



**Prince George Treaty  
Advisory Committee**

*Frequently Asked Questions*

~ April 2004 ~



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## **INTRODUCTION**

The Prince George Treaty Advisory Committee has compiled the following list of Frequently Asked Questions related to the Lheidli T'enneh treaty negotiations and treaty making generally.

PGTAC members and representatives have advised that members of the public in the north-central region are frequently raising these or similar questions. An awareness of the responses to these Frequently Asked Questions will improve public understanding, acceptance and support for treaties.

## **GENERAL QUESTIONS**

### **What is the Prince George Treaty Advisory Committee (PGTAC)?**

The PGTAC is made up of local government representatives – mayors, councillors and directors – from local governments within the Bulkley-Nechako and Fraser-Fort George Regional Districts.

### **What is their role and mandate?**

The PGTAC acts as an advisory committee representing local government interests in treaty negotiations with local First Nations, Canada and British Columbia.

### **How do local elected officials influence the outcome of treaty negotiations?**

Each set of treaty negotiations includes a member of the PGTAC on the team. By agreement with the province of British Columbia, a PGTAC representative sits at the negotiating table as a member of the provincial team. Each treaty sub-agreement that is prepared as part of the treaty final agreement is reviewed by the PGTAC, which in turn, consults with both Canada and B.C. and advises B.C. of the local government interests in negotiations. The PGTAC also acts as a facilitator to develop stronger relationships with local First Nations.

### **How can the public have input to the treaty negotiations?**

The Treaty Negotiations Office expects all negotiators to engage in consultation as part of their negotiating responsibility. In addition, the office engages in discussions on specific issues with particular groups and with local government



representatives. As well, the public is invited to attend and observe treaty negotiations sessions that are advertised in the local media. If any citizen has a specific question, they should contact the Treaty Negotiations Office as noted at the end of this document.

**Will any treaty settlement set a precedent for treaty negotiations with other First Nations?**

No. The land component in any treaty offer depends on factors specific to the First Nation and the negotiations, such as location, demographics, availability of Crown land and proximity to land claims by other First Nations. Government's mandate allows negotiators to consider specific circumstances in developing a comprehensive land package that will meet the needs of individual First Nations. Each treaty will be an outcome of the negotiation of specific interests the parties bring to the table. However, there will be many interests that are common to all tables and, as a result, similar approaches and solutions may be used.

**Who are the Lheidli T'enneh Band and where is their traditional territory?**

The Lheidli T'enneh Nation is a group of Carrier-speaking Aboriginal people. Their asserted traditional territory covers 45,000 square kilometers (27,000 square miles) from the Prince George area in the west to the BC-Alberta border in the east. The main Lheidli T'enneh community is located on the Shelley reserve, 20 kilometers (12 miles) northeast of Prince George. The Band has slightly over 300 members. About 100 Band members live near Shelley, and the majority of other members live in Prince George.

**Where can members of the public access a copy of the Lheidli T'enneh Agreement-in-Principle (AIP)?**

Through the Treaty Negotiations Office website at: [www.gov.bc.ca/tno/](http://www.gov.bc.ca/tno/)  
Through the BC Treaty Commission Website at: [www.bctreaty.net](http://www.bctreaty.net)

**How much land and cash will be given to the Lheidli T'enneh First Nation?**

The total amount of land included in the Lheidli T'enneh Agreement-in-Principle (AIP) is about 4,000 hectares (40 square kilometers), or 10,000 acres (25 square miles), of provincial and federal Crown land. This amount includes existing Lheidli T'enneh Indian Reserves. The amount of the capital transfer is \$12.8 million, less outstanding negotiation loans.

**How will treaty settlements affect the local economy?**

They will increase certainty over lands and resources, which will create a

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stronger, more positive climate for investment.

**What benefits will treaties bring to the community, the surrounding area and to individuals?**

Treaties offer the promise of greater self-reliance for aboriginal people and economic opportunities for both aboriginal and non-aboriginal British Columbians.

**Treaty making seems to be getting very complicated. How much will it cost?**

There are a number of real financial costs incurred by governments and others as a result of the treaty process. At the same time, there are expected to be a number of tangible and intangible benefits arising from treaty settlements for governments, First Nations and other British Columbians.

