

In-SHUCK-ch Nation Agreement-in-Principle

TREATY INFORMATION

Certainty for British Columbians

The provincial government is committed to negotiating workable, affordable treaty settlements. By resolving Aboriginal land issues, treaties will reduce the need for expensive litigation and will create greater 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 principles that guide provincial negotiations with First Nations and Canada. A Final Agreement with the In-SHUCK-ch Nation will clearly define the rights and obligations of the First Nation in a way that is consistent with B.C.'s guiding principles.

The treaty package of land, cash and resources is outlined in the AIP. Canada and British Columbia will share the costs of the treaty package. British Columbia contributes mainly Crown land and Canada contributes mainly cash.

The In-SHUCK-ch Agreement-in-Principle

Since 2002, the Nation has been engaged in intensive negotiations toward an AIP. The In-SHUCK-ch Nation represents the Douglas First Nation, Samahquam Nation and Skatin First Nations with 907 members on 18 Indian reserves located along the Lillooet River Valley between Harrison Lake and Mount Currie.

- Proposed treaty lands encompass an area of approximately 13,208 hectares of provincial Crown land and 1,310 hectares of existing Indian reserves within the core area of the In-SHUCK-ch Statement of Intent area (SOI). British Columbia and Canada are negotiating to acquire 59 hectares of private land on a willing-seller, willing-buyer basis. Overall, proposed treaty lands encompass 14,577 hectares.

A treaty with the In-SHUCK-ch Nation will:

- clearly define the rights and obligations of the First Nation
- stimulate regional economic growth that will benefit all British Columbians
- provide greater certainty on lands and resources, which will improve the investment climate in the region
- increase the Nation's participation in the regional economy
- reduce reliance on government transfers and phase out tax exemptions
- provide agreement on self-government and co-operative local government relations

Land

Proposed treaty lands would connect most of the existing Indian reserves along the Lillooet River between Harrison Lake and Mount Currie. There is a total of approximately 13,208 hectares of provincial Crown lands plus 1,310 hectares of In-SHUCK-ch Nation Indian reserves and may include 59 hectares of private land being negotiated by the provincial and federal governments on a willing-seller, willing-buyer basis. The land package will be 14,577 hectares.

The land package upholds B.C.'s negotiating principle that **private property should not be expropriated for treaty settlements.**

B.C.'s negotiating principle that **treaties should include mechanisms for harmonizing land-use planning between Aboriginal governments and neighbouring local governments** is also reflected in this AIP. In-SHUCK-ch Nation may enter into agreements with local and regional governments to coordinate planning processes to encourage harmonization of standards on and off proposed treaty lands.

Members of the Squamish-Lillooet and Fraser Valley Regional Districts are supportive of the In-SHUCK-ch Nation's treaty aspirations and the economic development potential of a settlement for the local economy.



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In-SHUCK-ch Nation will own its treaty lands in fee simple. Fee simple ownership provides the First Nation with flexibility to manage its land and generate long-term economic benefits. Legal interests on treaty lands existing immediately before the effective date will continue as before, subject to change only by agreement between the holder of the interest and the First Nation. 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 federal government will provide most of the capital transfer of \$21 million to the In-SHUCK-ch Nation. The funds will assist them to develop business capacity and economic opportunities, providing a solid economic foundation for their communities. The money may be spent locally, which would also help bolster the local economy.

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. The In-SHUCK-ch Nation will own the land negotiated in this treaty and, like any other landowner, will own and manage forest resources on its lands. They will be able to make laws with respect to forest management, but these laws must be consistent with provincial standards.

Wildlife, Migratory Birds

The AIP addresses 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 Nation 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. Hunters will be required to carry documents that meet criteria set out in the treaty.

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 the In-SHUCK-ch Nation will provide certainty for the long-term diversity and abundance of wildlife and ensure the Province's continued ability to use, manage and conserve these resources for all British Columbians.

In-SHUCK-ch Nation will allow reasonable public access on In-SHUCK-ch Nation land for temporary recreational and non-commercial purposes, including reasonable opportunities for the public to hunt and fish on treaty land.

Fisheries

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** is upheld in this AIP.

The First Nation will have a right to harvest fish for food, social and ceremonial purposes, limited by measures necessary for conservation and public health or public safety. This right will be implemented through an In-SHUCK-ch Nation harvest document issued by the federal Minister.

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

Before Final Agreement, the Parties may negotiate and attempt to reach agreement on economic fishing opportunities for the In-SHUCK-ch Nation.

