

Overview

The Northern Secwepemc te Qelmuw (NStQ) draft Agreement-in-Principle was negotiated by the NStQ First Nations, the Government of British Columbia and the Government of Canada. The four NStQ First Nations are Canim Lake First Nation (Tsq’escen’), Canoe/Dog Creek First Nation (Stswecem’c/Xgat’tem), Soda Creek First Nation (Xat’sūll) and Williams Lake First Nation (T’exelc).

An Agreement-in-Principle is not a legally binding agreement but forms the basis for the next stage of negotiations, which are aimed at reaching a legally binding Final Agreement. Once reached, a Final Agreement will represent a major milestone between the governments of Canada and British Columbia and NStQ First Nations.

ON THE ROAD TO RECONCILIATION

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

On Feb. 19, 2015, Canada, British Columbia and NStQ substantively concluded negotiations on an Agreement-in-Principle. The Agreement-in-Principle will remain “draft” until it is ratified and signed by the three parties.

In 2016, NStQ First Nations members voted in favour of ratifying the Agreement-in-Principle. British Columbia and Canada are now respectively seeking authorization to ratify

the Agreement-in-Principle and proceed to Final Agreement negotiations.

The draft Agreement-in-Principle includes provisions with respect to lands, harvesting rights, cultural resources, self-government and other matters. These provisions will be further developed through negotiations in the Final Agreement stage.

LAND

The NStQ draft Agreement-in-Principle proposes approximately 82,129 hectares of treaty settlement land, comprised of 11,643 hectares of current NStQ Indian Reserves and 70,486.6 hectares of current provincial Crown land.

The draft agreement also proposes that NStQ will own

an additional 175 hectares of Crown land, the status of which will be negotiated in a Final Agreement.

No private lands are included in the proposed NStQ land offer.

Under a Final Agreement, NStQ First Nations would have governance authority over lands designated as NStQ treaty settlement land. All lands will be held in fee simple by the NStQ First Nations. Fee simple ownership will give NStQ the flexibility to manage their lands and generate long-term economic benefits.

Under a Final Agreement, NStQ First Nations would own all resources on NStQ treaty settlement land, including surface and subsurface resources. Any pre-existing mineral and placer claims and

tenures will continue under provincial administration.

GOVERNANCE

The draft Agreement-in-Principle proposes a self-governance framework that operates within the Constitution of Canada and the Canadian Charter of Rights and Freedoms.

Under a Final Agreement, NStQ First Nations would have their own constitution providing the structure of their government, including a process to protect the legal rights of its citizens. An NStQ government would be democratically elected and accountable. The *Indian Act* would no longer apply to NStQ First Nation members, with the exception of provisions dealing with status.

NSTQ draft AGREEMENT-IN-PRINCIPLE

In addition to NStQ laws, federal and provincial law would also apply on First Nations' lands. A Final Agreement will set out which law governs if an NStQ law conflicts with a federal or provincial law.

FINANCIAL COMPONENTS

The draft Agreement-in-Principle proposes a transfer of approximately \$48.7 million. There will be further agreements providing funding for programs and services, such as education.

HARVESTING RIGHTS

The draft Agreement-in-Principle proposes NStQ rights to harvest plants, wildlife and migratory birds for food, social and ceremonial purposes. The geographical boundaries of NStQ First Nations' harvesting areas will be negotiated in a Final Agreement.

FISHERIES

The draft Agreement-in-Principle provides that fisheries will be discussed during Final Agreement negotiations.

TAXATION

The draft Agreement-in-Principle sets out that prior to a Final Agreement, the parties will negotiate transitional tax measures that are reasonably comparable to transitional tax

measures in other treaties negotiated with First Nations in B.C., including the phasing out of *Indian Act* exemptions for income tax and transactional (e.g. sales) taxes.

LOCAL GOVERNMENT

Prior to a Final Agreement, NStQ, B.C. and Canada will seek to establish a working group with local governments to discuss how an NStQ government would interact with local governments.

For treaty settlement land requiring services, an NStQ government can enter service agreements with local governments.

Under a Final Agreement, adding private lands to treaty settlement land requires municipal permission if the lands are within a municipality. If the lands are not within a municipality, then the interests of the affected regional district would be taken into account.

INCREMENTAL TREATY AGREEMENTS

On Feb. 5, 2016, NStQ First Nations and the Province signed incremental treaty agreements provide for the future transfer of up to 3,760 hectares of Crown land.

Incremental treaty agreement

lands will support forestry, tourism, commercial and industrial business opportunities for NStQ First Nations in advance of a Final Agreement.

NStQ First Nations will own their respective incremental treaty agreement land in fee simple and the lands will be included as treaty settlement land in a Final Agreement.

Through careful land selection and provincial engagement with potentially affected cattle ranchers, lands provided for under the incremental treaty agreements will not affect grazing rights or herd sizes.

LAND TENURES

More than 75 per cent of the Cariboo (Central Cariboo Forest District and the 100 Mile House Forest District - an area of approximately 3.5 million hectares) is covered by range tenures.

The proposed NStQ land offer in the draft Agreement-in-Principle could impact approximately one percent of lands with range tenures. The Province acknowledges this one per cent is significant for those whose tenures are included.

The Province is diligent in

selecting treaty settlement land that minimizes impacts on rangeland. Where proposed treaty settlement land overlaps with rangeland, the Province seeks to avoid or mitigate impacts through appropriate measures. Where impacts to tenure cannot be avoided, or appropriately mitigated, compensation in accordance with Provincial policy may be required.

The Province is developing specific approaches for mitigating any effects to the extent possible in cases where Crown land used for livestock grazing overlaps with proposed treaty settlement land.

The Province understands that ranches must remain economically viable and profitable for ranchers for solutions to be workable, otherwise alternative solutions will be found. While treaty negotiations continue, grazing will continue as is.

Proposed treaty settlement land has measures in place which prohibit mineral claims and new Crown land tenures not compatible with the goals of Crown-First Nation reconciliation. These measures have no effect on existing access to land, existing tenures or tenure renewals.



NSTQ draft AGREEMENT-IN-PRINCIPLE

LAND ACCESS

An NSTQ Final Agreement will include provisions to ensure specific access for owners of fee-simple parcels and tenure-holders adjacent to treaty settlement land.

With the exception of those lands designated as NSTQ private lands, NSTQ First Nations will allow reasonable public access on treaty settlement land for temporary recreational and non-commercial purposes, such as hunting, fishing, hiking and canoeing.

STAKEHOLDER ENGAGEMENT

The Province's objective is to reach agreements with First Nations that are well informed, understood and supported by

Aboriginal and non-Aboriginal communities alike.

The Province engaged with more than 200 stakeholders on the NSTQ incremental treaty agreements, including ranchers, mineral tenure holders, trappers, guide outfitters, private property owners and local government.

The Province duly considers information provided by stakeholders and actively uses that information to identify potential impacts and mitigation approaches.

The Province has and will continue to reach out to tenure holders potentially affected by proposed NSTQ treaty settlement land. Potential impacts will be identified in consultation with stakeholders

and the Province will work with them to address those impacts where appropriate, prior to a Final Agreement taking effect.

The Province has and will continue to meet regularly with local and regional governments, and industry associations as treaty negotiations progress.

The public will be able to participate either through the stakeholder engagement directly, or through future public information sessions.

TERRITORIES OVERLAPS

B.C. and Canada have been consulting with 27 First Nations on territory overlap and will continue through the remainder of treaty negotiations.

FOR MORE INFORMATION:

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To view the NSTQ draft Agreement-in-Principle, appendices and maps, see: ow.ly/H1ff306EaMT