

Lheidli T'enneh Land Use Plan

January 2017



Lheidli T'enneh



Lheidli T'enneh
LANDS AUTHORITY

Acknowledgments

The *Lheidli T'enneh Land Use Plan 2015* is the accumulation of efforts that should be acknowledged. The Lands Authority dedicated numerous hours of review and meeting time to the completion of this document. Their knowledge and assistance throughout the process was invaluable. In addition, the Lands Department staff assisted with the provision of necessary information, documents and numerous reviews.

The Lands Authority members involved in this 2015 review include Shirley Wiltermuth, Elaine Gagnon, Wendy Jael, Elizabeth Bjorklund, Chief Dominic Frederick, Kenora Stewart and Gary Seymour. Former Lands Authority members who assisting during the Land Use Plan update process include Candace Godwin and Dolleen Logan.

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Part 1: Background

1.1 Introduction

In 2014, the Lheidli T'enneh Lands Department retained Kerry Pateman Planning Services to review and update the *Lheidli T'enneh Land Use Plan 2005* and to assist the Lands Authority with the drafting of a Zoning Law. The mandate was to update the 2005 Plan, incorporating information and changes, as well as providing clear direction on land use developments.

The Zoning Law is reasoned to be the implementation tool for the Land Use Plan. A Zoning Law includes specific zones for land parcels, the corresponding site development regulations, as well as processes and procedures for development.

This Land Use Plan considers the broader jurisdictional context for any development occurring on reserve lands. The Plan takes into consideration the land use policies of adjacent and surrounding local governments. In addition, the Plan is developed with the knowledge that the designations may be used on additional lands that will come under the authority Lheidli T'enneh in the future.

This Plan is intended to be a relevant guide to future land use on reserve for a period of up to ten years, recognizing that a plan update should be carried out every five years.

The 2015 Lheidli T'enneh Land Use Plan is prepared under the provisions of the Lheidli T'enneh Land Code. The Land Code provides the legal authority for the Lheidli T'enneh to plan, develop, conserve and manage their lands.

1.2 Purpose of the Plan

The purpose of a Land Use Plan is to capture the community's vision for its lands. The vision will be supported with objectives and priorities for the four Lheidli T'enneh reserves. The plan will be used to support and guide future decisions about land use on reserve, within a clear, accountable decision-making process. A further planning component will involve the development of refined priorities and procedures in a zoning law.

This Land Use plan does not recreate all of the information contained in the 2005 Reserve Land Use Plan. This is intended to be a refinement and update, under the direction of the Lands Authority.



1.3 Components of Plan

The document has been laid out with ease of use as a priority. The document is divided into discrete parts for quick reference.

Part 1 – Introduction

After a brief introduction, this part outlines the purpose of the plan and the planning process. The section also provides the necessary background information on the Lheidli T'enneh lands and land management history.

Part 2 – Planning Context

This part looks at the current situation, both the lands and the people. A brief description of the current state of each reserve is provided. The historical population pattern along with population projections are provided

Part 3 – Guiding Vision and Principles

The guiding principles relate the community vision to the Land Use Plan. Also within this section are general objectives for all the reserve lands.

Part 4 Lheidli T'enneh Land Use

This part is the core of the Land Use Plan, presenting the Land Use Plan for all of the Lheidli T'enneh Reserve Lands. General development objectives and priorities for Lheidli governed lands are identified, as well as a description of the designations and type of developments permitted. The third component of this section provides the vision, objectives and priorities for each of the reserves, including IR #1A Ts'un'ut (Lheidli T'enneh Cemetery), IR #2 North and South Khas't'an Lhughel (Shelley), IR #3 Lhezbaonichek (Clesbaoneecheck), and IR #4 Dzulhyazchun Tsalakoh (Salaquo) in addition to the Land Use maps.

Part 5 Plan Implementation

This section will guide the Chief and Council with respect to land use decision making on reserve lands.

