




CHAPTER BY CHAPTER SUMMARY

CARCROSS/TAGISH FIRST NATION FINAL AGREEMENT

May 2005





This document provides an overview of what the Carcross/Tagish First Nation (C/TFN) Final Agreement contains. A few points are provided for each chapter in the agreement to help explain what it covers. For more detailed information please refer to the C/TFN Final Agreement and the information sheets prepared by the Ratification Committee. You can also contact a field worker at the Ratification office if you would like to talk to someone about these topics.

ELDERS STATEMENT

- An Elders statement is attached to both the Final Agreement and the Self-Government Agreement. This statement does not form part of either agreement but explains C/TFN Elders' understanding of the Agreements.

CHAPTER 1: Definitions

- There are many legal words and terms in the land claims agreements (for example, Developed Settlement Land, Encumbering Right, Traditional Territory and many more). This chapter provides definitions of these terms.
- The definitions ensure a common understanding between the parties.
- Words that start with a capital letter in the Final Agreement are defined either in this chapter of the Agreement or in the definition sections found in a number of other chapters of the Agreement.

CHAPTER 2: General Provisions

- This chapter clarifies the relationship between C/TFN, Canada, and the Yukon.
- It also explains who can vote on the treaty.
- It sets out the rules for various management boards.
- The chapter outlines how to amend the final agreement if Canada, Yukon, and C/TFN all agree.
- It also talks about aboriginal rights and how they are handled. (*See the Aboriginal Rights and Title information sheet for details.*)

CHAPTER 3: Eligibility and Enrollment

- This chapter determines who may benefit from the Final Agreement and outlines the procedures someone needs to go through to enroll as a beneficiary.

CHAPTER 4: Reserves and Land Set Aside

- This chapter describes how Reserves and Land Set Aside will be dealt with.
- It describes the other specific claims that C/TFN and Canada will resolve in the future.





CHAPTER 5: Tenure and Management of Settlement Land

- This chapter talks about how Settlement Land will be owned and controlled.
- It defines the different types of Settlement Land C/TFN will have. There are three categories of Settlement Land: Category A, Category B, and Fee Simple. (*See the Land Matters information sheet for more details.*)

CHAPTER 6: Access

- This chapter describes the rights Carcross/Tagish people have to continue to access and use Crown Land.
- It describes exactly who is allowed to go on and use the different kinds of CTFN Settlement Land, and for what reasons.

CHAPTER 7: Expropriation

- This chapter explains how, in extraordinary circumstances, Government could acquire Settlement Land for projects that may be in the public interest (such as for emergencies).
- In the unlikely situation Government needs to expropriate Settlement Land, C/TFN will get new land or money in exchange. C/TFN and Government will negotiate the amount.

CHAPTER 8: Surface Rights Board

- A Surface Rights Board has been set up under this chapter. Half of the people on the Board are nominated by the Council of Yukon First Nations and the other half by Government.
- This Board makes recommendations when people disagree about who can enter and use private or C/TFN land.
- The chapter also describes how the Board will resolve disputes brought to it which involve surface uses of land, including uses related to mineral interests.

CHAPTER 9: Settlement Land Amount

- This chapter specifies that C/TFN will get at least 1554 square kilometres of Settlement Land if the agreement is approved.

CHAPTER 10: Special Management Areas

- Special Management Areas (SMAs) are special wildlife or fish management areas, migratory bird sanctuaries, or wildlife sanctuaries located in C/TFN Traditional Territory. This chapter outlines how Special Management Areas are created while also protecting C/TFN rights.
- The SMAs included in C/TFN's Final Agreement are Kusawa Park, Agay Mene Natural Environment Park, Tagish River Habitat Protection Area and Lewes Marsh Habitat Protection Area.
- C/TFN will have a role in the development of the management plan for each SMA.
- Carcross/Tagish people will also have the right to hunt, fish and benefit from certain economic opportunities within these areas.

CHAPTER 11: Land Use Planning

- This chapter describes a process called Land Use Planning. It is a process that will help C/TFN and other Governments plan how land might be used outside a community boundary in a way that will avoid problems.
- A goal of this chapter is to recognize the knowledge and experience of C/TFN people when developing land use plans according to this chapter.
- C/TFN will have the opportunity to incorporate traditional values and practices into the planning for future use of the land.

CHAPTER 12: Development Assessment

- A Development Assessment Process has been created as a result of land claim agreements. This process is now covered by the *Yukon Environmental and Socio-Economic Assessment Act* (YESAA).
- In the assessment process, Government and First Nations will review development proposals for things like mining, logging, dams, or road construction that might damage the land, air, water, people, or wildlife. The assessment process develops recommendations for Governments on how to reduce any potential damage to the environment, culture, people or communities.
- The assessment process is intended to protect the environment, First Nation culture and communities.

CHAPTER 13: Heritage

- This chapter explains how C/TFN will participate in the management of heritage resources in its Traditional Territory.
- It defines how heritage includes things related to First Nation culture (e.g. language, tools, traditional clothes, and sacred sites). C/TFN will own any heritage items relating to C/TFN culture found in its Traditional Territory.
- The Yukon Heritage Resources Board is set up under this chapter. Half of the members of the board are nominated by the Council of Yukon First Nations.

CHAPTER 14: Water Management

- This chapter outlines how Government and First Nations will protect water for the use of future generations.
- It provides the Yukon Water Board with new rules for making decisions on water licenses that might affect the water rights of Yukon First Nations. It also sets out a process for appointment of members of the board.



CHAPTER 15: Boundaries and Measurements

- This chapter describes how Settlement Land will be surveyed and how C/TFN will get economic benefits related to these surveys.

