive negotiations toward an AIP. The Yale First Nation has 141 members and 17 Indian Reserves, comprising approximately 224 hectares. The main reserve abuts the unincorporated settlement of Yale in the Fraser Valley, north of Hope.

Proposed treaty lands of approximately 1,139 hectares are located in the Fraser Canyon between Sawmill Creek and Puckat Creek within the core area of the Yale First Nation Statement of Intent area.

A treaty with the Yale First Nation will:

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

- provide agreement on self-government and co-operative local government relations.

Land

Proposed treaty lands are located in the Fraser Canyon between Sawmill Creek and Puckat Creek within the core area of the Yale First Nation Statement of Intent. There is a total of approximately 1,139 hectares of proposed treaty lands which includes;

- approximately 915 hectares of provincial Crown land (660 hectares with subsurface and mineral resources)
- 224 hectares of Yale First Nation Indian reserves.

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. Yale First 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 Yale Township (Yale Ratepayers Association) and the Fraser Valley Regional District are supportive of the Yale First Nation's treaty aspirations and the economic development potential of a settlement for the local economy.

Yale First 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 \$6.5 million to the Yale First Nation. The funds will assist Yale in developing business capacity and economic opportunities, providing a solid economic foundation for the First Nation. 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 Yale First Nation will own the land negotiated in this treaty and, like any other landowner, will own and manage forest resources on First Nation lands. The First Nation will be able to make laws with respect to forest management, but these laws must be consistent with provincial standards.

Wildlife and 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 Yale First 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. Yale hunters will be required to carry Yale First Nation documents that meet the 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 Yale First 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.

The public will still be able to hunt and fish in the Yale area because Yale First Nation's treaty settlement lands represent a very small portion of Crown land in the area.

Fisheries

Yale First Nation members live at the most productive fish catching site on the Fraser River and have traditionally made a living catching fish.

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 Yale First Nation AIP provides for access to domestic and commercial salmon fisheries. Yale First Nation will have a domestic allocation for Sockeye of close to 1% of the Fraser River Canadian total allowable catch, to a maximum of 7,278 Fraser River Sockeye, as well as close to .04% of the Fraser River

Canadian total allowable catch for Pink. The domestic allocation for Chum, Coho and Chinook will be determined by a practical delivery model.

Yale First Nation will participate in the commercial fishery under the same policies, rules and regulations as other fishers. Any acquisition of licences will be on a voluntary basis from the existing all citizen commercial fishery.

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.

In order to address Yale First Nation's strong interest in including Emory Creek Provincial Park as treaty lands for community expansion purposes, the provincial government consulted with the local community and worked closely with BC Parks to find replacement lands of similar recreation values. As a result, Landstrom Bar was selected as a replacement for Emory Creek Provincial Park because of its outstanding river recreation values and proximity to the communities of Yale and Hope. This was previously identified through the Lower Mainland Protected Areas Strategy. Landstrom Bar is in a land reserve and BC Parks will be consulting with the community and First Nations to determine the most appropriate management designation for the area before establishing the park.

The Yale First 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 Yale 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.

British Columbia has secured replacement lands for the following reasons:

- There have been previous firm commitments through landscape level planning exercises (Provincial Protected Area Strategy) that park areas would continue to exist and be available along the Fraser River.
- It is important that public support and confidence is built for the treaty process and specifically for the Yale AIP and Final Agreement.

Culture and Heritage

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

Governance

Yale First Nation will have a constitution that will provide for an accountable and democratically-elected government.

Yale First 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 a Yale First 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.

Before Final Agreement, the Parties may negotiate certain thresholds for exercising some of the law-making authority in the Governance chapter and the AIP and the scope of application of such thresholds.

Yale First Nation Government will consult with individuals who are not Yale First Nation members, residing on or having a property interest in the Yale First Nation treaty settlement lands.

Taxation

After a transition period, Yale First 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 will have the ability to tax Yale members residing on their lands and, upon agreement with Canada or British Columbia, over non-First Nation people living on Yale First Nation lands. Provincial consent will be based on appropriate guarantees for non-member representation in the Yale First Nation government. Transitional provisions will address the fact that the Indian Act, including the Section 87 tax exemption, will no longer apply.

**For more information:
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