According to a 1999 report from Grant Thornton Management Consultants ([www.gov.bc.ca/tno/rpts/thornton.htm#executive](http://www.gov.bc.ca/tno/rpts/thornton.htm#executive)), the total financial benefit to British Columbia's First Nations is estimated to be approximately \$6.3 to \$6.8 billion. After deducting net provincial costs of approximately \$2.1 to \$2.5 billion, the net financial benefit to British Columbia ranges from \$3.8 billion to \$4.7 billion (in 1998 constant dollars).

**When will treaties be negotiated and settled with the First Nations in the Burns Lake area?**

Eight First Nations, including the Burns Lake Band, are part of the Carrier Sekani Tribal Council that entered the treaty process in January 1994, and is now in Stage 4 of the six-stage process, negotiating an Agreement-in-Principle. In 2002 negotiations focused on how to link access to forest opportunities with negotiation of a comprehensive treaty. The Ministry of Forests is working with individual Bands to assess opportunities resulting from increased harvesting to address the pine beetle infestation. The British Columbia Treaty Commission is discussing the basis upon which an Agreement-in-Principle can be achieved with Carrier Sekani Tribal Council, the federal and provincial governments.

**What is the difference between an Aboriginal right and a treaty right?**

Aboriginal rights are constitutionally protected rights that arise from the prior occupation of land, but they also arise from the prior social organization and distinctive cultures of aboriginal peoples on that land. Aboriginal title is a sub-category of Aboriginal rights dealing with lands and resources. Once treaties are implemented, aboriginal rights are modified into treaty rights as defined in the treaty. In agreeing to be enrolled under the terms of a treaty an aboriginal person



agrees to the modification of their aboriginal rights to treaty rights as set out in the treaty.

**Will treaties include rights that are based on race?**

No. British Columbia is not negotiating treaties on the basis of race. Treaties are being negotiated to define constitutionally protected aboriginal rights. Treaties are not race-based; they are fulfilling legal obligations. Aboriginal people are already treated differently because of the Constitution and common law. The application of Canadian laws has created disadvantages for aboriginal people. Treaties will address outstanding economic and social inequities that exist because aboriginal people have been treated differently.

## **CERTAINTY**

**Will the treaties currently being signed be final settlements of the First Nation's claims or will they be coming back for more in the future?**

Treaties are intended to be full and final settlements of aboriginal rights. Treaties will clearly set out who owns the land, who has the right to resources on it, and who has law-making authority over it. If, in the future, an aboriginal right is identified that was not known and addressed at the time the treaty was negotiated, the parties agree that they may negotiate an amendment to the treaty or governance agreement to address that right.

## **ACCESS**

**Will the current public access to Crown Lands for a wide range of recreation activities such as hiking, canoeing, fishing, berry picking, cross country skiing, etc., continue on Treaty Settlement Lands?**

The public will have reasonable access to treaty lands for non-commercial and recreational uses, as well as access to roads and rights-of-way.

**Who will enforce access over Treaty Settlement Lands? And how?**

The Access Chapter sets out the terms for access to Treaty Settlement Lands by the public, the Crown and its employees, public utilities, tenure holders, and adjacent property owners. If Lheidli T'enneh were to ever limit or prevent access to Treaty Settlement Land in a manner inconsistent with the Final Agreement, or



if a dispute over access were to arise, any of the parties to the treaty would have the option to refer the issue to dispute resolution. The process for dispute resolution is set out in the Dispute Resolution Chapter.

Provincial and federal representatives, including persons acting in an official capacity pursuant to lawful authority, may access treaty lands to carry out their duties. Which enforcement agency will ensure access and how it will be done will have to be worked out in the final agreement. In any case, federal and provincial laws will apply concurrently with Lheidli T'enneh laws and the final agreement, and the Lheidli T'enneh Governance Agreement will set out which law prevails where a Lheidli T'enneh law conflicts with a federal or provincial law.

**How will the treaty process safeguard the public interest in receiving utility services, which services require access or use of land?**

Major utility corridors may be excluded from Treaty Settlement Lands or may receive tenures from Lheidli T'enneh for rights-of-way on Treaty Settlement Lands. Also, utility distribution systems are often located in public road rights-of-way. These public roads, which are defined in the AIP as Crown Roads, will be excluded from Treaty Settlement Lands.

