

Appendix C

REVIEW OF THE TREATY REFERENDUM PRINCIPLES AND THE LHEIDLI T'ENNEH AGREEMENT-IN-PRINCIPLE

1. Private property should not be expropriated for treaty settlements.

No privately-owned land will be expropriated by governments to transfer to the Lheidli T'enneh Band as part of the Lheidli T'enneh treaty negotiations.

Agreement-in-Principle:

- Up to 150 hectares of additional lands may be provided on a willing-seller-willing-buyer basis.

2. The terms and conditions of leases and licences should be respected; fair compensation for unavoidable disruption of commercial interests should be ensured.

The Province will ensure that the terms and conditions of leases and licences are protected. Should there be an impact on licensees or leaseholders as a result of a treaty settlement, fair compensation will be paid.

Agreement-in-Principle:

- Existing legal interests on lands that will become Lheidli T'enneh Lands are listed in the AIP and will continue once the lands are transferred to Lheidli T'enneh.
- The Final Agreement will provide for continued access to legal interests on or adjacent to Lheidli T'enneh Lands.

3. Hunting, fishing and recreational opportunities on Crown land will be ensured for the use and benefit of all British Columbians.

The public will still be able to hunt, fish, and engage in recreational activities in the Prince George area.

Agreement-in-Principle:

- Lheidli T'enneh will have treaty rights to harvest wildlife, migratory birds, and fish within defined harvest areas that will include treaty and non-treaty land.
- The Lheidli T'enneh treaty rights to harvest wildlife, migratory birds, and fish will be limited by measures necessary for conservation and public health or safety.
- The public will have access on Lheidli T'enneh Lands for temporary non-commercial and recreational purposes, including hunting and fishing.

4. Parks and protected areas should be maintained for the use and benefit of all British Columbians.

The Final Agreement will not affect public access to provincial parks. Both the Province and Lheidli T'enneh have an interest in preserving the ecological integrity of provincial parks in the Prince George area.

Agreement-in-Principle:

- Prior to the Final Agreement, British Columbia and Lheidli T'enneh will negotiate and attempt to reach agreement on park management and park operations agreements, outside of the Final Agreement, for identified parks within the Lheidli T'enneh Area.

5. Province-wide standards of resource management and environmental protection should continue to apply.

Lheidli T'enneh development on Lheidli T'enneh Lands will meet or exceed standards of resource management and environmental protection that apply across the province.

Agreement-in-Principle:

- Federal and provincial laws (which would include environmental and resource management legislation) will apply to Lheidli T'enneh, Lheidli T'enneh government and institutions, Lheidli T'enneh people, and Lheidli T'enneh Lands.
- Lheidli T'enneh will have law-making authority with respect to environmental protection on Lheidli T'enneh Lands.
- Federal and provincial laws will prevail in the event of a conflict between a Lheidli T'enneh environmental protection law and a federal or provincial environmental protection law.
- Lheidli T'enneh forest management practices will provide for standards that meet or exceed those established under provincial legislation applicable on private land.

6. Aboriginal governments should have the characteristics of local government, with powers delegated from Canada and BC.

Lheidli T'enneh will have authority, much like a local government, over such things as fire protection, public works, traffic and transportation, and business licensing. These law-making authorities will be set out in a separate Governance Agreement that will not be part of the Final Agreement. Lheidli T'enneh law-making authority will be put into effect through federal and provincial legislation.

Agreement-in-Principle:

- The Final Agreement will provide Lheidli T'enneh with certain authorities over lands and over matters integral to the long-term preservation of their cultural identity. Including land-related provisions in the treaty also meets the provincial goal of achieving s.35 certainty with respect to land and resource ownership and management.

- The authorities provided by a Final Agreement and a Governance Agreement will be implemented and given force and effect by Canada and BC through the enactment of federal and provincial legislation.
- **Treaties should include mechanisms for harmonizing land use planning between aboriginal governments and neighbouring local governments.**

A number of mechanisms will be used to achieve harmonization of land use planning between Lheidli T'enneh and neighbouring local governments.

Agreement-in-Principle:

- The Lheidli T'enneh Government may enter into agreements with local governments to coordinate activities and proposed land use in their respective areas of responsibility.
- The Lheidli T'enneh Government may participate as a government on a board of a Regional District in accordance with provincial legislation.
- 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 or commercial purposes.
- Lheidli T'enneh may enter into agreements with local government in respect of the costs and delivery of services to and from local governments.

- **The existing tax exemptions for aboriginal people should be phased out.**

Following a transition period, Lheidli T'enneh citizens will no longer be exempt from taxation.

Agreement-in-Principle:

- Prior to the Final Agreement, the Parties agree to negotiate transitional measures to address the fact that the section 87 tax exemption under the *Indian Act* for individual income and transactional taxes will no longer apply.
- This will be comparable in effect to transitional measures negotiated in treaties with other aboriginal groups in BC.