Environmental Protection and Parks

B.C.'s negotiating principle that **parks and protected areas will be maintained for the use and benefit of all British Columbians** is addressed in the AIP.

The In-SHUCK-ch Nation will be able to participate in environmental assessment processes for proposed projects that could have adverse effects on treaty lands and will be able to make environmental protection laws for treaty lands.

The Province is committed to working together with the First Nation and local recreational groups to preserve and enhance parks and protected areas. The First Nation also values the importance of tourism and recreational opportunities in the region. The In-SHUCK-ch Nation may work on a Parks Management Agreement through the Ministry of Environment.

The Final Agreement will not affect public access to provincial parks.



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Culture and Heritage

The AIP provides a process of reconciliation that respects the Nation's heritage, such as the sharing of In-SHUCK-ch Nation artifacts. The AIP will also address the protection of key sites of cultural and historical significance and the naming or renaming of geographic place names.

Governance

In-SHUCK-ch Nation will have a constitution that will provide for an accountable and democratically-elected government.

The Nation will have authority to make laws as set out in the Final Agreement and other agreements outside of the Final Agreement. These agreements will set out which laws will prevail in the event that an In-SHUCK-ch Nation law conflicts with a federal or provincial law. The nature and scope of each law-making authority will be determined during Final Agreement negotiations.

The First Nation government will consult with individuals who are not In-SHUCK-ch Nation members but who live on, or hold property on, In-SHUCK-ch Nation treaty land.

Taxation

After a transition period, In-SHUCK-ch 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 its members living on their lands and, upon agreement with Canada or British Columbia, over non-members living on treaty land. Provincial consent will be based on appropriate provisions for non-member representation in the In-SHUCK-ch Nation government.

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In-SHUCK-ch First Nation Agreement-in-Principle WILDLIFE MANAGEMENT

Protecting B.C.'s Wildlife

British Columbia's wildlife is a rich natural resource and the Province is committed to ensuring it is managed for the benefit of all British Columbians. Wildlife and wildlife habitat are renewable resources requiring careful management in order to protect diversity, abundance and health, and to ensure harmony among environmental, social and economic interests. The Province's overall principle of addressing wildlife issues in treaty negotiations is that hunting, fishing and recreational opportunities on Crown land will be ensured for the use and benefit of all British Columbians.

The government of British Columbia seeks to negotiate treaties that:

- ensure wildlife conservation and sustainability
- ensure continued hunting and recreational opportunities on Crown land for the benefit of all British Columbians
- clarify rights, responsibilities and jurisdiction with respect to wildlife

Wildlife Management

In-SHUCK-ch wildlife management will be developed and managed through the authority of the Ministry of Environment.

The First Nation will develop a wildlife plan to manage the harvest of any wildlife species that the Ministry of Environment designates for conservation reasons, or with the agreement of the Province and First Nation, for other species the parties wish to designate. The Nation will also have the right to participate in provincial wildlife advisory management processes that relate to their harvest area.

Frequently Asked Questions

Question: Who will retain overriding authority over wildlife management?

Answer: The provincial and federal ministers responsible for wildlife and migratory birds will retain full responsibility for managing and conserving those resources.

Question: Will a treaty allow In-SHUCK-ch unlimited access to harvest of wildlife and migratory birds?

Answer: No. The AIP sets out that First Nation hunters will have the right to harvest wildlife for domestic purposes within a defined area, limited by measures necessary for conservation, public health, and public safety. The treaty will also provide that provincial and federal ministers will retain full authority for the management of wildlife and migratory birds and their conservation and habitat.

Question: Will In-SHUCK-ch members need licences to hunt?

Answer: They will need to provide documentation that verifies they are In-SHUCK-ch Nation members. Any Wildlife Harvest Plan developed jointly by the First Nation and British Columbia and approved by the provincial minister will include details regarding the designation and documentation of In-SHUCK-ch hunters.

Question: Will In-SHUCK-ch enforce harvesting restrictions on their own members? If not, who is responsible for ensuring that violators are prosecuted?

Answer: Arrangements for enforcement of harvesting restrictions set out in the treaty will either be enforced by In-SHUCK-ch or, through negotiated agreements, by conservation officers on behalf of the First Nation. Under the treaty, provincial conservation officers and federal fisheries officers will retain authority to enforce the *Wildlife Act*.



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Question: When it comes to species for which there is a conservation concern, will In-SHUCK-ch members be subject to the same harvesting restrictions as non-Aboriginal hunters?

