

GUIDELINES FOR SELECTION OF CROWN LAND TO BE TRANSFERRED TO CHESLATTA AS FEE SIMPLE LANDS

Potential for transfer of Crown land as fee simple title lands from BC to Cheslatta is one element of the Settlement Agreement. This may be supplemented with Crown land tenures where appropriate.

Guidelines for Crown Land Selection

1. Lands will be selected with the primary objective of supporting Cheslatta cultural, social, and economic interests.
2. Lands will be located in Cheslatta traditional territory.
3. Land selection will seek to avoid conflicts with other First Nations.
4. Lands with competing claims of other First Nations are subject to consultation by BC with consideration for historic use and strength of claim.
5. Cheslatta and BC will attempt to sort out potential conflicts with other First Nations.
6. The Parties will seek to maintain existing land designations e.g. protected areas and Old Growth Management Areas.
7. The Parties will seek to avoid lands with area-based tenures, compensation liabilities to third parties, and contamination liabilities.
8. Selection and transfer will consider public access to lands and waters beyond.
9. Subsurface rights will remain with BC (e.g. minerals, oil and gas).
10. The Parties will discuss and attempt to reach agreement on any lands that Cheslatta intends to apply for as additions to its Reserves.
11. The lands will be transferred to a Cheslatta corporation.
12. The lands transferred will be subject to provincial and local government laws.

Process for Selection and Transfer of Fee Simple Lands

It is anticipated that the process will:

1. Proceed in a timely manner beginning with the joint identification of priorities.
2. Include potential for ongoing adjustments to address conflicts arising from staking, consultation with other First Nations and stakeholders, risks of third party compensation etc.
3. Include potential for adjustments depending on land value and transfer costs.
4. Include scheduling of transfers consistent with Cheslatta near term cultural, social and economic priorities.
5. Include BC placing reserves from alienation over draft land package when appropriate.