Appendices

This section includes a glossary and a brief listing of the reports reviewed for the completion of the Land Use Plan.

1.4 Planning Process

This plan is an update to the 2005 Lheidli T'enneh Reserve Land Use Plan. Extensive community consultation occurred during the initial development of the 2005 Land Use Plan. That information was gathered through the formation of a Land Use Planning Committee that oversaw the process and guided community input. Much of that information has been considered in the drafting of this Land Use Plan. The 2005 Land Use Plan contains extensive background information and should be consulted for more detail. Planning objectives and priorities are very similar and have been updated to reflect new information. To oversee that process, the formation of a Land Use Planning Committee comprising of nine Band Members was formed. Community input for the 2005 Lheidli T'enneh Reserve Land Use Plan was largely obtained through community mapping sessions. A total of 11 community mapping sessions and 3 information meetings were held with various community groups.



It is important to recognize that both the 2005 and 2015 Lheidli T'enneh Land Use Plans are living documents and that the planning statements created through community participation are flexible and may be amended over time. The 2015 Land Use Plan Update was conducted with input from the Lheidli T'enneh Lands Authority and through consultation with the Lheidli Dakelh Elders Society and the Lheidli T'enneh community.

The 2015 Land Use Plan was presented to the community during the 2015 Annual General Meeting. Members were encouraged to provide comment throughout the next couple of months, feedback was considered and incorporated into the final draft of the document.

Project Objectives

- a) Develop a plan that is practical and usable for all community members
- b) Project community growth to better understand on reserve housing demand
- c) Revise the land use designations and accompanying maps on reserves
- d) Provide increased direction for land development and set the framework for the Zoning Law and further process documents
- e) Articulate land use development objectives

1.5 History of Land Management

This section provides a brief history of Lheidli T'enneh land management. This outlines the fact that traditional lands were historically managed, prior to creation of the Reserves. More recently, steps under the First Nations Land Management Act were taken so the Lheidli T'enneh could control management of their reserve land base.

Traditional Management

Prior to first contact, Lheidli T'enneh had a complex system of land tenure and governance with Deneza or heads of clans controlling the use of a specific area of land known as a keyoh for hunting, trapping, and gathering. Conservation and management of resources were contingent upon respect for keyoh and territorial boundaries, and for hereditary rights and regulated access to resources. Although the keyoh system has since diminished, the Lheidli T'enneh recognizes the rights of families and clans over specific areas of land prior to the establishment of the reserve system. Lheidli history and land management has primarily been passed down through word of mouth. After first contact, the early voyagers, the Hudson Bay Company and the Roman Catholic Church had recorded and catalogued family keyohs, significant events and changes to Lheidli T'enneh.

Indian Act and Land Management

Within Canada's Constitution Act of 1867, Native issues are assigned to the federal government. In 1876, the Indian Act was first passed which severely restricted traditional forms of governance and land management. This legislation continues to regulate many aspects of management of reserve lands across Canada today. It is important to note that reserve lands are held by the Crown and set aside for the use and benefit of the First Nation occupying it. As such, fee simple land tenure does not exist on reserve land.

First Nations Land Management Act (FNLMA)

In February 1996, the Lheidli T'enneh, along with 13 other First Nations across Canada, signed the *Framework Agreement on First Nation Land Management*. The Framework Agreement outlined a new land management regime and set out the guidelines that would enable First Nations to opt out of the land related provisions of the *Indian Act*. This meant that First Nations could have authority over reserve lands, natural resources and revenues generated on their reserve lands. Every First Nation wanting to come under the FNLMA is required to create and adopt a land code following the guidelines set out by the Framework Agreement. Once ratified by the community, the Land Code replaces the land management provisions of the *Indian Act*, however, land is still owned by the federal government. The Lheidli T'enneh Land Code was ratified by a membership vote in 2000.

