

Kitselas Treaty and Kitsumkalum Treaty Lands and Access Fact Sheet

After three decades, the Province of British Columbia (B.C.), the Government of Canada (Canada), Kitsumkalum First Nation (Kitsumkalum) and Kitselas First Nation (Kitselas) are nearing the conclusion of negotiations on two modern treaties.

Once Crown consultations and legal and technical review is complete, the treaties must be ratified by Kitselas and Kitsumkalum members. Should Kitselas and Kitsumkalum members ratify the treaties, B.C. and Canada would also ratify the treaties, including passing legislation to bring the treaties into effect. This process will take several years to complete.

Modern treaties are an important part of advancing reconciliation, righting past wrongs and recognizing First Nations self-governance and self-determination. Treaties create jurisdictional and operational certainty for everyone in the region where they are concluded, while supporting partnerships, economic development and community social well-being. Treaties are informed by the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action.

Kitsumkalum and Kitselas worked together with B.C. and Canada at a common negotiation table to negotiate their treaties. Organizations, businesses, property owners, and local governments and people in the Skeena area have been engaged in these negotiations for many years and will continue to be engaged as the parties move towards ratifying the agreement.

This fact sheet provides more information on the Kitselas Treaty and Kitsumkalum Treaty, and the process ahead to ratify and implement these treaties. Treaties address a wide range of interests between a First Nation, B.C. and Canada. One of those interests is land.

Learn more at <https://engage.gov.bc.ca/KitselasKitsumkalumTreaties>. If you have questions, please contact: Kitselas.Kitsumkalum@gov.bc.ca.

Where are the territories of the Kitselas and Kitsumkalum First Nations?

Kitselas and Kitsumkalum are members of the Tsimshian First Nations Treaty Society, which represents multiple Tsimshian Nations whose combined territory spans the northwest coast and the lower Skeena River, including the Prince Rupert and Terrace areas.

What is the difference between traditional territory and treaty land?

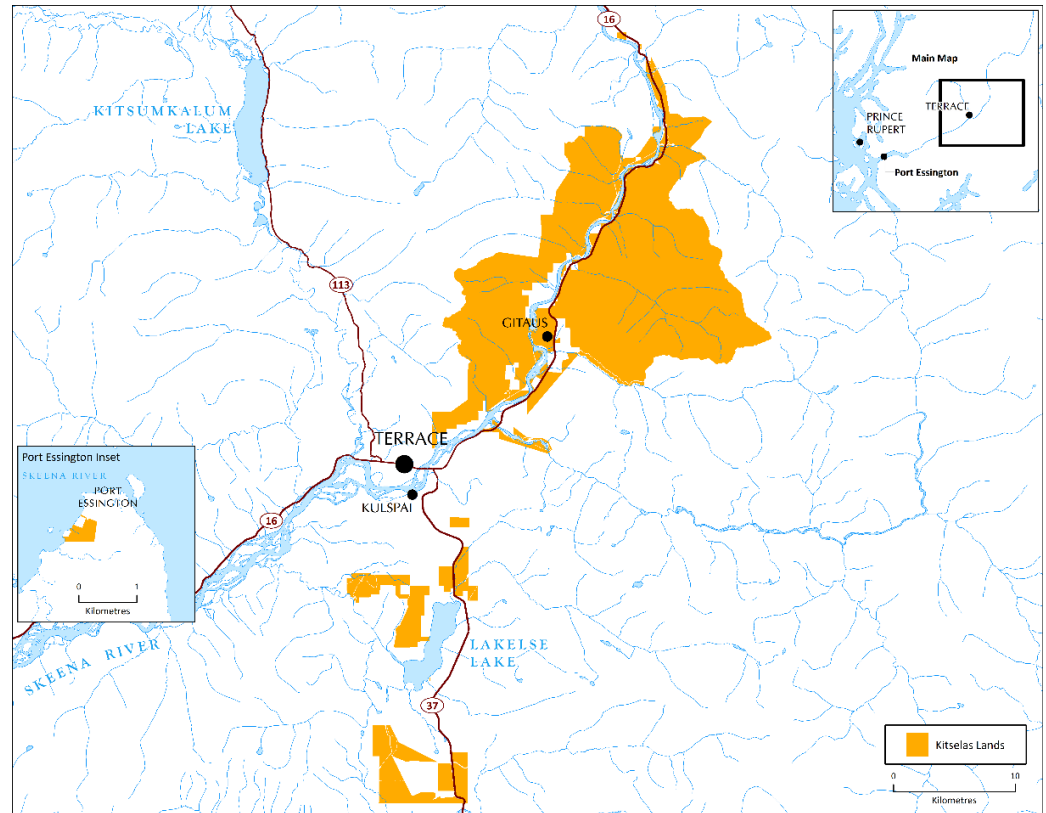
The traditional territory is the broad area used by the Nations currently and historically. Traditional use by members of the Nations generally involved the harvesting of fish, wildlife and other natural resources throughout the broader territory. The treaties refer to this broader territory as "Kitselas harvest area" and the "Kitsumkalum harvest area" where Nation members have recognized rights to harvest and practice other cultural activities.

