



INFORMATION PACKAGE

Treaty Land Entitlement and Site C Agreement
Land Transfers in Northeast B.C.

Part 1: Land Transfer Fact Sheet

March 11 & 12, 2020

Introduction

This Fact Sheet, [Part 1](#) of the Land Transfer Information Package, provides general information about the land transfer process for Treaty Land Entitlement and Site C Agreements to support engagement with stakeholders, including tenure holders and the public.

About Treaty 8

Treaty 8 is the largest of 11 numbered, historic treaties in Canada and the only one of the numbered treaties signed with First Nations in British Columbia. Eight First Nations communities in Northeast B.C. are signatories to Treaty 8: Blueberry River, Doig River, Fort Nelson, Halfway River, McLeod Lake, Prophet River, Saulteau, and West Moberly First Nations.

Treaty 8 provides for reserve land and sets out the constitutionally protected hunting, fishing and trapping rights of each First Nation within Treaty 8 territory. However, some Treaty 8 Nations did not receive all the lands promised to them at the time the treaty was signed.

The Province's goal is to help right this long-standing injustice and move reconciliation forward with Treaty 8 First Nations – fairly and justly – in a way that responds to their communities' needs. The provincial government is taking steps to provide lands owed to Treaty 8 First Nations for more than 100 years through Treaty Land Entitlement Settlement and Lands Agreements.

The Province is also working to provide lands to recognize the impacts of the Site C project on Treaty 8 First Nations' treaty rights through Site C Land Agreements.

These agreements are expected to stimulate positive economic activity and growth. They also have the potential for new environmental conservation opportunities in Northeast B.C., such as the Doig River Tripartite Land Agreement with B.C. and BC Hydro to recommend land measures, parks and protected areas.

Reconciliation

British Columbia is committed to reconciliation with Indigenous peoples. This document refers to Indigenous peoples broadly, and refers to Aboriginal as a specific term defined in the *Constitution Act of 1982* in s.35 (1), that includes First Nations, Métis and Inuit.

Reconciliation addresses the ongoing effects of colonial policies and practices on Indigenous peoples and seeks to establish and maintain mutually respectful relationships between Indigenous and non-Indigenous peoples.

One important way the provincial government is advancing reconciliation is bringing into force legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples – the first province in Canada to do so.

“Reconciliation is the work of individuals, institutions, and of government – but reconciliation is not the work of a single year,”
(Joanne Laucius, Ottawa Citizen).

On November 26, 2019 the *Declaration on the Rights of Indigenous Peoples Act* passed unanimously in the B.C. Legislature, creating a framework for reconciliation in B.C.

Court decision after court decision has upheld the Indigenous title and rights, and directed government to take action to address rights and title. The legislation gives us a path forward, creating clarity and predictability for all people in British Columbia. Providing lands to settle Treaty Land Entitlement, and providing lands and other measures to accommodate for the adverse impacts of Site C, are examples of this approach.

Treaty Rights

As long-time occupants of these lands, Aboriginal peoples have a unique legal status that provides inherent Aboriginal rights which are protected under Section 35 of the *Constitution Act* of Canada, 1982. The *Constitution Act* recognizes Aboriginal rights, treaties, and treaty rights.

In the case of Treaty 8, First Nations have treaty rights to hunt, trap and fish in all areas within Treaty 8, as well as any practices that support those rights.

About Land Transfers in Northeast B.C.

The Province is engaged in two types of land transfers with Treaty 8 First Nations in Northeast B.C.:

- Treaty Land Entitlement
- Site C Land Agreements

The Province is working with Treaty 8 First Nations to identify Crown lands for transfer under Treaty Land Entitlement Settlement and Site C Land Agreements. Some of the lands will be transferred as Federal Indian Reserves and some lands will transfer as fee simple (private) lands.

This process takes time, and the Province will take the time necessary to gather, review and assess input from all engagement activities in order to make recommendations for land parcel transfers. This process includes a detailed agency review, consultation with First Nations and tenure holders and stakeholder feedback and comments.

These agreements will only be finalized after stakeholder consultation takes place and stakeholder input is considered.

Total Quantum of Land Transfers

B.C. expects the total amount of land transferred for both Treaty Land Entitlement and Site C Land Agreements to be approximately 65,000 hectares of Crown land. Specific amounts of land for each First Nation have yet to be confirmed. Final decisions on any Crown land parcels will not be made until input from stakeholders has been considered.

Purpose of Treaty Land Entitlement

Background

Treaty Land Entitlement is a specific claim for land that should have been provided to Treaty 8 First Nations when the Treaty was signed, between 1899 and 1900.

Treaty land was allocated on a per-person basis, but many members were away for seasonal activities when their Nations' populations were surveyed.

As a result, some First Nations did not receive all the land they were owed.

Treaty Land Entitlement is intended to help right this historic wrong by providing reserve land to those Nations that have been owed additional land to since 1914.

The Province is negotiating with Sauteau, Doig River, Blueberry River, Halfway River and West Moberly First Nations and the federal government to identify suitable Crown lands

that may be transferred as reserve land or as fee simple (private) land. Treaty Land Entitlement settlement in B.C. is only with these Treaty 8 First Nations.

The Treaty Land Entitlement settlement will release the federal and provincial governments from the Treaty Land Entitlement legal claim for land that should have been provided to First Nations when Treaty 8 was first signed. The Treaty Land Entitlement Lands Agreement with each First Nation will set out the process for land transfers.

