

General Overview

Benefits of a treaty

A treaty with Tla'amin Nation (Sliammon First Nation) will bring certainty with respect to all of Tla'amin Nation's Aboriginal rights throughout Tla'amin's claimed traditional territory, which covers approximately 609,000 hectares including marine areas. It will provide Tla'amin with the modern governance tools to build strong and workable relationships with federal, provincial and local governments.

Canada, British Columbia and Tla'amin Nation expect that a treaty will resolve long-standing issues regarding undefined Aboriginal rights and title, and bring certainty and economic benefits not only to Tla'amin members but to the entire region.

Tla'amin Nation government

The Tla'amin Nation Final Agreement will operate within the framework of the Constitution of Canada, and the Canadian Charter of Rights and Freedoms will apply to the Tla'amin Nation government.

With the exception of determining Indian status, after a transition period the Indian Act will no longer apply to Tla'amin Nation, its lands or members. Instead, constitutionally-protected self-government provisions will enable Tla'amin to make its own decisions on matters related to the preservation of its culture, the exercise of its treaty rights and the operation of its government.

In October 2009, the Tla'amin community ratified a constitution in accordance with the treaty. The constitution provides that the Tla'amin Nation government will be democratically and financially accountable to its members. The Tla'amin constitution will come into force on the effective date of the treaty.

Residents on Tla'amin Lands who are not Tla'amin Nation members may participate in the decision-making processes of a Tla'amin public institution, such as a school or health board, if the activities of that institution directly and significantly affect them. Non-members may vote in, and stand for, election to a Tla'amin public institution, or the Tla'amin government may appoint non-members to sit as board members of these institutions. However, Tla'amin may provide that a majority of the members of a Tla'amin public institution must be Tla'amin members. Non-members will have the same rights of appeal as members.

There will be non-member representation on any Tla'amin public institution that makes decisions relating to taxation matters that directly and significantly affect non-members. The non-member representative will be selected by non-members and will have the ability to participate in discussions and vote on taxation matters that directly and significantly affect non-members.

Tla'amin Lands

The Final Agreement land package consists of approximately 8,322 hectares of treaty settlement land for Tla'amin Lands. This includes approximately 1,917 hectares of former reserves and 6,405 hectares of former provincial Crown land. After the effective date of the treaty, Tla'amin Lands will be registered in the Land Title Office once surveys have been completed.

An additional 1,212 hectares may become Tla'amin Lands if acquired by the Tla'amin according to certain provisions of the Final Agreement. Tla'amin will also own 0.3 hectares of land on Savary Island, but will not have law-making authority over this land.

Intergovernmental relations

Tla'amin Lands do not form part of any municipality or electoral area, and do not form part of any regional district. Tla'amin Nation is responsible for managing its intergovernmental relations with local governments, and may enter into agreements with local governments for the provision and delivery of services.

Wildlife and migratory birds

Under the treaty, Tla'amin will have the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within the Wildlife and Migratory Birds Harvest Area. This right is limited by measures necessary for conservation, public health or public safety.

Tla'amin laws with respect to the management of the harvesting of wildlife and migratory birds will apply to Tla'amin members. Federal and provincial laws on the use and possession of firearms will continue to apply.

Tla'amin will allow reasonable access to non-members to hunt on Tla'amin Lands in accordance with federal and provincial laws and with Tla'amin laws respecting access to those lands.

Tla'amin members may trade and barter wildlife, wildlife parts, migratory birds and migratory bird parts among themselves and with other Aboriginal people of Canada. Wildlife trade and barter does not include sale. Tla'amin members may sell migratory birds or bird parts in accordance with Tla'amin law where such sale is permitted under federal and provincial law.

Elk allocation

Under the Final Agreement, Tla'amin will receive an allocation for Roosevelt elk of 50 percent of the total allowable harvest of Roosevelt elk for the Powell-Daniels, Theodosia and Lois Harvest Areas. Harvesting of this allocation will take place within the designated Tla'amin Wildlife and Migratory Birds Harvest Area.

Plant gathering

Under the Final Agreement, Tla'amin will have the right to gather plants for food, social and ceremonial purposes on provincial Crown land within the Tla'amin Plant Gathering Area. This right is limited by measures necessary for conservation, public health or public safety.

Forest resources

Tla'amin will own, and have authority to manage, all timber and forest resources on Tla'amin Lands. Tla'amin is responsible for the control of insects, diseases, invasive plants and animals on Tla'amin Lands which may affect the health of forest resources on those lands. Provincial law with respect to the protection of resources from wildfire and for wildfire prevention and control applies to Tla'amin Lands.

Tla'amin will receive a total of 78,000 cubic metres of annual allowable cut, which includes 28,000 cubic metres per year under BC timber sales. In addition, Tla'amin will receive \$350,000 to acquire additional annual cut on a willing seller – willing buyer basis.

Fisheries

Tla'amin will have a treaty right to harvest fish and aquatic plants for domestic purposes within the Tla'amin Fishing Areas. Fishing will be in accordance with a harvest document issued by the Minister of Fisheries and Oceans. Tla'amin's fishing rights will be limited by measures necessary for conservation, public health or public safety.

Tla'amin Nation has the right to trade and barter fish and aquatic plants harvested under its food, social and ceremonial fishing right, among Tla'amin members and with other Aboriginal people of Canada. Trade and barter does not include sale.

Domestic fishery allocations

Tla'amin will receive allocations for sockeye, coho, chum, chinook and pink salmon; groundfish, including rockfish and lingcod; herring; prawn; crab; red sea urchin; and sea cucumber. For detailed allocations, refer to the Fisheries fact sheet or the Final Agreement.