Ultimately the Lheidli T'enneh Land Code allows for the people of Lheidli T'enneh to make decisions about their reserve land base and how it will be used for generations to come. The mechanisms used for consultation and community approval attempt to ensure that families are represented and decisions are made at the grassroots level.

BC Treaty Process

Lheidli T'enneh entered the BC Treaty Process in 1993. In 2006, the Chief Councillor for the Lheidli T'enneh initialed a Final Agreement that went to the community for a vote. In April 2007 that agreement was rejected by a narrow margin. Since then, a Community Engagement Process has been undergoing dialogue with the members about the Treaty and a subsequent second vote.

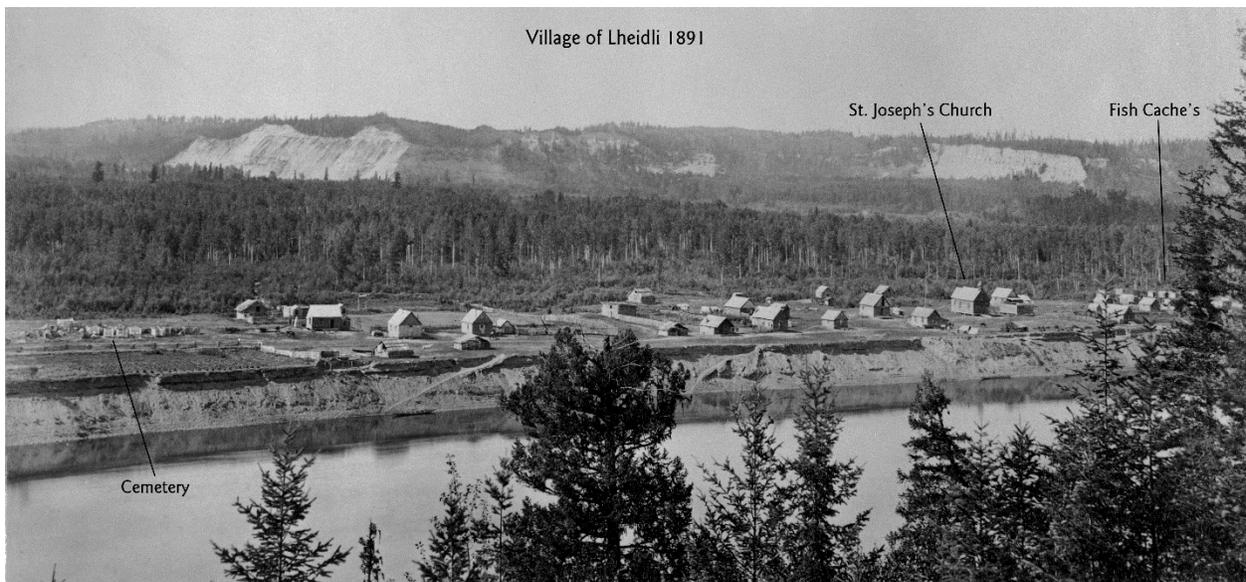
1.6.1 Fort George (Lheidli T'enneh Cemetery) IR #1

IR #1 was established at the confluence of the Nechako and Fraser Rivers. This site is the current location of Prince George's downtown core. IR #1, the site of the main settlement, had an area of 552.8 hectares (1366 acres).

In 1907, the Grand Trunk Pacific Railway Company (GTPR) announced its intentions to create a route across BC. This created a frenzy of real estate speculation around IR#1. The high prices that the speculators demanded for the adjacent land led the GTPR to plan to expropriate the reserve land instead.