**How will treaty negotiators ensure that utilities will have uninterrupted access to public and private lands in order to install, operate and maintain utility infrastructure?**

The Access Chapter of the AIP provides that Public Utilities may access Treaty Settlement Lands to undertake works "necessary for the protection, care, maintenance, or construction of ...Public Utility works that are authorized on Lheidli T'enneh Lands or adjacent to Lheidli T'enneh Lands."

**How will disputes or uncertainties about access be resolved without disruption of utility services?**

It is intended that the terms of a Final Agreement and any replacement tenures issued by Lheidli T'enneh to Public Utilities will be clear and detailed enough to remove uncertainty with respect to access and to prevent disputes from arising.

**Will treaties protect utility customers from increased costs required to ensure utility access on treaty lands?**

Treaties will not affect charges levied by utility companies.

**Will utilities have access to processes for expropriation of treaty lands when the**

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**public interest requires such expropriation to secure access for utility purposes?**

The Lheidli T'enneh AIP includes the provision that British Columbia may expropriate land for the use of a third party, including a Public Utility, if the third party would otherwise have the authority to expropriate land under provincial legislation.

## **LANDS**

**People are concerned about their home and/or land. Will private property be included in treaty settlements?**

Private land will only be acquired from willing sellers. In the case of the Lheidli T'enneh AIP, the capital transfer includes money to buy up to 150 hectares (370 acres) of additional land from willing sellers between the AIP and the final agreement. Government will not expropriate private property for treaty settlement purposes.

**How much land is on the table for treaty settlements with First Nations? Will First Nations soon own all of Canada?**

Negotiators are currently negotiating the land quantum as part of the British Columbia Treaty Commission (BCTC) process. As part of the criteria for entering the BCTC process, a First Nation must submit a map of what they consider to be their traditional territory. A future land settlement may include a portion of this territory. That is the subject of negotiations. The amount of land to be transferred to a particular First Nation will be dependent on factors specific to the First Nation and the negotiations. There is no percentage of land set aside for the entire province that will be available as treaty settlement land.

Aboriginal self-government will have the characteristics of local government, with powers delegated from Canada and British Columbia. Treaty settlement land will be equivalent to private property. Federal and provincial laws will apply on treaty settlement lands, with First Nations laws operating simultaneously.

**When maps are issued showing the traditional territory or “area of interest”, questions are immediately raised regarding the meaning of this designation. Please explain the difference between treaty settlement lands and traditional territory.**

As part of the criteria for entering the BCTC process, a First Nation must submit a map of what they consider to be their traditional territory. This area is the





maximum extent of the First Nation's asserted land interests. The First Nation is not required to prove their claim to this asserted traditional territory and neither B.C. nor Canada acknowledges the First Nation's claim over it.

Treaty settlement is an area of land negotiated between B.C., Canada and the First Nation that will be owned by the First Nation once a treaty is finalized. Typically, treaty settlement land will be a portion of the First Nation's asserted traditional territory. The size and location of treaty settlement land is the product of the negotiations and takes into account the interests of the First Nation, B.C. and Canada.

**Will treaties provide aboriginals with any special control or rights over Crown Lands that are not part of Treaty Settlement Lands?**

No. Lheidli T'enneh members will be able to fish and hunt wildlife and migratory birds within their asserted traditional territory provided they have documentation issued by Lheidli T'enneh. Non-Lheidli T'enneh members will continue to have access to these lands for hunting and fishing. Provincial and federal ministers will continue to manage and conserve these resources and habitats.

**What is fee simple land as it is referred to in the Lheidli T'enneh AIP? And how will it be affected?**

The term fee simple is used in two different contexts in the Lheidli T'enneh AIP.

The first context is the explanation of the manner in which Lheidli T'enneh will own its lands. The specific manner of ownership is fee simple, which is a legal interest in land that is commonly characterized as private ownership.

The second context is in the description of three areas of land in the AIP land package as private fee simple. These three areas of treaty settlement land are distinguished by the fact that they will be held as private property, like any other private property, and Lheidli T'enneh law-making authorities will not apply.