Each treaty would also include specific "treaty lands" within the broader territory that are selected through the treaty negotiations process. Treaty lands are distinct land parcels that would be owned and governed by either Kitsumkalum or Kitselas.

What's the difference between reserve lands and treaty lands?

Reserve lands are owned by the federal government and for the use and benefit of a First Nation community. First Nation and members residing on reserve land under the *Indian Act* have limitations on their control over lands and resources.

Treaty lands are specific lands within a First Nation's territory that have been negotiated through the treaty process to be owned by the Treaty Nation as a collective. Once the treaties go into effect, all existing Indian Reserve lands would become treaty lands. Treaty lands are owned by the Treaty Nation, which has jurisdiction over the land. The treaties will also enable the Treaty Nations to decide whether members (or non members) own fee simple estates on treaty lands.



Kitselas Treaty Lands
(For informational purposes only)

How were the lands selected?

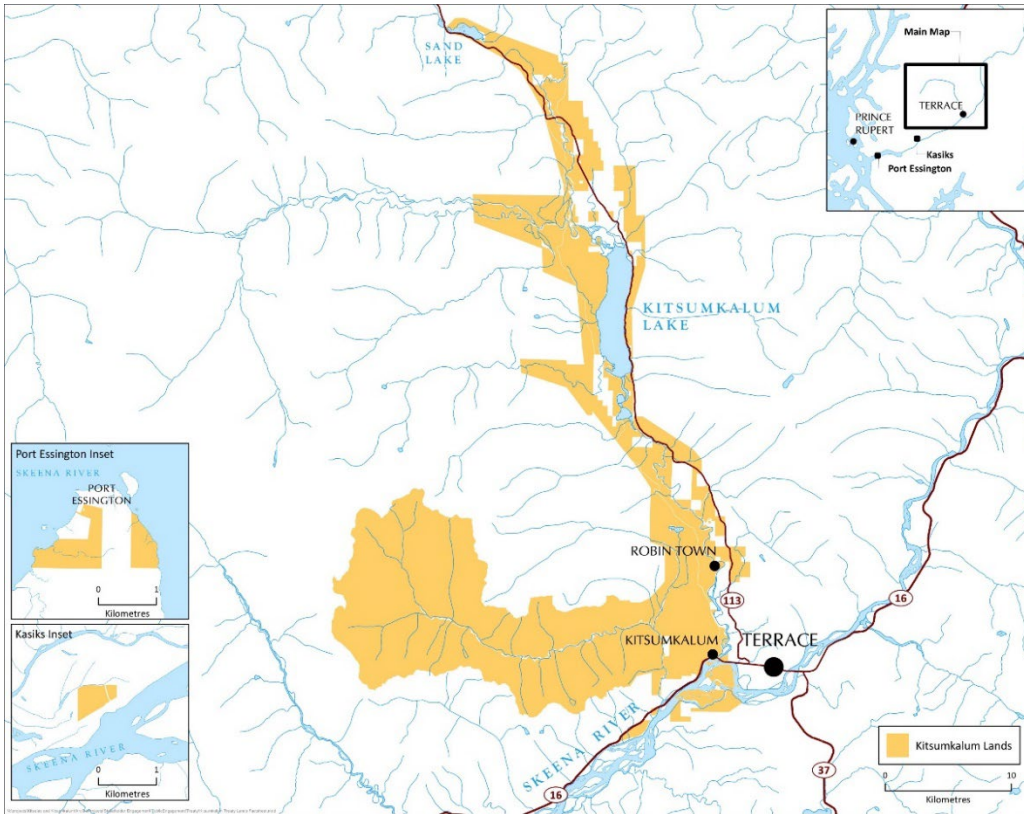
Land is a core aspect of treaties. Identification of lands included in treaties is a complex process involving technical analysis, consultation with other neighbouring First Nations, local governments and other interest holders.

