

Yekooche First Nation Agreement-in-Principle



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Photo: Portage Village, Yekooche Reserve 3 (Stuart Lake)
Courtesy: Ministry of Environment
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Ministry of
Aboriginal Relations
and Reconciliation

The provincial government is committed to revitalizing the treaty process in B.C. and negotiating workable, affordable treaties that will provide certainty over the ownership and use of Crown land and resources.

Revitalizing the treaty process, to create new opportunities for B.C.

The Yekooche First Nation Agreement-in-Principle is being negotiated by British Columbia, Canada and Yekooche First Nation through the B.C. Treaty Commission process, launched in 1993.

As part of the provincial government's commitment to revitalizing the treaty process and advancing treaty negotiations with First Nations, a province-wide referendum on provincial treaty negotiation principles was held in April 2002. Over three quarters of a million British Columbians took the opportunity to participate, & provided a strong public endorsement of the principles to guide provincial negotiators at treaty tables.

Advancing treaty negotiations, to improve certainty

The Yekooche First Nation Agreement-in-Principle upholds the eight principles for treaty negotiations adopted by B.C.

The Yekooche First Nation Agreement-in-Principle (AIP) will serve as the foundation for negotiation of the Final Agreement. Yekooche First Nation law-making authorities enable the Yekooche to manage its own affairs and participate in regional government processes.

The AIP is not legally-binding & represents broad consensus among the three parties on language and provisions contained in the document.

The AIP has been approved by all parties and will form the basis for negotiating the Final Agreement and the governance agreements. Subsequent negotiations will provide the legal definitions of these understandings, leading to a Final Agreement. Final Agreement negotiations will take at least one to two years to complete, after which time all three parties would have to ratify the agreements before they would come into force. Plans to implement the agreements would be negotiated during the Final Agreement negotiations.

Publicly endorsed referendum principles:

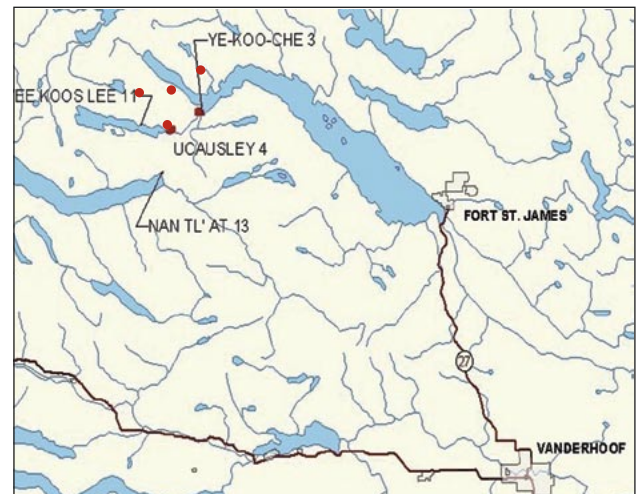
- *Private property should not be expropriated for treaty settlements.*
- *The terms and conditions of leases and licences should be respected; fair compensation for unavoidable disruption of commercial interests should be ensured.*
- *Hunting, fishing and recreational opportunities on Crown land will be ensured for the use and benefit of all British Columbians.*
- *Parks and protected areas should be maintained for the use and benefit of all British Columbians.*
- *Province-wide standards of resource management and environmental protection should continue to apply.*
- *Aboriginal governments should have the characteristics of local government, with powers delegated from Canada & B.C.*
- *Treaties should include mechanisms for harmonizing land use planning between aboriginal governments and neighbouring local governments.*
- *The existing tax exemptions for aboriginal people should be phased out.*

These principles are respected in the Agreement-in-Principle.

Yekooche First Nation

Yekooche First Nation has 200 residents with the main village site at Portage reserve (the Ye Koo Che reserve) at the northwest arm of Stuart Lake. Fort St. James is the closest neighbour, approximately 70 km to the south east via the Cunningham Forest Service Rd. The proposed treaty lands encompass an area of 5,960 hectares (14,727.47 acres) of Provincial Crown land and 379.8 hectares (938.51 acres) of existing Indian Reserves within the core area of the Yekooche Statement of Intent area (SOI).

The land package joins three of the reserves into one contiguous parcel. The SOI area is overlapped by the claims of its neighbours. Efforts to resolve these overlaps continue. The proposed treaty lands are within the Bulkley-Nechako Regional District. The Prince George Treaty Advisory Committee (PGTAC), and members of local communities are supportive of Yekooche First Nation's treaty aspirations.



Land package will lie within the area bounded by the four reserves.

Building better relationships with First Nations

In B.C., treaty negotiations involve 3 parties: the province, the federal government, and the First Nation. Each set of negotiations requires give-and-take. B.C. is prepared to be flexible and creative at the negotiating table, while ensuring each agreement meets the publicly endorsed guiding principles.