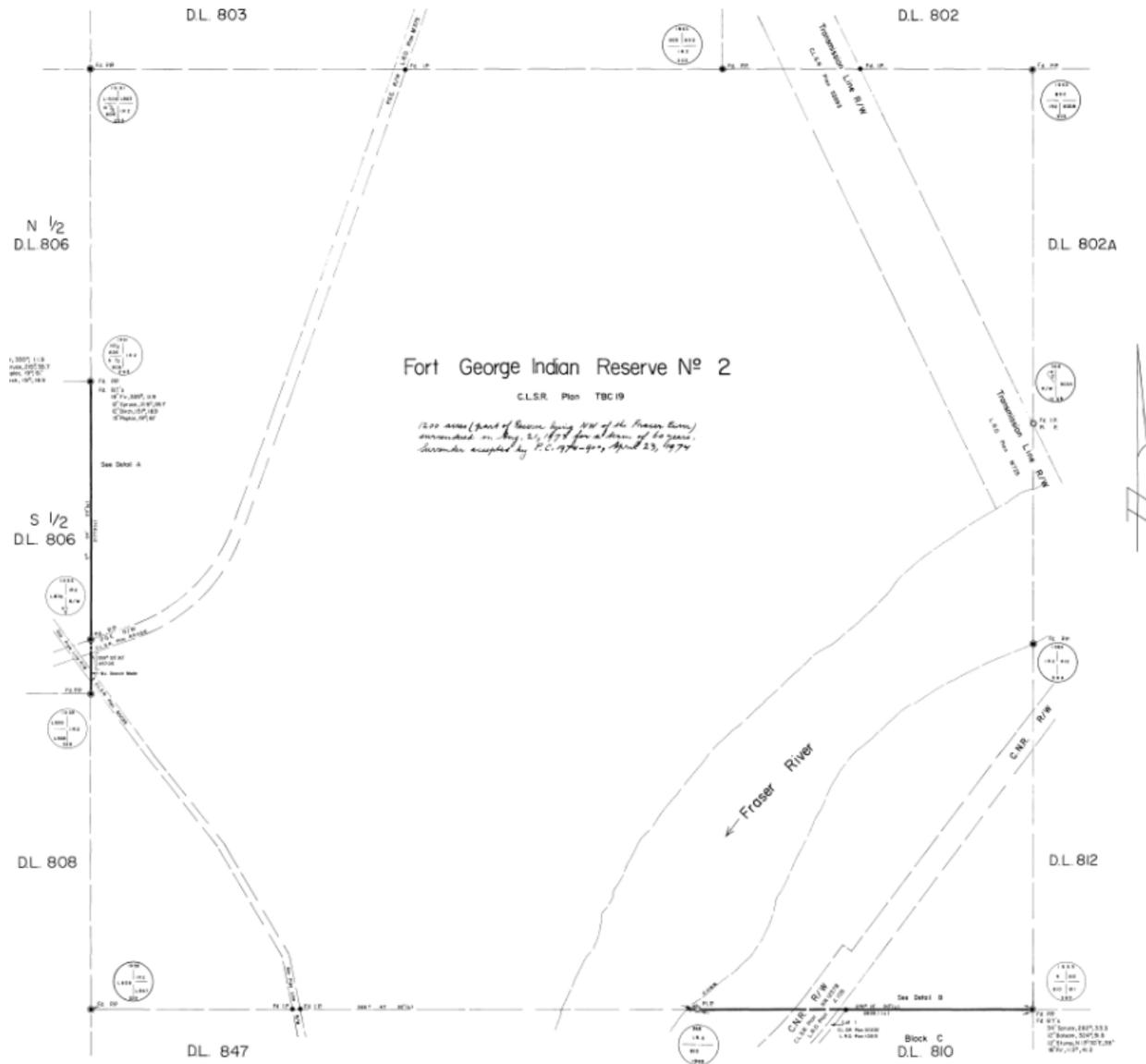
Between 1908 and 1911, IR #1 was subject to a land dispute between the Lheidli T'enneh Band, the GTPR, the Natural Resources Security Company (NRS), and provincial and federal officials. Since the GTPR could not justify the expropriation of the entire reserve under the Railway Act, the GTPR entered into negotiations with Lheidli T'enneh. After three and a half years, the GTPR bought the reserve for \$125,000 and Lheidli T'enneh members were given seven months to leave the property, with most choosing to relocate to the designated Indian Reserve north of Prince George, Fort George (Shelley) IR #2. The surrender is now subject to a Specific Claim in the Federal Court of Canada and the Indian Claims Commission against the federal government.