**Will farmers or ranchers lose grazing land? Will they receive compensation?**

The terms and conditions of leases and licenses will be respected; fair compensation for unavoidable disruption of commercial interests would be negotiated.

**Will the Agricultural Land Reserve (ALR) stay intact on Treaty Settlement Lands?**

A process will be developed between AIP and the final agreement to exclude

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existing federal Crown land and Indian reserves from the ALR. The ALR does not apply at present. B.C. will also apply to the Agricultural Land Commission to seek removal of two other parcels, which consist of 670 hectares (1,656 acres), near the existing Shelley Indian Reserve. Two other areas of AIP land will remain in the ALR.

**Will the Province of B.C. apply to the Regional District of Fraser-Fort George (RDFFG) to exclude from the ALR, two of the Lheidli T'enneh Lands referred to in the AIP as Appendix A-1d and Appendix A-1e, and if so when?**

Yes. The application is in progress as of February 2004.

**If yes to the above question, then will this application for ALR Exclusion follow the path RDFFG presently recognizes in respect to an ALR Exclusion Application?**

Yes.

**Will there be a public hearing scheduled at the regular board meeting of the RDFFG for the local citizens, cattlemen, ranchers, farmers and farmers' institutes, etc., to voice their interests before the ALR Exclusion Application is referred to the Agricultural Land Commission (ALC) for their decision?**

The Regional District of Fraser-Fort George held a public information meeting on this issue on March 30, 2004.

**Will RDFFG send the Board's comments with respect of local citizen's issues with the Exclusion Application, if and when RDFFG board refers this application to the ALC?**

Yes.

**Will the Applicant (Province of BC) be asked to describe the intended land use and reasons for applying for ALR Exclusion?**

The standard form requires the applicant to provide a proposal for the exclusion. The province's application includes a proposal for exclusion that identifies the intended use as treaty settlement land and provides reasons supporting exclusion for this purpose.



**Will the various agencies, Ministry of Highways, Environment, Ministry of Community, Aboriginal and Women's Services, etc., be asked to submit comments to the ALC in the referred application to ALC by RDIFFG?**

The ALC may refer the application to other agencies and receive comments at its discretion.

**Should the ALR Exclusion application be recommended by the RDIFFG for denial and as well be denied by the ALC, would the Lheidli T'enneh be willing to look at other land parcel(s) not in the ALR, or possibly lands more suited for exclusion from the ALR given that they have a lower agricultural capability and would not have a negative impact on neighbouring parcels and land uses?**

This issue would be the subject of final agreement negotiations.

**Will other lands be placed in the ALR to compensate for the removal of any ALR land for treaty settlement purposes?**

In the case of the application pursuant to the Lheidli T'enneh AIP, the province has not identified alternate lands for inclusion in the ALR as part of its exclusion application.

**What happens to the lands currently in the ALR if the Agricultural Lands Commission deems they are to remain in the ALR?**

Again, this will be the subject of final agreement negotiations.

## **FORESTRY AND OTHER RESOURCES**

**When considering granting timber and other resources, how much accommodation should be made to First Nations?**

The resource component in any treaty offer depends on factors specific to the First Nation and the negotiations, such as location, demographics, and availability. Government's mandate allows negotiators to consider specific circumstances in developing a resource package that will meet the needs of individual First Nations.

**This region is predominantly dependent on forestry. What forest resources will be granted to First Nations as part of treaty settlements?**

This will be the subject of negotiations at each treaty table. In the case of the Lheidli T'enneh, the First Nation will own and manage the forests on their treaty

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settlement lands. As a side agreement to a final agreement, the parties will negotiate a community forest pilot agreement located off treaty settlement lands.

**Will forest licensees be compensated for any harvesting rights lost to treaty settlements?**

Yes. They will be compensated for compensable interests.

**If forest harvesting rights are included in treaty settlements, will there still be land and timber available for Community Forests?**

Yes. Prior to a final agreement with Lheidli T'enneh, the parties will negotiate a community forest pilot agreement located off treaty lands. In general, a community's interest in establishing a community forest would be judged on its own merits by the Ministry of Forests.