CHAPTER 16: Fish and Wildlife

- Harvesting rights under the agreement are defined in this chapter.
- The chapter also talks about how fish and wildlife will be managed to ensure future generations can continue to hunt and fish.
- Carcross/Tagish people will maintain harvesting rights in C/TFN's Traditional Territory. Their subsistence rights will get priority over other rights if harvests have to be limited because of conservation, public health and public safety.
- A local Carcross/Tagish Renewable Resource Council will be established and half of its members will be people nominated by C/TFN.
- The chapter also defines how traplines will be managed.

CHAPTER 17: Forest Resources

- This chapter explains that C/TFN shall own, manage, allocate and protect forest resources on C/TFN Settlement Land.
- It also explains how Government and C/TFN will work together on forest management and outlines the role of the Renewable Resource Council in forest management.



CHAPTER 18: Non-Renewable Resources

- This chapter defines who can access minerals and oil and gas on Settlement Land.
- C/TFN will own all of the mining and oil and gas resources on Category A land (66% of C/TFN Settlement Land is Category A), subject to any existing rights.

CHAPTER 19: Financial Compensation

- This chapter defines the amount of compensation money the Government will pay to C/TFN and how it will be paid. *(See Schedule B of this chapter of the agreement for the schedule of compensation payments.)*
- It also identifies the amount of the loans that C/TFN owes to Canada for negotiation of the agreements and payment of the Elders benefit program. The loan amount, including interest, will come out of the compensation payments. *(See Schedule C of the agreement for the schedule of the repayment of loans and interest.)*



CHAPTER 20: Taxation

- This chapter exempts compensation money from taxation.
- When the C/TFN Final Agreement is brought into effect, section 87 of the *Indian Act* will cease to apply to C/TFN and Carcross/Tagish People who live in the Yukon. In return, Canada will pay \$2,888,000 to C/TFN.
- The Self-Government Agreement allows C/TFN to enter into tax sharing agreements with Government. If C/TFN does this, most of the income tax that people living on C/TFN Settlement Land pay every year to the federal and Yukon governments would go to C/TFN instead (nine self-governing Yukon First Nations have negotiated these types of agreements).
- This chapter also sets out that Canada will assist C/TFN with property tax payments for ten years after the effective date of the agreements.

CHAPTER 21: Taxation of Settlement Land

- This chapter outlines how property taxes on Settlement Land will be dealt with after a land claim settlement is in effect. Most of C/TFN's land will not be subject to property tax because it is not used for commercial purposes or is "unimproved." Land with traditional use buildings, like cabins and tent frames, are considered "unimproved" and will not be taxed.
- The chapter notes that, if taxes are not paid on taxable Settlement Land, the land cannot be taken away from C/TFN. The most that can happen is services, such as water and sewer, may be taken away or stopped.

CHAPTER 22: Economic Development Measures

- This chapter provides C/TFN with many opportunities designed to increase jobs, training and business opportunities for its citizens and economic benefits for the whole First Nation.
- It also says a Strategic Economic Development Investment Fund will be set up. Canada will give C/TFN a one-time payment of almost \$5.6 million for this fund. The money will support economic development projects for the First Nation.

CHAPTER 23: Resources Royalty Sharing

- This chapter describes how C/TFN will receive a share of the royalties that companies pay to the Yukon for mining, and oil and gas development in the Yukon.
- C/TFN will be able to set and collect royalties for any oil and gas development or mining activities it allows on its Category A Settlement Lands.

CHAPTER 24: Yukon Indian Self-Government

- This chapter outlines what will be covered in a separate Self-Government Agreement.
- It lists the types of programs that C/TFN can negotiate to take over as a self-governing First Nation (e.g. education and training, culture and aboriginal languages, administration of justice).
- The Self-Government Agreement cannot be changed without negotiation with C/TFN (currently, the *Indian Act* can be changed without negotiation with C/TFN).



CHAPTER 25: Transboundary Agreements

- This chapter explains how First Nations would negotiate a Transboundary Agreement when part of their Traditional Territory falls outside of the province or territory where they are primarily based.
- The chapter will guide how C/TFN will negotiate a transboundary agreement in the future with British Columbia and Canada for C/TFN's interests in the Province of British Columbia.

CHAPTER 26: Dispute Resolution Process

- Canada, the Yukon, and C/TFN can solve disagreements they may have on many issues covered in the land claim agreements by using the Dispute Resolution Process. This process is defined in this chapter.
- A Dispute Resolution Board has been set up with three people appointed jointly by the Council of Yukon First Nations, Yukon and Canada.

CHAPTER 27: Yukon Fish and Wildlife Enhancement Trust

- A trust fund that will help restore and enhance fish and wildlife, and their habitat, has been set up under the land claim agreements. The trust is managed by the members of the Yukon Fish and Wildlife Management Board.
- The governments of Yukon and Canada and the Council of Yukon First Nations put \$3.5 million in total into the trust when it started.

CHAPTER 28: Implementation and Training for Settlement Implementation

- This chapter explains that plans will be developed to guide the implementation of the Final Agreement.
- It also sets up the Yukon Indian Peoples' Training Trust fund. Canada and Yukon each contributed \$3.25 million (in 1988 dollars) to this fund and it is managed by the Training Policy Committee. The committee is made up of five people. Three are appointed by the Council of Yukon First Nations and two are government staff people (one from Canada and one from Yukon).

After reading this you may have many questions and the Ratification Committee wants to make sure you have your questions answered. Please attend an information activity, read our other information materials or call the Ratification office to talk to a field worker.



Contact the Ratification Committee for more information.

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