As a stipulation to the sale of IR #1, it was agreed that the cemetery, consisting of 0.91 ha of the original reserve, be returned to the band. During the finalization of the Lheidli T'enneh Band Land Code in 2000, it was discovered that this reserve was never transferred to the federal government. A 2005 Order in Council rectified this error. This is now referred to as the Fort George Cemetery IR #1A (Ts'un'kut) or the Lheidli T'enneh Cemetery.



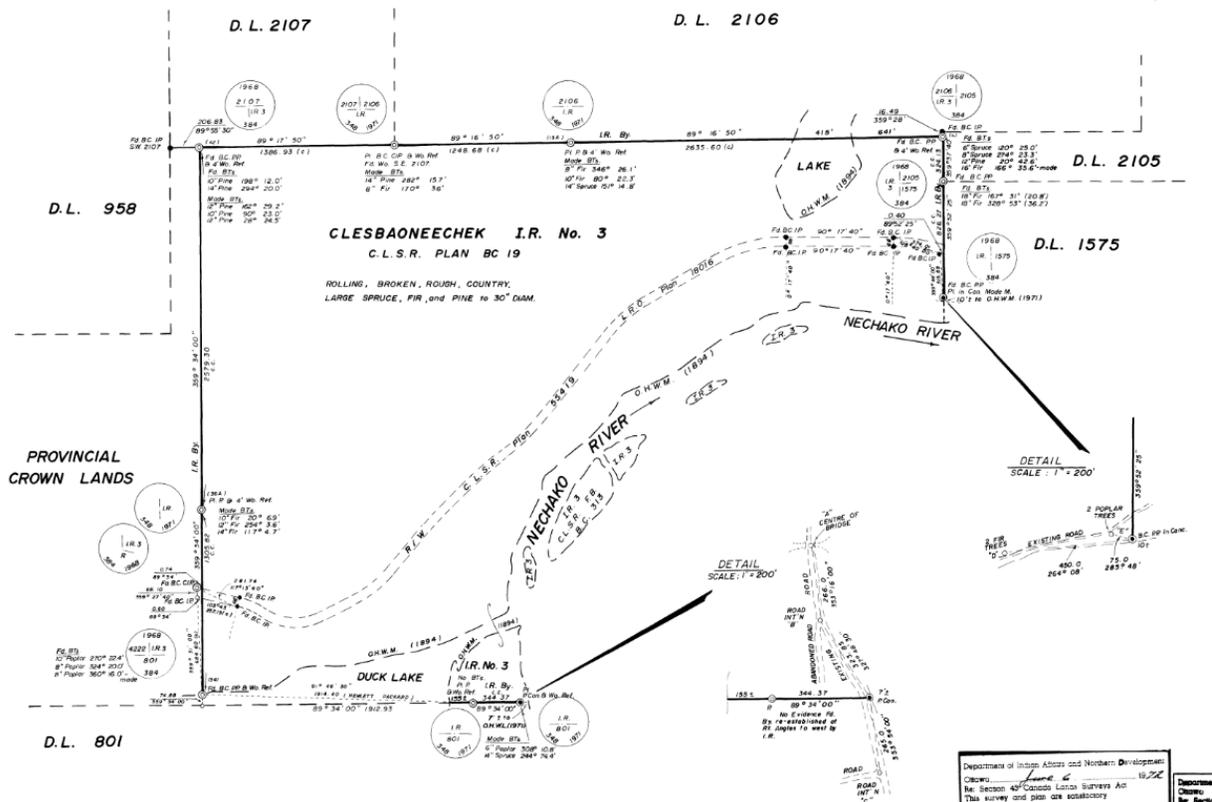
1.6.2 Fort George (Shelley) IR #2 (Khas't'an Lhughel)

This reserve has not diminished greatly in size since its creation in 1892. After Fort George IR #1 was transferred to the GTPR, many Lheidli T'enneh members relocated to Khas't'an Lhughel (Shelley), where there was already a significant member population. This reserve is separated by the Fraser River into North and South Khas't'an Lhughel (Shelley) and is located approximately 22 km upstream from the confluence of the Nechako and Fraser Rivers.