**Will the stumpage now paid by industry be increased to adjust for the timber granted in treaties?**

No.

**Will Treaty Settlement Land be taken out of the Allowable Annual Cut, thereby reducing the harvest now available?**

No. Lheidli T'enneh treaty settlement land will not be taken out of the AAC, thereby reducing the harvest.

**In the post-treaty environment, what mechanisms will be in place to avoid land claim issues related to resources such as mining?**

Treaties are being negotiated to create certainty over lands and resources in British Columbia. The current conflicts between First Nations' land claims and resource development occur because most First Nations in the province do not have treaties. The successful negotiation of treaties will resolve land claims and eliminate them as an obstacle to resource development.

**How will granting resources to First Nations impact non-aboriginals' access to resources?**

There will be access across treaty lands to existing third-party tenures and private properties identified in the appendices to the treaty.

**Will treaty settlements affect our industries' access to resources**

No. Treaty settlements will not affect industries' access to resources.

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**Who will enforce protection measures on water, our most important resource?**

Provincial and federal laws concerning environmental protection will continue to apply. Lheidli T'enneh will have the authority to make laws concerning environmental protection on treaty settlement lands, but provincial or federal laws will prevail in the event of a conflict.

## **HUNTING AND FISHING**

**Will treaties give aboriginal people hunting rights that non-aboriginals don't have?**

Under the Indian Act and the Canadian Constitution, Aboriginal people already have the right to hunt for food, social and ceremonial purposes, which non-Aboriginal people do not have. A treaty is a negotiated agreement that spells out these rights and responsibilities for First Nations members and the federal and provincial governments, and the relationships among them.

**Will hunting rights granted in treaty settlements affect the hunting rights of non-aboriginals?**

No. Hunting, fishing and recreational opportunities on Crown land will be ensured for all British Columbians.

**Will non-aboriginals be able to continue to hunt and fish in the traditional territory areas and will non-aboriginals be able to hunt on Treaty Settlement Lands?**

Yes. The public will continue to have reasonable access to Lheidli T'enneh lands for hunting and fishing and continued access to their traditional territory.

**How will hunting and fishing rights be assigned?**

Lheidli T'enneh can fish and hunt wildlife and migratory birds within their asserted traditional territory providing they carry documentation issued by the Lheidli T'enneh government. Provincial and federal governments will continue to manage and conserve these resources and habitats. The right to harvest wildlife will be limited by measures necessary for conservation, public health or safety.

**Will First Nations get all the prime hunting and fishing grounds?**

No. Provincial and federal ministers will continue to manage and conserve these resources and habitats. Existing guide outfitter tenures and registered trap lines will be identified and protected.



**Will treaties give aboriginal people the right to hunt at any time of the year?**

Harvesting of designated species by Lheidli T'enneh will be carried out under a final agreement, and approved by the provincial minister. The Wildlife Harvest Plan will address the designation and documentation of harvesters, and methods, timing and location of harvest. Lheidli T'enneh may also participate in a regional wildlife management process, if one is established.

**Will treaties give aboriginal people the right to hunt in Provincial or National Parks? If so, how is this justified?**

It may do so. With respect to the Lheidli T'enneh, they may exercise their right to hunt and fish in parks and protected areas within an identified area, subject to conservation, public health or public safety. Existing legal and Constitutional rights allow Aboriginal people to hunt for food, social and ceremonial purposes. This right is honoured and protected in current treaties, subject to conservation and safety concerns, and is also being negotiated in future treaties such as the Lheidli T'enneh.

**Will aboriginal people need hunting licenses?**

Yes. Lheidli T'enneh hunters and fishers must carry documentation issued by the Lheidli T'enneh government when they are hunting and fishing. A Wildlife Harvest Plan will address the designation and documentation of harvesters, and methods, timing and location of the harvest.

**Will the hunting and fishing regulations be the same for aboriginals and non-aboriginals?**

The Minister will remain responsible for the conservation and management of wildlife. In the case of the Lheidli T'enneh AIP, a Wildlife Harvest Plan will address the designation and documentation of harvesters, and methods, timing and location of the harvest.

