

Appendix B

LHEIDLI T'ENNEH AIP SUMMARY

General Provisions

- The AIP is not legally binding and forms the basis for negotiating the Final Agreement.
- The Final Agreement will not change the Constitution of Canada.
- Federal and provincial laws will apply concurrently with Lheidli T'enneh laws to Lheidli T'enneh Citizens, Government, Public Institutions and treaty land
- The *Charter of Rights and Freedoms* will apply to the Lheidli T'enneh Government.
- The *Indian Act* will not apply, and there will be no Lheidli T'enneh Indian Reserves.
- The Final Agreement will be the full and final settlement of Lheidli T'enneh's aboriginal rights, including aboriginal title and aboriginal rights related to land and resources.
- Lheidli T'enneh aboriginal rights related to land, resources and other matters set out in the Final Agreement will be modified into the rights set out in the Final Agreement.
- Lheidli T'enneh will agree not to assert or exercise any rights other than as set out in the Governance Agreement, for as long as that agreement is in force.
- If Lheidli T'enneh wish to exercise a right not addressed in the Governance Agreement or modified into a right set out in the Final Agreement, they may propose to incorporate additional rights into the agreements through an orderly process that requires the agreement of all three parties.

Land

- On the Effective Date of the Final Agreement, proposed treaty land would consist of existing reserves plus approximately 3,360 hectares of Crown land.
- The parties may also negotiate the purchase of up to 150 additional hectares, on a willing-seller, willing-buyer basis.
- Existing legal interests on treaty land will be protected.
- Submerged lands will not be part of treaty land.
- Subject to the continuation of existing tenures, subsurface resources currently held by the Crown on proposed treaty land will be owned by Lheidli T'enneh.
- Expropriation of treaty land may occur only in accordance with the provisions of the Final Agreement. This will include provisions to avoid expropriation where reasonably feasible, to provide fair compensation, and to use replacement land as compensation where the Parties so agree.
- If Lheidli T'enneh buy lands after treaty settlement and want to add them to treaty lands, this will be subject to certain conditions. These would include obtaining the agreement of British Columbia and Canada. In the case of lands in the City of Prince George, the City's consent would be required. Similarly, the interests of the Regional

District would also have to be considered in the case of lands within the Regional District.

Access/Roads and Crown Corridors

- The Lheidli T'enneh will allow reasonable public access to public treaty land for temporary recreational and non-commercial use, including hunting and fishing.
- Lheidli T'enneh may regulate public access to their lands to prevent harvesting of resources owned by Lheidli T'enneh, to prevent nuisance or damage, and to protect sensitive areas.
- Crown corridors and provincial roads will not be part of Lheidli T'enneh treaty land and will remain under provincial jurisdiction.

Water

- BC retains full ownership and regulatory authority over water.
- Existing water licences remain in place.
- Prior to the Final Agreement, British Columbia and Lheidli T'enneh will negotiate and attempt to reach agreement on a Lheidli T'enneh water reservation, subject to available flow.
- Lheidli T'enneh may participate in water planning processes within the Upper Fraser River watershed.

Forest Resources

- Lheidli T'enneh will own forest resources on Lheidli T'enneh treaty land.
- Lheidli T'enneh may make laws for forest management on Lheidli T'enneh treaty land that meet or exceed provincial forest practices and standards for private land.
- In the event of a conflict, federal or provincial laws will prevail over Lheidli T'enneh forest management laws.
- Lheidli T'enneh must follow provincial and federal laws with respect to log exports.
- Subject to provincial legislation and an interim measures agreement signed with Lheidli T'enneh on March 3, 2003, BC will pursue the direct award to Lheidli T'enneh of a Community Forest Pilot Agreement (an area based forest tenure).

Wildlife and Migratory Birds

- The Minister retains authority to manage and conserve wildlife and migratory birds.
- Lheidli T'enneh will have a right to harvest wildlife and migratory birds for domestic purposes within a defined harvest area. The right will be limited by measures necessary for conservation and public health or public safety and will be exercised in a manner consistent with any Wildlife Harvest Plan that is developed.
- Lheidli T'enneh and BC will develop a Wildlife Harvest Plan for the management of Lheidli T'enneh's harvest of any wildlife species that the Minister designates for conservation reasons or any other species on which BC and Lheidli T'enneh agree.

- Lheidli T'enneh will have law-making authority with respect to management of its own harvest, including documentation of Lheidli T'enneh hunters.
- Lheidli T'enneh citizens will have the right to trade or barter wildlife and migratory birds harvested with other aboriginal people in BC.
- Lheidli T'enneh will have the right to participate in any provincial wildlife advisory management processes that relate to their harvest area.

Fisheries

Domestic Fishery

- The Minister retains authority to manage and conserve all aspects of fisheries.
- Lheidli T'enneh 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 a Lheidli T'enneh Harvest Document.
- The harvest level for Fraser River sockeye salmon that may be harvested for food, social and ceremonial purposes will be an average of 5,000 fish per year.
- Harvest levels will also be set for chinook, pink and coho salmon. Harvest levels may be set for freshwater fish where there is a conservation concern.
- Lheidli T'enneh will have law-making authority regarding internal management of its fishery.
- Lheidli T'enneh will develop an annual fishing plan for the management of its fishery.
- A joint fisheries management committee will participate in co-operative planning, review of annual fishing plans and activities involving stewardship of the resource, monitoring and enforcement and environmental protection. The committee will provide advice to the Minister.