Answer: The provincial minister responsible for wildlife will retain authority for all aspects of wildlife management. The In-SHUCK-ch right to harvest wildlife is subject to measures that are necessary for conservation. Factors that will be taken into consideration include the status of the species, conservation issues, and current harvesting levels by hunters who are not In-SHUCK-ch. If the total allowable harvest of a designated species is zero, there will be no In-SHUCK-ch allocation.

Question: What is a Wildlife Harvest Plan?

Answer: A Wildlife Harvest Plan will set out a detailed management regime for the harvesting of species for which there is a conservation concern or by agreement of the parties for other species. A Wildlife Harvest Plan must be approved by the provincial minister before it can come into effect.

Question: Under this agreement, will the In-SHUCK-ch be able to sell the wildlife they harvest?

Answer: No. Wildlife harvested by First Nation members under the Final Agreement may not be sold. Their wildlife allocation will be for food, social and ceremonial purposes.

Question: How will the trade and bartering of wildlife apply to this agreement?

Answer: First Nation members will have the right to trade or barter among themselves — or with other Aboriginal people of Canada who are living in British Columbia — wildlife or wildlife parts harvested under their treaty rights. Trade and barter does not include the right to sell wildlife.

Question: Won't these agreements create tension in the community?

Answer: A treaty will clearly define the First Nation's hunting and fishing rights. This will eliminate the uncertainty associated with undefined Aboriginal hunting and fishing rights. The Final Agreement will provide for First Nation participation in a regional wildlife management process made up of In-SHUCK-ch and non-Aboriginal hunters. Through such a process, all parties can work cooperatively to develop a framework for wildlife conservation.

Question: In what way will a treaty help to protect and conserve wildlife in the area?

Answer: The First Nation shares the commitment of local wildlife users to sustaining wildlife populations in the region. Through treaty and in concert with the Ministry of Environment, In-SHUCK-ch will have a more involved role in the protection and conservation of wildlife. The Nation recognizes that conservation and the health of wildlife stocks take precedence over treaty hunting rights.

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BUILDING A NEW RELATIONSHIP

In-SHUCK-ch First Nation Agreement-in-Principle PARKS

Protecting B.C.'s Parks and Protected Areas

British Columbia's provincial parks are a rich natural resource, and the Province is committed to ensuring parks are maintained for the benefit of all British Columbians. Parks and protected areas require careful management in order to safeguard biodiversity and ecological values, and to ensure harmony among environmental, social and economic interests. The government of British Columbia seeks to negotiate treaties that:

- ensure provincial parks and protected areas are maintained for the benefit of all British Columbians
- ensure recreational opportunities in parks continue for all British Columbians
- clarify rights, responsibilities and jurisdiction with respect to parks and parks management

Parks Management

The In-SHUCK-ch Nation is committed to working together with the Province and local recreational groups to preserve and enhance parks and protected areas. The First Nation also values the importance of tourism and recreational opportunities in the region.

The courts have recognized the rights of First Nations to carry out hunting and gathering activities in parks, limited by measures necessary for conservation, public health or public safety. Under the terms of the Final Agreement, In-SHUCK-ch Nation and British Columbia will negotiate arrangements to ensure that First Nation members' activities are compatible with other park values and activities. First Nation activities will be built into provincial park management plans. The First Nation's participation in parks management will inform visitors about the history and culture in the region.

The In-SHUCK-ch Nation may negotiate a Parks Management Agreement through the Ministry of Environment.

Due to its proximity to Whistler and the Lower Mainland, the First Nation recognizes the importance of working with recreation groups in order to build tourism capacity in the region.

Frequently Asked Questions

Question: Which parks are located within the In-SHUCK-ch Statement of Intent (SOI)? The SOI is the First Nation's traditional territory.

Answer: Garibaldi Provincial Park, Golden Ears Provincial Park, and Pinecone Burke Provincial Park are all in the SOI. As well, the Stein Valley Nlaka'pamux Heritage Park is adjacent to the north east border of the SOI. However, none of these parks is located within proposed treaty land.

Question: What access will my family have to parks in the region after treaty settlement?

Answer: There will be no provincial parks on treaty land, and public access to parks within the In-SHUCK-ch Nation traditional territory will be maintained.

Question: Who will retain overriding authority over provincial parks and protected areas?

Answer: The Minister of Environment will retain full responsibility for managing and conserving provincial parks and protected areas.

Question: Will a treaty allow In-SHUCK-ch Nation members' unlimited access to carry out traditional activities in parks?