The provincial government is working with First Nations to reinvigorate and advance treaty negotiations across B.C. It is opening a new dialogue that will forge stronger relationships with Aboriginal people and provide them with greater input into decisions that involve their communities. The development of mutual trust & respect on all sides will build the foundation to achieve certainty for both First Nations and British Columbians.

Economic benefits improve the quality of life for First Nations

The government is committed to increase economic opportunities for First Nations that improve quality of life, both on-and off-reserve. Initiatives include increasing participation of Yekooche First Nation in forestry, tourism and mining. Success in treaty agreements will help create new economic opportunities for all British Columbians.

1. Will Yekooche First Nation become a member of Bulkley-Nechako Regional District?

During final agreement negotiations, the Yekooche First Nation, the provincial and federal governments and local government (Fort St. James) will explore options for First Nation participation on the Bulkley-Nechako Regional District.

2. What is and what will be the major economic influence on Yekooche First Nation residents?

Forestry is, by far, the most important economic opportunity for the Yekooche First Nation. The effects of the Mountain Pine Beetle infestation has led to wide-spread harvesting in the Yekooche asserted traditional territory. Yekooche First Nation is exploring alternative economic development opportunities on Treaty Land and throughout the region.

3. Will the Yekooche First Nation government have authorities similar to my local municipality?

The Yekooche First Nation government will have authority, much like a local government, over such things as public works, and traffic & transportation. These law-making authorities will be set out in a governance agreement that will not be part of the treaty. Yekooche First Nation law-making authorities will be put into effect through federal and provincial legislation.

4. Will my home and property be expropriated for treaty lands?

No. Government will not expropriate private land for treaty settlement purposes. In some cases land may be purchased to become part of a treaty settlement package, but this would only occur on a willing-seller, willing-buyer basis.

5. I have a lease on land that may be included in the treaty. Will I be compensated if I have to move?

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

6. My family hikes and fishes in the Bulkley-Nechako area year round. Will we still be able to do this?

Yes. The Yekooche First Nation will provide reasonable opportunities for the public to hunt, fish and engage in other recreational activities on the Yekooche First Nation treaty lands.

7. Where will Yekooche First Nation hunting rights apply and will they be required to carry licences?

Yekooche First Nation residents will be able to harvest wildlife and migratory birds within a defined harvest area that will include treaty

and non-treaty land. Yekooche First Nation hunters will be required to carry and produce documentation issued by the Yekooche First Nation government when harvesting in accordance with treaty rights.

8. Will the public continue to have access to parks after treaty settlement?

Public access to the provincial parks will be maintained through Treaty provisions. During Final Agreement negotiations, the parties will address the role of Yekooche First Nation in the provincial parks.

9. Can the Yekooche First Nation legislate more stringent standards on treaty lands than is done by the Province?

Yes, Yekooche First Nation government will be able to establish and enforce higher standards, such as environmental protection laws, on the treaty lands as set out in the Final Agreement.

10. Will the Canadian Charter of Rights and Freedoms and the Criminal Code apply on Yekooche First Nation treaty lands?

Yes. The Canadian Charter of Rights & Freedoms and the Criminal Code will apply to Yekooche First Nation treaty lands, Yekooche First Nation government & Yekooche First Nation citizens.

11. How will this agreement benefit me and my community?

The Final Agreement with Yekooche First Nation will increase certainty over the lands and resources in that portion of the Bulkley-Nechako regional district. It will clearly define the rights & responsibilities of the First Nation. It will support opportunities for economic development and help build a more prosperous, vibrant community.

12. What opportunities will the public have to express their views on the Final Agreement?

Provincial negotiators will continue to hold public meetings in Bulkley-Nechako Regional District communities, providing information on the treaty negotiations with the First Nation and responding to questions and concerns. Local residents can also address their interests through the local government representatives who participate at the treaty table.

13. Will the Yekooche First Nation receive services such as fire protection and garbage disposal from the local or regional governments?

The AIP acknowledges that access to services is vital for any self-governing community. It is a priority for the First Nation to have access to water, fire protection and police protection on reasonable terms.

The parties will discuss options for payment of the services, with the objective that servicing arrangements will be in place by Final Agreement.

14. How will municipal services be provided?

Options for service delivery include: contracting for services on a business basis; participation in the Bulkley-Nechako Regional District; self-servicing; and access to the programs through provincial taxation or the inter-governmental agreements.

15. Will Yekooche First Nation work in conjunction with local and regional governments on land-use planning?

The parties have acknowledged local and regional governments' interest in ensuring consistent and compatible planning and land-use management decisions.

16. Who will retain overriding authority over provincial parks & protected areas?

The Minister of Environment retains full responsibility for managing and conserving provincial parks & protected areas.