Harvest Agreement

- Prior to Final Agreement, Canada will negotiate a harvest agreement with the Lheidli T'enneh outside of the treaty.
- The harvest agreement will provide commercial fishing opportunities, which will include a Fraser River sockeye salmon allocation.
- Fisheries under the harvest agreement will have the same priority as other commercial fisheries.
- The Province will encourage the Parties to ensure integrated management among all aspects of the commercial fishery.

Parks and Protected Areas

- Prior to Final Agreement, the Parties will negotiate arrangements for Lheidli T'enneh involvement in park planning, maintenance and operational matters.

Culture and Heritage

- The sharing of artifacts held by Canada and British Columbia will be negotiated.
- Lheidli T'enneh and British Columbia will negotiate the naming or renaming of key cultural geographic features.
- Under the Final Agreement, Lheidli T'enneh may make laws on treaty land 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.

Environmental Protection

- Lheidli T'enneh may make environmental protection laws on treaty land
- In the event of a conflict, federal or provincial laws will prevail over Lheidli T'enneh environmental protection laws.

Governance

- The AIP provides for a Lheidli T'enneh Government and a Lheidli T'enneh Governance Agreement.
- Lheidli T'enneh Government will have a constitution.
- Lheidli T'enneh will have a democratically elected government.
- The Final Agreement will provide Lheidli T'enneh with limited law-making authorities related to land, resources, assets, culture and language.
- The Governance Agreement, which will not be part of the Final Agreement, will provide other law-making authorities. It may address matters such as education, child and family services, solemnization of marriage, and emergency preparedness on treaty land.
- The scope of Lheidli T'enneh's law-making authority will be set out in the Final Agreement or the Governance Agreement.
- The governance chapter of the AIP sets out provisions for the Final Agreement concerning matters such as: the nature of the Lheidli T'enneh Government, the requirements for a Lheidli T'enneh constitution, requirements respecting financial administration, processes for appeal or review of administrative decisions, and Lheidli T'enneh membership.
- Non-Lheidli T'enneh individuals residing on or with a property interest in treaty land will have input into matters of direct importance to them through representation in the decision-making processes of the Lheidli T'enneh Government.
- Together, the Final Agreement and the Governance Agreement will enable Lheidli T'enneh to control its own affairs, manage its public institutions, administer its collective economic interests and participate effectively in regional planning processes.

Local and Regional Government Relationships

- Lheidli T'enneh Government may participate on the Board of the Regional District of Fraser-Fort George.
- Lheidli T'enneh will invite the Regional District to participate in development of laws concerning planning, zoning and development of treaty land that is proposed for industrial purposes.
- Lheidli T'enneh Government may enter into agreements with local government to coordinate activities and proposed land use on and off treaty land
- Lheidli T'enneh Government may enter into agreements with local governments regarding provision of services.

Capital Transfer

- The capital transfer will be \$12.8 million.
- Prior to Final Agreement, the Parties will negotiate and attempt to reach agreement on sharing some federal and provincial revenues.
- There will also be a one-time implementation payment, which is still to be negotiated.
- When the Final Agreement is initialed by the Parties, Canada will determine the outstanding amount of the negotiation loans made by Canada to Lheidli T'enneh and will prepare a schedule for the repayment of this outstanding loan.

Taxation/*Indian Act* Transition

- Prior to the Final Agreement, the Parties will negotiate transitional measures to address the fact that the tax exemption presently set out in section 87 of the *Indian Act* will no longer apply.
- Lheidli T'enneh will have law-making authority for direct taxation of Lheidli T'enneh Citizens on treaty land.
- British Columbia agrees not to impose property tax on persons on treaty land if British Columbia and Lheidli T'enneh successfully negotiate, prior to the Final Agreement, the terms and conditions for the taxation of persons who are not Lheidli T'enneh Citizens and the provision of provincial services on treaty land.
- Transitional tax measures will be negotiated that are comparable to those in other treaties.
- British Columbia may enter into agreements with Lheidli T'enneh outside of the Final Agreement for the coordination of tax systems and the extent to which Lheidli T'enneh may have authority respecting taxation of persons on treaty land who are not Lheidli T'enneh citizens.

Fiscal Relations

- Fiscal agreements with Lheidli T'enneh will be negotiated every five years for funding of agreed-upon programs and services.
- Fiscal agreements will not be part of the Final Agreement.
- Lheidli T'enneh will contribute to the funding of services from its own revenues.
- The setting out of Lheidli T'enneh authorities does not create or imply any financial

obligations or service responsibilities for any Party.

Eligibility and Enrolment

- The AIP sets out the eligibility criteria for enrolment as a beneficiary under the Final Agreement.
- An enrolment committee and appeal board will be established.

Other provisions

- The Final Agreement will include a dispute resolution process and a process for approving the Final Agreement.
- An implementation plan outside of the treaty will also be negotiated.