**Who will monitor the aboriginal fishery and who will enforce the regulations?**

The federal and provincial ministers will retain the authority, within their respective jurisdictions, to manage and conserve fish and fish habitat. In the case of the Lheidli T'enneh AIP, the parties to the agreement may enter into agreements concerning enforcement of federal, provincial, or Lheidli T'enneh laws in respect of fisheries. The final agreement may also address enforcement issues in respect of Lheidli T'enneh's harvesting of fish and related activities.



**Will aboriginal people be required to observe gun registration laws?**

Yes. Although some sections of the federal Firearms Act and licensing regulations have been adapted for Canada's Aboriginal Peoples. The Aboriginal Peoples of Canada Adaptations Regulations respects the traditional lifestyles of the Aboriginal Peoples of Canada, as well as the Aboriginal and treaty rights recognized and affirmed by section 35 of the Constitution Act, 1982.

**Will treaties give the right to sell fish or wildlife commercially or will any harvest be for food only?**

Wildlife harvested under the final agreement may not be sold, unless federal and provincial laws were to allow the sale. Lheidli T'enneh will have the right to harvest fish for food, social and ceremonial purposes. These fish cannot be sold.

## **ENVIRONMENTAL ISSUES**

**What environmental controls and regulations will apply to resource extraction or harvesting activities on Treaty Settlement Lands?**

Province-wide standards of resource management and environmental protection will continue to apply on Treaty Settlement Land.

**Who will monitor and enforce the guidelines for environmental protection on Treaty Settlement Lands?**

Lheidli T'enneh may enter into agreements with other governments on environmental protection and environmental emergencies.

## **GOVERNANCE**

**What type of First Nations government will exist post-treaty?**

Lheidli T'enneh will have a democratic and accountable system of government post-treaty. A Governance Agreement will be negotiated outside the treaty. Under this agreement, Lheidli T'enneh will be able to function independently and manage its own affairs. This means looking after day-to-day practical matters like traffic regulation and business licensing as well as providing housing, education and health services to Lheidli T'enneh citizens. The Lheidli T'enneh government will hold democratic elections every five years. The Lheidli T'enneh government will be able to tax Lheidli T'enneh citizens on treaty land.



**What determines whether Federal, Provincial or First Nations laws will prevail on Treaty Settlement Land or in related matters?**

Federal and provincial laws will apply concurrently with Lheidli T'enneh laws and the final agreement, and the Lheidli T'enneh Governance Agreement will set out which law prevails where a Lheidli T'enneh law conflicts with a federal or provincial law.

**Will treaties provide a separate justice system for aboriginals?**

No. The Canadian Charter of Rights and Freedoms and the Criminal Code will apply to Lheidli T'enneh treaty lands, Lheidli T'enneh government and Lheidli T'enneh citizens, as will all other federal and provincial laws of general application.

## **INTERGOVERNMENTAL RELATIONSHIPS**

**Where a First Nation is in close proximity to a municipality, how will the two forms of government work together?**

Lheidli T'enneh Government may enter into agreements with local government to coordinate activities and proposed land use on and off treaty lands.

**Will First Nations get representation on Regional District boards?**

Yes. The Lheidli T'enneh Government may participate on the Board of the Regional District of Fraser-Fort George by mutual agreement.

**How will Regional Board representation work?**

Lheidli T'enneh or other First Nations, as a member of the board, would operate under the same rules that apply to a member municipality with the Chief or Band Councillor appointed annually by the Band Council to sit on the board.

**How will it work on a board where there are currently fourteen directors and there are twenty or more First Nations who could be represented?**

The specific manner in which First Nations will participate on a regional district is the subject of continuing negotiations. The specific nature of this participation may vary depending on the specific circumstances in a particular region.

**Will there be a mechanism to resolve disputes between municipalities or regional**

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**districts and First Nations?**

The membership on the regional district board will be a key feature of maintaining good relations and working together.

**How does the Lheidli T'enneh agreement affect the City of Prince George and residents of the Blackburn area?**

There should be no affect on the City of Prince George or Blackburn area. Lheidli T'enneh will invite the regional district to participate in the development of laws concerning planning, zoning and development of treaty lands that are proposed for industrial purposes.

