

Yale First Nation Final Agreement Fact Sheet: Natural Resources

The Yale First Nation Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and Yale First Nation. The Final Agreement provides Yale First Nation with certain rights and benefits regarding land and resources, and self-government over its lands and resources and its members. It provides certainty with respect to ownership and management of lands and resources and the exercise of federal, provincial and Yale First Nation governmental powers and authorities.

Wildlife - Migratory Birds – Plant Gathering

Under the Final Agreement, Yale First Nation Members will have the right to harvest wildlife and migratory birds, and to gather plants and the bark, boughs, burls, branches and roots from designated areas for their own use. Yale First Nation Members may also trade and barter harvested wildlife, plants and migratory birds with other Aboriginal people of Canada resident in British Columbia.

Except as set out in the Final Agreement, Yale First Nation Members do not require federal or provincial licences, or pay any fees or royalties to Canada or British Columbia, in order to exercise their right to harvest wildlife or migratory birds, or to gather plants in the designated harvest area. The provincial Minister may place a limit on how much can be harvested of a certain species, or require that a plant gathering plan be prepared for conservation, public health or public safety reasons, in accordance with provincial laws.

Under the Final Agreement, Yale First Nation Government has the authority, and in some cases the obligation, to make laws regarding, among other things, the harvesting of wildlife, migratory birds and the gathering of plants that include: methods for harvesting; individual harvesting limits and documentation requirements for individuals; management of migratory birds and their habitat on Yale First Nation Lands; and the establishment of a system of identification for Yale First Nation Members who harvest migratory birds. These laws are limited by measures necessary for conservation, public health or public safety. Yale First Nation may also enter into agreements with British Columbia and Canada for the purposes of dealing with common concerns, including information sharing, conservation issues and licensing requirements.

Yale First Nation will have the right to participate in any migratory bird advisory committee or wildlife management process regarding the wildlife harvest area established by Canada or British Columbia to address common concerns in the designated areas, or in cases where those areas are affected.

Water

Under the Final Agreement, British Columbia will establish a water reservation of 9,832 cubic decametres per year to provide Yale First Nation with water for domestic, industrial, and agricultural use. The Final Agreement also provides the opportunity for Yale First Nation to find suitable streams for hydro power production and storage.

Yale First Nation may negotiate agreements with British Columbia and Canada to manage such things as flood response, monitoring of water quality, water conservation, the protection of drinking water within a watershed, and other related issues.

Forests

Yale First Nation will own all forest and range resources on Yale First Nation Land and may make laws in respect of the use of these lands and resources. With respect to provincial laws, Yale First Nation Land will be treated as private land.

Timber harvested from Yale First Nation Land is not subject to provincial laws relating to use or manufacturing in British Columbia. Under federal law, logs harvested from Yale First Nation Land can be exported as if the logs had been harvested from an Indian reserve.

There are also provisions in the Final Agreement to deal with invasive plants, insects and other factors affecting the health of forest and range resources on Yale First Nation Land.

The Yale First Nation Wildfire Suppression Agreement, that will set out how the First Nation will share the costs incurred by British Columbia for wildfire control, will come into effect at the same time as the Final Agreement. British Columbia will respond to any wildfire originating on Yale First Nation Land on the same priority basis as Crown land and based on priorities set by the Minister.

The Environment

The Yale First Nation Government will have the authority to make environmental laws that apply on Yale First Nation Land.

Canada and British Columbia will ensure that Yale First Nation is notified in a timely fashion of an Environmental Assessment, should a proposed federal or provincial project be reasonably expected to adversely affect Yale First Nation. As well, federal and provincial governments agree to give Yale First Nation sufficient information about such projects for the Yale First Nation Government to decide whether or not it wants to participate in the Environmental Assessment process.