

Natural Resources

The Final Agreement sets out Tla'amin Nation's rights to harvest natural resources. In some cases, such as timber and subsurface resources, these harvesting rights apply on Tla'amin Lands. In other cases, such as the harvest of wildlife or fish, these rights may be exercised in wider geographic areas described in the Final Agreement.

Further, Tla'amin Nation is able to make laws regarding natural resources on Tla'amin Lands and regulate Tla'amin harvesters throughout the Tla'amin Nation harvest areas. Federal and provincial laws apply, along with Tla'amin Laws, and the Final Agreement clearly sets out which law prevails if there is a conflict.

FOREST RESOURCES

Tla'amin Nation owns all timber and forest resources on Tla'amin Lands and has authority to manage those timber and forest resources.

Tla'amin Nation is responsible for the control of insects, diseases, invasive plants and animals on Tla'amin Lands which may affect the health of forest resources on those lands. Provincial law in respect of the protection of resources from wildfire and for wildfire prevention and control applies to Tla'amin Lands.

Under a side agreement, Tla'amin Nation will receive a total of 78,000 cubic metres of allowable annual cut from provincial Crown land, which includes 28,000 cubic metres per year under British Columbia Timber Sales. In addition, Tla'amin Nation received \$350,000 to acquire additional annual cut on a willing seller, willing buyer basis.

Each calendar year, Tla'amin Nation will have the opportunity to harvest up to 250 cubic metres of monumental red or yellow cedar for cultural purposes within the Tla'amin area. Monumental cedars are trees older than approximately 250 years and at least 100 cm in diameter.

WILDLIFE AND MIGRATORY BIRDS

Under the Final Agreement, Tla'amin Citizens have the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within the Wildlife and Migratory Birds Harvest Area. This right is limited by measures necessary for conservation, public health or public safety.

Tla'amin Nation is able to make laws to regulate the harvest of wildlife and migratory birds by Tla'amin Citizens harvesting under the Tla'amin right to harvest wildlife and migratory birds, including the requirement

to carry documentation issued by Tla'amin Nation. Federal and provincial laws, including laws on the use and possession of firearms, apply on Tla'amin Lands and throughout the Wildlife and Migratory Birds Harvest Area.

Tla'amin Nation allows reasonable access to non-members to hunt on Tla'amin Lands in accordance with federal and provincial laws and with Tla'amin Laws respecting access to these lands.

Tla'amin Citizens may trade and barter wildlife, wildlife parts, migratory birds and migratory bird parts among themselves and with other Aboriginal people of Canada. Tla'amin Citizens may sell migratory birds and bird parts, wildlife and wildlife parts, and meat and furs, where such sale is permitted under federal, provincial and Tla'amin Nation law.

Guide outfitter tenures that exist on Tla'amin Lands as of the Effective Date of the treaty will continue.

ELK ALLOCATION

Under the Final Agreement, Tla'amin Nation receives an allocation for Roosevelt elk of 50 per cent of the total allowable harvest of Roosevelt elk for the Powell-Daniels, Theodosia and Lois Harvest Areas. Harvesting of this allocation takes place within the designated Tla'amin Wildlife and Migratory Birds Harvest Area.

The Final Agreement also allows for Tla'amin Nation to enter into an agreement with another First Nation to authorize members of that First Nation to harvest from Tla'amin's allocation.

PLANT GATHERING

Under the Final Agreement, Tla'amin Citizens have the right to gather plants for food, social and ceremonial purposes on provincial Crown land within the Tla'amin Plant Gathering Area. This right is limited by measures necessary for conservation, public health or public safety. The authority for managing and conserving plant resources will remain with the relevant federal or provincial minister.

WATER

British Columbia has established a water reservation under the *Water Sustainability Act* for Tla'amin Nation of 11,225 cubic decameters of water per year for domestic, agricultural and industrial uses from the following streams: Sliammon Creek, Appleton Creek, Okeover Creek, Bern Creek, Whiskey Still Creek, Theodosia River and Kwehtums Kahkeeky. This covers surface waters only and further nego-

tiation and agreement would be required for groundwater use.

Existing third-party water licences on streams that are subject to Tla'amin Nation water reservations are not affected by the water reservation and retain their existing priority date.

Water licences on streams subject to Tla'amin water reservations retain their existing priority. British Columbia has established hydro power reservations under the *Water Sustainability Act* for Tla'amin on Sliammon Creek, Appleton Creek and Theodosia River for five years to enable Tla'amin Nation to investigate the suitability for hydro power purposes.

PLANNING AND MANAGEMENT OFF TLA'AMIN LANDS

Tla'amin Nation has the right to participate in any provincially developed public planning

process within the Provincial Public Planning Process Area. Tla'amin Nation may make proposals to British Columbia to establish a public planning process within Tla'amin territory.

The Final Agreement does not prevent Tla'amin Nation from participating in a provincial process or institution, including a process or institution that may address matters of shared decision-making, or any provincial programs, policies or initiatives that British Columbia makes generally available to First Nations.

THEODOSIA RIVER WATERSHED

The Final Agreement provides that Tla'amin Nation and British Columbia will negotiate and attempt to reach agreement on a shared decision-making agreement for the Theodosia River watershed.

ENVIRONMENT

Provincial and federal laws concerning environmental protection continue to apply on treaty settlement lands. The Tla'amin Government is able to make laws concerning environmental protection on Tla'amin Lands. Federal and provincial laws will prevail in the event of a conflict.

Tla'amin Nation is able to participate in environmental assessment processes regarding its lands, and the Tla'amin Government may enter into agreements with other governments on environmental protection and environmental emergencies.

PARKS AND PROTECTED AREAS

The responsible minister retains the authority to manage provincial and national parks, protected areas, and marine conservation areas, in a manner consistent with the treaty.

If you would like more information about the Tla'amin Final Agreement, contact:



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