**How will the Lheidli T'enneh gain access to services the City of Prince George and the Fraser-Fort George Regional District currently offer?**

If Lheidli T'enneh wishes to receive local government services for its residents, it would have the option of entering into a service agreement with a local government offering a specific service. Alternatively, the Lheidli T'enneh could become a full participant in a function through an amendment to the establishing bylaw (consistent with the Local Government Act) that provides for the service. Under such an arrangement, the Lheidli T'enneh would be under the same rules as a municipality.

**Who will pay for fire protection on Treaty Settlement Lands and how?**

Fire protection services will also have to be worked out, including cost.

**How will First Nations participate with School Districts post-treaty?**

The AIP does not prescribe participation in a School District. It is possible that Lheidli T'enneh will negotiate the nature and scope of their participation post-treaty, in a similar manner that the relationship between the Lheidli T'enneh Government and local governments will evolve over time, post-treaty.

**What affect will the Lheidli T'enneh agreement have on the Prince George Airport Authority (PGAA)?**

As with other local governments and authorities, the Lheidli T'enneh Government may enter into agreements with the PGAA to coordinate activities and proposed land use on and off treaty lands. None of the proposed treaty settlement land lies within the area occupied by the Prince George Airport.

**Will First Nations participate within the North Central Municipal Association**

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**(NCMA)?**

The Lheidli T'enneh Government may participate on the RDFFG Board by mutual agreement, and the RDFFG is a member of the North Central Municipal Association.

## **TAXATION AND FISCAL RELATIONS**

**When will tax exemptions for aboriginal people be phased out?**

Under Section 87 of the Indian Act, status Indians in British Columbia are exempt from PST and GST if the product is purchased on Reserve, or delivered to a home address on Reserve, and exempt from income tax only if they both live and work on Reserve. Once the treaty is signed, Section 87 of the Indian Act will no longer apply and a transitional period will be negotiated that is comparable to other land claim or self-government agreements-in-principle, or in other land claim or self-government final agreements in British Columbia. For example, under the Nisga'a Treaty, all Nisga'a citizens must pay PST and GST eight years after the treaty took effect, regardless of residence, and income tax after 12 years, regardless of where they live and work.

**Will there be tax parity with non-aboriginals? Will aboriginals pay income, property, school and sales taxes in the same way as non-aboriginals?**

Lheidli T'enneh citizens will pay income and sales tax. Lheidli T'enneh Government will have law-making authority to directly tax Lheidli T'enneh citizens on treaty lands to pay for services such as education.

**Will the BC government get any tax revenue from resources or resource extraction on Treaty Settlement Lands?**

The Lheidli T'enneh AIP provides that Lheidli T'enneh will own subsurface and forest resources on Lheidli T'enneh lands and will receive the proceeds of any rents, fees, or sales associated with those resources. The province will receive tax revenue from business taxes and income taxes of the workers involved in the resource extraction.

**Will First Nations be able to offer lower taxation to entice industry to locate in their communities?**

The fiscal arrangements between the parties should not create unreasonable disincentives for Lheidli T'enneh to raise revenues from its own sources. However, the province also realizes that there has to be a level playing field for



all British Columbians, and will seek to ensure that non-Aboriginal governments have the same opportunities as First Nations governments.

**Will aboriginals have access to provincial and federal government services, ranging from health care to highways, and will they be required to contribute to the costs of these services in the same way as non-aboriginals?**

Yes, Lheidli T'enneh citizens currently have access to provincial and federal government services and will continue to have access to these services post-treaty. Lheidli T'enneh citizens will contribute directly to the funding of these services once the Indian Act Section 87 tax exemptions are phased out. The Lheidli T'enneh Government will contribute to the funding of its activities from its own revenues. It is the parties' shared objective that this contribution will be increased over time to reduce Lheidli T'enneh's reliance on federal and provincial funding.

**What school and educational grants do First Nations receive and will these continue post-treaty?**

Elementary and secondary educational services are available to status Indian children living on Reserves through three education systems: First Nation-operated schools on Reserves; provincially administered schools off Reserves; federal schools operated by Department of Indian and Northern Development (DIAND) on Reserves. DIAND provides financial assistance, through administering authorities such as First Nation councils, to eligible status Indian students enrolled in, or accepted to, eligible post-secondary education programs. DIAND also funds some programs designed for First Nation students at First Nation post-secondary institutions.

