

BC Treaty 8 TLE Settlements – An Overview

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National Claims Research Directors Meeting

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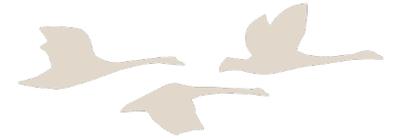
Treaty 8's Treaty Land Entitlement Provision

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for such bands as desire reserves, the same not to exceed in all one square mile for each family of five for such number of families as may elect to reside on reserves, or in that proportion for larger or smaller families; and for such families or individual Indians as may prefer to live apart from band reserves, Her Majesty undertakes to provide land in severalty to the extent of 160 acres to each Indian...

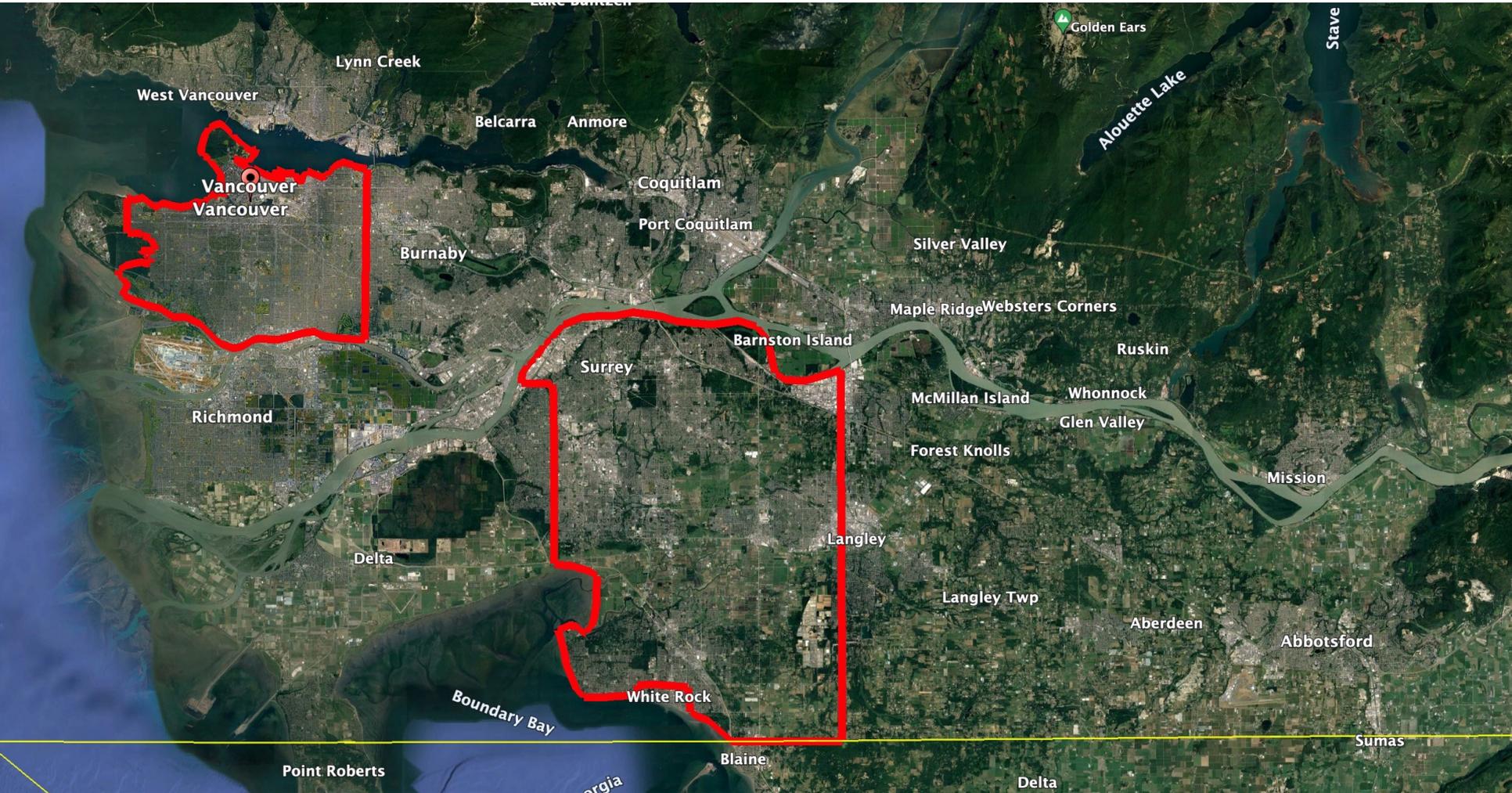
Which Treaty 8 First Nations settled their TLE Claims?

- Blueberry River First Nation
- Doig River First Nation
- Halfway River First Nation
- Saulteau First Nations
- West Moberly First Nations

What do the settlements look like?

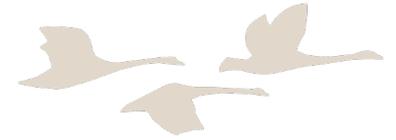


- Canada provides cash compensation - \$800M for 5 Nations
- BC provides settlement lands – 109,000+ Acres for the 5 Nations – equal to 444 km²
 - City of Vancouver & Surrey combined, plus 10 km² more
- Includes two types of lands
 - Shortfall Acres
 - Reconciliation Lands (formerly “Equity Acres”)



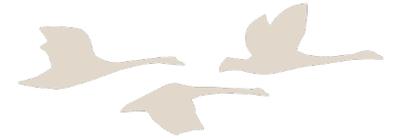
The Land...examples only!

The Land...



- Shortfall lands → relates to acres for families missed, identified as the “ADOFS” population
 - Transferred to Nation with full sub-surface rights, as if originally set aside at DOFS
- Reconciliation Lands → Crown lands made available and purchased at Fair Market Value (FMV)
 - ATR - % of lands immediately available to ATR
 - Fee Simple lands remain – negotiated taxation issue, can be ATR’d later
- First time a province without an *NRTA* has included lands in settlement of a specific claim

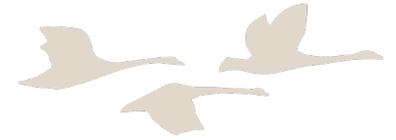
The Land...



Overall, several themes emerged with all Nations' Shortfall/Reconciliation lands selection:

- Reserve Expansion – bring members back home
- Commercial Development Lands – provide economic opportunities for members
- Protection of culturally significant lands – protect ability to maintain traditional mode of life & cultural practices
- Spread out selection - protect and assert Nations' consultation rights within Treaty 8 territory

Lessons Learned?



- These negotiations were decades-long initiatives
 - Claims were originally filed in the 1990's, negotiations began in earnest in the 2000's
- Land Back was possible because of Treaty provision – settlement of the Western Boundary & *Yahey* court cases aided the lands question
- Get creative – many doors we thought were going to be closed were opened with some persistence and strong negotiating facts
 - Good research and strong experts helped!

If you have any questions, please feel free to contact my colleague, Cheyenne.

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Questions?



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Thank you for your time.