

# Yekooche First Nation Agreement-In-Principle Treaty Information

## Certainty for British Columbians

The provincial government is committed to negotiating workable, affordable treaty settlements that provide certainty and equality. By resolving Aboriginal claims, treaties will reduce the need for expensive litigation and 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 publicly endorsed principles that guide provincial negotiations with First Nations and Canada. A Final Agreement with Yekooche First Nation will clearly define the rights and obligations of the First Nation, British Columbia and Canada in a way that is consistent with B.C.'s guiding principles. The treaty package as outlined in the AIP includes land, cash and resources. Canada and British Columbia will share the costs of the treaty package. British Columbia contributes mainly Crown land and Canada contributes mainly cash.

## The Yekooche First Nation Agreement-in-Principle

In May of 1995 Yekooche entered the B.C. treaty process. Yekooche First Nation residents number approximately 200. Most members live at Portage (Reserve #3) located along the northwest arm of Stuart Lake, where Nancut Creek drains Cunningham Lake into Stuart Lake. Fort St. James is Yekooche's closest neighbour, approximately 70 kilometres south east via the Cunningham Forest Service Road. A treaty with Yekooche First Nation will:

- clearly define the rights and obligations of the First Nation in a way that is consistent with B.C.'s principles for treaty negotiations;
- 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 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 fourth reserve, on Babine Lake, is surrounded by private land and Sutherland River Provincial Park. The land package upholds B.C.'s negotiating principle that private property should not be expropriated for treaty settlements. Overall, proposed treaty lands encompass 6,339.8 hectares (15,666 acres). B.C.'s publicly endorsed negotiating principle that treaties should include mechanisms for harmonizing land-use planning between First Nations governments and neighbouring local governments is reflected in this AIP. Yekooche First Nation reserves will become treaty lands that the First Nation will own in fee simple. Fee simple ownership provides the First Nation with flexibility to manage its land and generate long-term economic benefits. The agreement has been negotiated in order to minimize impacts on third parties. Fair compensation for unavoidable disruption of commercial interests will be ensured. 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 capital transfer of \$6.5 million will assist Yekooche First Nation in developing business capacity and economic opportunities.

## 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. Yekooche First Nation will own the land negotiated in this treaty and, like any other landowner, will own

and manage forest resources on their 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, Migratory Birds and Fish

The AIP respects 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 public will still be able to hunt and fish in the Yekooche public treaty lands. Yekooche 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. 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 Yekooche First Nation will clearly define the rights, responsibilities and jurisdiction of the First Nation to wildlife, fish and their habitats. It will also confirm and clarify the role of the provincial minister in ensuring conservation of wildlife. The Province supports treaty arrangements that reflect the following objectives in relation to fisheries:

- a fishery that is accessible to all British Columbians;
- equitable fishing arrangements for all participants;
- an integrated and effective management regime that is capable of ensuring the sustainability of the resource.

Yekooche First Nation will not be seeking a commercial fishery.

## Environmental Protection and Parks

B.C.'s negotiating principle specifies that *parks and protected areas will be maintained for the use and benefit of all British Columbians*. Public access to provincial parks will not be affected by the treaty. The Yekooche AIP ensures that province-wide standards of resource management and environmental protection will continue to apply.

## Culture and Heritage

In the past, no established process existed for Yekooche First Nation or other First Nations to reclaim artifacts and ancient human remains. The AIP commits B.C. and Yekooche to negotiate and attempt to reach agreement on sharing Yekooche artifacts held by the Royal B.C. Museum.

## Governance

Yekooche First Nation will have a democratically elected government. Over time, Yekooche will be expected to contribute to the costs of its government. Authorities related to land and resource rights, assets, culture and language will be included in the Treaty. These will ensure long-term preservation of cultural identity while providing greater certainty over land and resource ownership and management. A separate governance agreement will be negotiated outside the treaty and will set out the governing authorities that are not constitutionally protected such as traffic regulation and public works. Together, the treaty and governance agreements will provide Yekooche with the authorities it needs to manage its own affairs, meet the needs and interests of its community, and participate effectively in regional governance processes.

## Taxation

After a transition period, Yekooche 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 government will have the ability to tax Yekooche members residing on its lands and, upon agreement with Canada or British Columbia, non-First Nation people living on First Nation lands, providing those non-First Nation people have representation on the Yekooche government. Transitional provisions will address the fact that the Indian Act, including the Section 87 tax exemption, will no longer apply.

*The agreement with Yekooche First Nation will create certainty over the lands and resources in this area. It will clearly define the rights and responsibilities of the First Nations. It will provide opportunity for economic development and help build a prosperous, vibrant community for Aboriginals and non-Aboriginals alike.*