Under a governance agreement negotiated outside the treaty, the Lheidli T'enneh Government may be responsible for providing education services to Lheidli T'enneh citizens.

The parties will negotiate and attempt to reach fiscal agreements which will include how funding will be provided to Lheidli T'enneh to support the provision of agreed-upon programs and services to Lheidli T'enneh citizens and, where applicable, all other residents of Lheidli T'enneh Lands. Until the first fiscal agreement comes into effect, Lheidli T'enneh will continue to receive federal and provincial funding if they meet the criteria and in accordance with conditions in effect from time to time.



## **ZONING AND DEVELOPMENT**

### **What are the rights of nearby landowners if a First Nation proposes a development that will negatively affect the value of the adjacent properties?**

The treaty may include an effective dispute resolution mechanism that is accessible to the local governments, particularly relating to inter-jurisdictional issues such as planning, land use, natural resources, growth management, stewardship, and transportation.

### **Will First Nations be subject to the zoning, development and building regulations of the local government authority (e.g. Regional District)?**

The Lheidli T'enneh AIP provides that the Lheidli T'enneh Government may make laws in respect of the planning, zoning and development of Lheidli T'enneh lands. In developing the laws the Lheidli T'enneh will invite the Regional District of Fraser-Fort George to participate in planning, zoning and development of Lheidli T'enneh lands that are proposed for industrial uses or purposes. Lheidli T'enneh may also enter into agreements with local governments to coordinate activities and proposed land use in their respective areas of responsibility.

### **Will First Nations be required to consult with their neighbours and neighbouring jurisdictions about development proposed on treaty settlement lands?**

The Lheidli T'enneh Government may enter into agreements with local government to coordinate activities and proposed land use in their respective areas of responsibility.

### **What does the Lheidli T'enneh plan to do with the former Experimental Farm lands? Do they plan to build a casino there?**

Lheidli T'enneh will determine future uses of Lheidli T'enneh lands. Casino applications are subject to provincial requirements and processes regardless of whether they are on or off treaty settlement land – i.e. rezoning and applications to the Gaming Policy and Enforcement Branch.

### **Should non-Lheidli T'enneh citizens wish to purchase property (i.e. a home) in the future development of the former Experimental Farm land, what rights will they have in how the land is managed or governed?**

The Lheidli T'enneh AIP Governance Chapter provides that a Lheidli T'enneh government will include at least one elected representative from non-Lheidli T'enneh Citizens resident on Lheidli T'enneh lands. The AIP also provides that



non-Lheidli T'enneh Citizens residing on or having a property interest in Lheidli T'enneh lands will be consulted with and will be provided opportunities for participation in decisions of the Lheidli T'enneh government or Lheidli T'enneh institutions that affect them.

**Will the Prince George Airport Authority and the Lheidli T'enneh both be required to consult with the neighbouring community on land use planning and other activities?**

The Lheidli T'enneh will invite the Regional District of Fraser-Fort George to participate in planning, zoning and development of Lheidli T'enneh lands that are proposed for an industrial use or purpose. Lheidli T'enneh may also enter into agreements with local governments to coordinate activities and proposed land use in their respective areas.

## **COMPENSATION**

**Since any granting of land or rights is bound to encroach on existing rights, what is the policy on third party compensation?**

One of the major principles that guide the provincial government treaty negotiations at the treaty table is that the terms and conditions of leases and licences should be respected and that fair compensation for unavoidable disruption of commercial interests should be ensured.

The land identified in the Lheidli T'enneh AIP totals 4,027 ha, including 3,120 ha of provincial Crown land, 240 ha of federal Crown land, 667 ha of Indian Reserve land. Prior to reaching final agreement, existing third-party legal interests will be identified and protected.

**How is third party compensation working in practice? Is it successfully meeting the needs of those whose rights have been impacted?**

Third parties whose legal interests are negatively impacted by treaty settlement will be compensated.



## CONTACT INFORMATION

**For further information regarding treaties and treaty making:**

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