First Nations and the federal government in other provinces across Canada have Treaty Land Entitlement settlements in place, and B.C.'s process is following those settlement models.

Purpose of Site C Land Agreements

Background

Site C is the third dam and hydroelectric generating station to be constructed on the Peace River in Northeast B.C. The provincial and federal governments ran a Joint Review Panel that examined the project's impacts on First Nations and held a public hearing on the project. The Joint Review Panel report found that the Site C project would, "significantly affect the current use of land and resources for traditional purposes by Aboriginal peoples..." (Joint Review Panel Report, May 1, 2014)

Site C Land Agreements

The Province, BC Hydro and some Treaty 8 First Nations have signed Site C Land Agreements that commit to providing Crown land in fee simple (private land) to compensate First Nations for the impacts of the Site C project on their treaty rights. Doig River, Halfway River and Sauteau First Nations and McLeod Lake Indian Band have signed Site C Land Agreements at this time. Blueberry River, West Moberly and Prophet River First Nations are also eligible for Site C Land Agreements.

The Joint Review Panel determined that Site C will have adverse impacts to the hunting, fishing and trapping rights of some Treaty 8

Treaty Land Entitlement

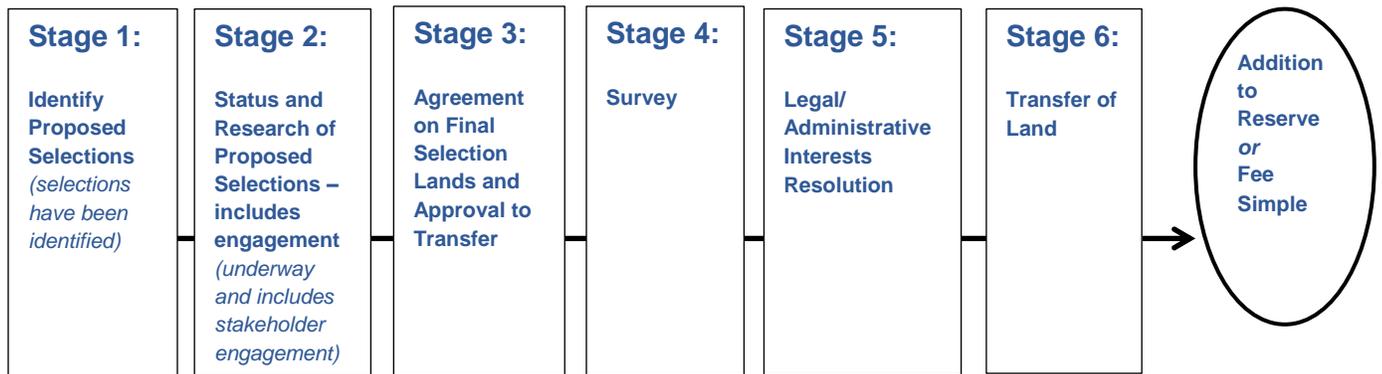
- **Historic Treaty Settlement**
- Shortfall lands: owed for over 100 years as part of Treaty No. 8 for Federal Reserve creation.
- Additional lands: sold at fair market value as part of reconciliation for Treaty Land Entitlement as fee simple (private) or Federal Reserve land.

Site C Land Agreements

- **Accommodation for project impacts**
- Lands to accommodate for the adverse impacts of the Site C project to Treaty 8 rights.
- Lands will be transferred in fee simple (private) and the First Nations may apply to have some of their fee simple lands added to existing reserve land.

The Land Transfer Process

The following diagram depicts the provincial Land Transfer Process in six stages:



The Province is currently in Stage 2 of the land transfer process and is working to address all of the encumbrances overlapping the land selection parcels.

Stakeholder Engagement

The Province is engaging with a number of stakeholders on land transfers:

- Tenure holders
- Local governments
- Interest groups (industry, recreation, conservation, etc.)
- Public

The Province is providing opportunities for stakeholders to voice interests and concerns about proposed land transfers by holding meetings and open houses with key interested stakeholders and members of the public. We will hear and record stakeholder's feedback on proposed parcels and consider stakeholder's interests, together with all other relevant information, including any potential impacts. The Province and First Nations may propose parcel changes to mitigate any concerns we hear. We will develop a 'What we Heard' report, keep stakeholders informed about the land transfer process, report out on land transfer decisions, and provide feedback on how stakeholder's input was considered in making decisions.

A Northeast Roundtable has also been established, with representation from local government, industry, public interest groups and First Nations. The aim is to discuss agreements that the Province is building with Treaty 8 First Nations, help the Province to understand stakeholder interests, and help improve public awareness and understanding of reconciliation with First Nations.

Concerns and input from tenure and licence holders, local governments, stakeholders and the public will be considered before decisions are made on transferring land parcels.

The Province will work to address tenure holder interests around existing tenures, licenses or leases on Crown land that are designated for transfer of ownership to First Nations.

The Province will only agree on the final selection of lands once an approach has been developed for land parcels that overlap with tenures, and stakeholder concerns have been heard and considered.

Stakeholder engagement timeframes vary for each of the Treaty Land Entitlement First Nations land parcels.

Stakeholder engagement happens in Stage 2 of the land transfer process. The Province has been engaging on Treaty Land Entitlement with stakeholders since 2016, and since 2017, stakeholders have been providing feedback on land parcels put forward for input, through focus group meetings, the Northeast Roundtable, and at public open houses.