The Final Agreement leaves some species non-allocated (e.g., bivalves) and sets out a process to establish, at the request of Tla'amin, Canada or British Columbia, allocations for those non-allocated species.

Tla'amin will receive \$1.11 million for ongoing management of its domestic fishery, as well as \$200,000 in pre-effective date funding to support a study of the potential to reintroduce sockeye salmon into Powell Lake.

Commercial fisheries

Tla'amin participation in the commercial fishery will be fully integrated with the general commercial fishery and licences issued to, or acquired by, Tla'amin will be fished according to comparable terms and conditions applicable to other licences in the commercial fishery. Tla'amin commercial fisheries will not be conducted under a harvest agreement. Access to the commercial fishery will be obtained from existing capacity within the commercial fishery.

A halibut commercial fishing licence and a prawn commercial fishing licence currently held by Tla'amin under the Allocation Transfer Program will be issued to Tla'amin as commercial licences, containing the conditions of licences within their respective categories. (For particulars, please see the Fisheries fact sheet.)

Tla'amin will also receive a total of \$1.65 million to acquire additional capacity in the commercial fishery in the same manner as for all other fishers.

Water

On the effective date of the Final Agreement, British Columbia will establish a water reservation under the Water Act for Tla'amin of 11,225 cubic decameters of water per year for domestic, agricultural and industrial uses from the following streams: Tla'amin Creek, Appleton Creek, Okeover Creek, Bern Creek, Whiskey Still Creek, Theodosia River and Kwehtums Kahkeeky. Current water licences on streams subject to Tla'amin water reservations will retain their existing priority. British Columbia will establish hydro power reservations for Tla'amin on Tla'amin Creek, Appleton Creek and Theodosia River for five years to enable Tla'amin Nation to investigate the potential for hydro power development.

Financial components

The Tla'amin Final Agreement will provide Tla'amin Nation with a capital transfer of approximately \$29.7 million (all figures in 2010 \$) over 10 years. Tla'amin will pay back to Canada, over the same period, the loans taken to negotiate the treaty.

Tla'amin will also receive an Economic Development Fund of approximately \$6.9 million, a Fishing Vessel Fund of \$0.25 million (also referenced under Fisheries above) and an additional approximately \$1.7 million for the design and construction of an administration, culture and heritage building.

Under a resource revenue sharing agreement, Tla'amin will receive approximately \$663,000 per year for 50 years.

Tla'amin government will deliver agreed upon programs and services under the terms of a Fiscal Financing Agreement. The Fiscal Financing Agreement provides annual transfers from Canada and British Columbia to support the delivery of agreed upon programs and services by Tla'amin to its members and

residents, as well as funding to support activities to implement the treaty. Tla'amin will also receive \$550,000 from Canada prior to the effective date to establish its government.

The Fiscal Financing Agreement provides for one-time and ongoing funding:

- one-time time federal funding of \$4.6 million;
- ongoing federal funding of approximately \$8.0 million per year for the first five years; and
- on-going provincial funding of approximately \$446,000 per year for the first five years.

The Fiscal Financing Agreement will be renegotiated every five years.

For programs and services provided by Canada or British Columbia that are not included in the Fiscal Financing Agreement, Tla'amin members will continue to be able to access those programs and services for which they are eligible.

Tla'amin will contribute to the funding of agreed upon programs and services from its own sources of revenue. The Own Source Revenue Agreement negotiated among Canada, British Columbia and Tla'amin sets out how the First Nation's contribution to the costs of programs and services it delivers to its members and residents will change in step with its capacity to generate revenues.

Taxation

Taxation is an important element of the Tla'amin Nation Final Agreement as it can contribute to the foundation of future revenue capacity for the Tla'amin government. The Indian Act tax exemption for Tla'amin members will be phased out after eight years for transaction (i.e., sales) taxes and 12 years for other taxes, including income tax. The Tla'amin government will have the ability to levy direct taxes on its members within Tla'amin Lands.

Public input into the Final Agreement

Treaty negotiators rely on the advice of local stakeholders to ensure that the interests of the broader community are fairly represented. Over the past decade, consultations on a wide range of subjects have been held with local and regional governments, third parties and community interests. Since 2000, federal and provincial negotiators have held over 46 consultation meetings and at least seven public information events.

After the Final Agreement is initialled and the ratification process begins, Canada, British Columbia and Tla'amin will continue to communicate with local stakeholders and the general public on the Final Agreement.

Overlaps

In British Columbia, traditional territories claimed by First Nations often overlap. First Nations may establish a process to resolve overlaps amongst themselves. The governments of British Columbia and Canada are responsible for consulting with any First Nations whose traditional territories overlap with a treaty First Nation. Tla'amin has positive relationships with its neighbouring First Nations and has signed Shared Territory Protocol Agreements with the Sechelt First Nation, Klahoose First Nation, Homalco First Nation, K'omoks First Nation, Nanoose First Nation and the Hamatla Treaty Society.

British Columbia and Canada continue to engage in overlap consultations with those First Nations who may be affected by the Tla'amin treaty.

Next steps

Through the Tla'amin community approval process, Tla'amin members will vote on the Final Agreement according to a formal ratification process. If the Tla'amin community ratifies the Final Agreement, British Columbia will then proceed with its ratification process.

If British Columbia ratifies the Final Agreement, Canada will proceed with its ratification process. Once federal settlement legislation comes into force, the Final Agreement will become a treaty and will be brought into effect on a date agreed to by the parties.

If ratified, the treaty will take effect on a date to be agreed to by all three parties. On Effective Date Sliammon First Nation will officially take its traditional name: Tla'amin Nation.