Answer: No, the AIP sets out that the First Nation's right to hunt, fish and gather plants will be limited by measures necessary for conservation, public health and public safety. In-SHUCK-ch Nation member activities in parks may be built into park management plans outside the treaty. These plans will balance the First Nation members' access with park values and access for other users. Provincial and federal ministers will retain full authority for the management and conservation of these resources and their habitat.



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Question: What is a park management plan?

Answer: A park management plan sets out the objectives for park use and guides provincial management of the park for the future. Such a plan would set out In-SHUCK-ch Nation's involvement and participation in park planning and management.

Question: Will these agreements create more certainty for park users in the region?

Answer: A treaty will eliminate the uncertainty associated with undefined Aboriginal rights by modifying them into clearly defined treaty rights and responsibilities. These will include their Aboriginal rights to hunt, fish and gather. A Final Agreement will also provide for the First Nation to participate in regional management processes set up by the provincial or federal governments, including park management plans. Through such processes, all parties can work cooperatively for the benefit of all British Columbians.

Question: Will a treaty help to protect and conserve parks and protected areas in the area?

Answer: In-SHUCK-ch Nation shares the commitment of local park users to sustaining parks and protected areas in the region. No parks or protected areas will be removed from the area. Building First Nation community involvement into park management processes will contribute to improved relations with other users and consolidate local commitment to conserve and protect parks.

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In-SHUCK-ch First Nation Agreement-in-Principle INTERGOVERNMENTAL RELATIONS

Building Relations with Local Governments

Intergovernmental relations play a critical role between First Nations and local governments in creating and sustaining a workable treaty. Effective local relationships will support efforts to resolve local issues and communities can work together for the benefit of the region. The First Nation and local governments are taking a cooperative approach to working together on matters of common interest.

Whether in a remote community or urban area, the importance of building positive, working relationships with local governments is critical to the ongoing success of a treaty.

In-SHUCK-ch Nation may enter into agreements with local governments on the coordination of land-use planning processes, including:

- The relationship that the First Nation government will have with the Fraser Valley and Squamish-Lillooet Regional Districts on the delivery and payment of services
- Provisions to coordinate activities between governments in common areas of interest
- The participation of the First Nation government, and representation for residents on In-SHUCK-ch Nation treaty lands, in the Fraser Valley and Squamish-Lillooet Regional Districts
- Opportunities to coordinate land-use planning on treaty lands with local government land-use plans

To address local interests in land-use planning and servicing, provincial negotiators worked closely with the Fraser Valley and Squamish-Lillooet Regional Districts. Regular meetings were held during AIP negotiations and will continue during Final Agreement negotiations. A local government representative participates as a member of the provincial negotiating team.

Frequently Asked Questions

Question: Are local governments involved in treaty negotiations with the In-SHUCK-ch Nation?

Answer: Yes. Provincial treaty negotiators work closely with local governments on a wide range of matters, including servicing arrangements. Regular meetings are held with local government representatives.

Provincial and federal negotiators will also continue to hold public meetings in the Fraser Valley, Squamish-Lillooet region and In-SHUCK-ch Nation communities, providing information on the progress of treaty negotiations and responding to questions and concerns. Local residents may take concerns and comments to the local government representative who participates at the treaty table.

Question: Will the In-SHUCK-ch Nation pay for services they receive from local government?

Answer: The AIP acknowledges that access to services is vital for any self-governing community. It is a priority for the First Nation to have access to water, fire protection and police protection on reasonable terms. Discussions on options for payment of services will lead to servicing arrangements in the Final Agreement.

Question: Will the In-SHUCK-ch Nation become a member of Fraser Valley and Squamish-Lillooet Regional Districts?

Answer: In-SHUCK-ch Nation and the Fraser Valley Regional District signed a Memorandum of Understanding and a Protocol Agreement in 2005 establishing a government-to-government relationship. In-SHUCK-ch Nation will continue to build relationships with local governments to address issues of common interest.

Question: Will the In-SHUCK-ch Nation coordinate land-use planning with local governments?

Answer: The Parties have acknowledged the interest of local governments in ensuring consistent and compatible planning and land-use management decisions.



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Question: What is the nature and scope of the In-SHUCK-ch Nation governance authorities?

Answer: The First Nation will have a democratically-elected government with law-making authorities in wildlife, education, child and family service, adoption and emergency preparedness. The treaty and other agreements will provide the In-SHUCK-ch Nation government with the authority to:

- manage its own affairs
- manage First Nation public institutions
- provide services which meet the needs of its members and the communities as a whole
- participate effectively in economic opportunities and regional governance processes

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