B.C. and Canada work with the First Nations to identify land to return to the Nations based on their goals for community development, economic development, and cultural and traditional connections. The land negotiation process also considers access to traditional resources and connecting land parcels, so they are next to each other.

How would the Kitselas and Kitsumkalum First Nations use the treaty lands?

If the treaties are approved, Kitselas and Kitsumkalum First Nations would plan for and make decisions about how best to use their treaty lands. Kitselas and Kitsumkalum would be responsible for the management, zoning and development of their respective treaty lands.

Each treaty will identify extensive treaty lands that would remain accessible to the public and the process by which the Nations are able to control access where public access is not compatible with the use of the land. Public access to certain treaty lands such as key recreation sites, is specifically addressed in the treaty.



Kitsumkalum Treaty Lands
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Would I still be able to access and use the proposed treaty lands?

Most of the treaty lands would still be accessible to the public for recreation, hunting and fishing. The First Nations may choose to change some of the land to private lands, where the use of the land is not compatible with public access. The First Nations may also regulate access to the land such as requiring a permit for certain activities and/or charging an administrative fee.

Would I still be able to travel through treaty lands?

Yes, the public can continue to travel through these lands, where they are not designated as private lands, and on public roads to access Crown lands or private property. Numbered provincial highways and major resource roads are excluded from the treaty land packages.

Would the treaties affect access to private property?

People who own private property next to treaty lands are guaranteed continued access to their lands under the treaties. Numbered provincial highways and major resource roads are excluded from the treaty land packages, ensuring access for landowners. If a private property is accessed by a road that would become treaty lands, Kitselas or Kitsumkalum will provide an easement to ensure continued access.

What authority will Kitselas and Kitsumkalum have over their treaty lands?

Kitselas and Kitsumkalum will have law-making authority with respect to management, planning, zoning and development on treaty lands. Federal and provincial laws will also apply to all lands owned by Kitselas and Kitsumkalum and operate concurrently, subject to the treaty conflict provisions for each law-making authority.

How would Kitselas and Kitsumkalum be involved in regional land-use planning processes?

Treaties enable First Nations governments to work collaboratively and harmonize land-use planning with local governments. Kitselas and Kitsumkalum may participate in any provincial land-use planning process affecting their territories. The treaties also provide an opportunity to the Nations to join the Kitimat-Stikine Regional District.

Kitselas and Kitsumkalum would have sole responsibility for land-use planning for treaty lands and would determine how best to use the lands. Treaty Nations manage, zone and develop their treaty lands as they see fit. The treaties identify treaty land parcels that would remain publicly accessible.

How are existing tenures and authorizations in the future treaty lands addressed?

Any interests existing on Kitselas and Kitsumkalum lands prior to the transfer, and identified in the treaties, would either be replaced with an equivalent tenure, permit, or other authorization, or continue to remain in place as-is once the treaty goes into effect.

To support the Treaty Nations' interests in becoming more active participants in the regional forest economy, existing forest tenures will be removed from treaty lands. Any impacted licensees would be compensated fairly in accordance with provincial legislation.

How are shared and overlapping territories with other First Nations addressed in these treaties?

In B.C., territories of First Nations often overlap. The outcomes of treaty discussions are subject to ongoing consultation with First Nations who may be impacted by these treaties.

These are complex processes requiring respectful dialogue with and between Canada, B.C. and First Nations.

What would happen to lands designated under the Agriculture Land Reserve (ALR) on treaty lands?

The ALR was established before Aboriginal and treaty rights were recognized in Canada, and without consultation with First Nations. Roughly 50 percent of land in the ALR throughout B.C. is Crown land.

About 5,475 hectares of proposed Kitsumkalum and Kitselas treaty lands are currently designated as ALR. These would be placed under a new agricultural designation established by Kitsumkalum and Kitselas under their respective law-making and zoning authorities. About 1,875 hectares would be under Kitselas' agricultural designation and about 3,600 hectares would be under Kitsumkalum's agricultural designation.

The designations will define farm and non-farm uses comparable to current ALR regulations, and the First Nations have committed in the treaty to prioritizing preservation of agricultural lands long-term. This model supports the potential use of agricultural lands that may not otherwise be farmed and advances shared food security and agricultural goals.