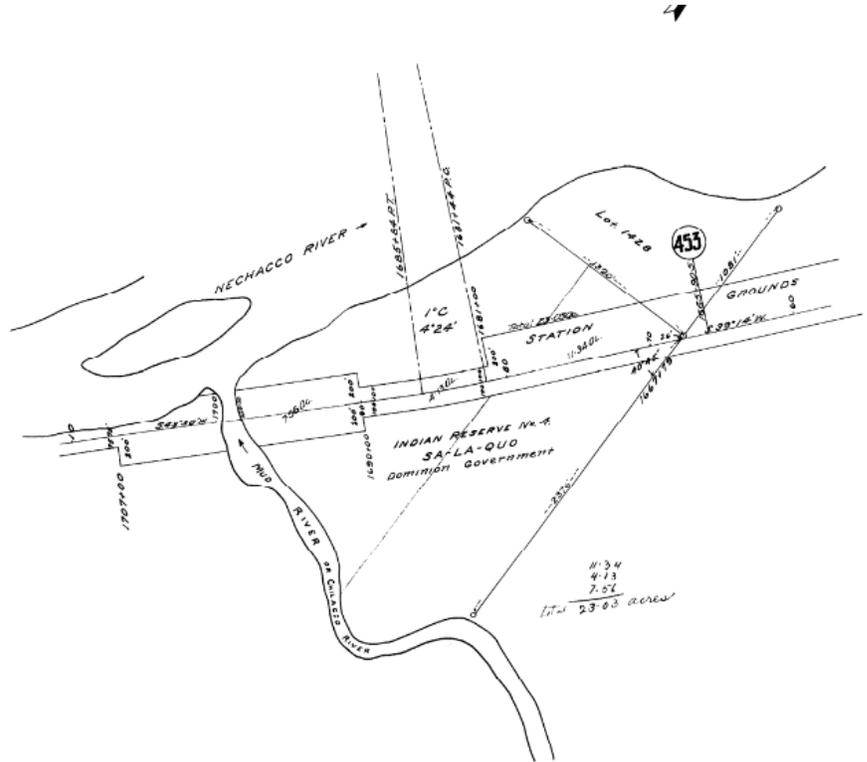
1.6.3 Clesbaoneecheck IR #3 (Lhezbaonichek)

Also one of the original numbered reserves, Clesbaoneecheck remains much the same as it was upon transfer to the Band. The reserve is 123 ha, with only possible change in size resulting from erosion of the river bank. The reserve is located past the end of North Nechako Road on the west bank of the Nechako River, at Duck Lake.



1.6.4 Salaquo IR #4 (Dzulhyazchun Tsalakoh)

This reserve is now smaller than when originally designated as an Indian Reserve. In an effort to raise money for the community, a Band Council Resolution was passed in 1922 to surrender 17 ha (42 acres). This was sold by the Government of Canada with the proceeds to be held for the Band. However, the title to the property was not registered with the BC Land Title Office. The land status is uncertain and has been deemed “no man’s land”. Unfortunately the 17 hectare surrender and the events around the sale of this land were not recognized at the community level until March of 2005. The Band has considered obtaining these lands as part of the final treaty settlement, although other means should be considered as well. These questions are currently under investigation.



Part 2: Planning Context

This part looks at the current situation of the Lheidli T'enneh, both the reserve lands and the community members.

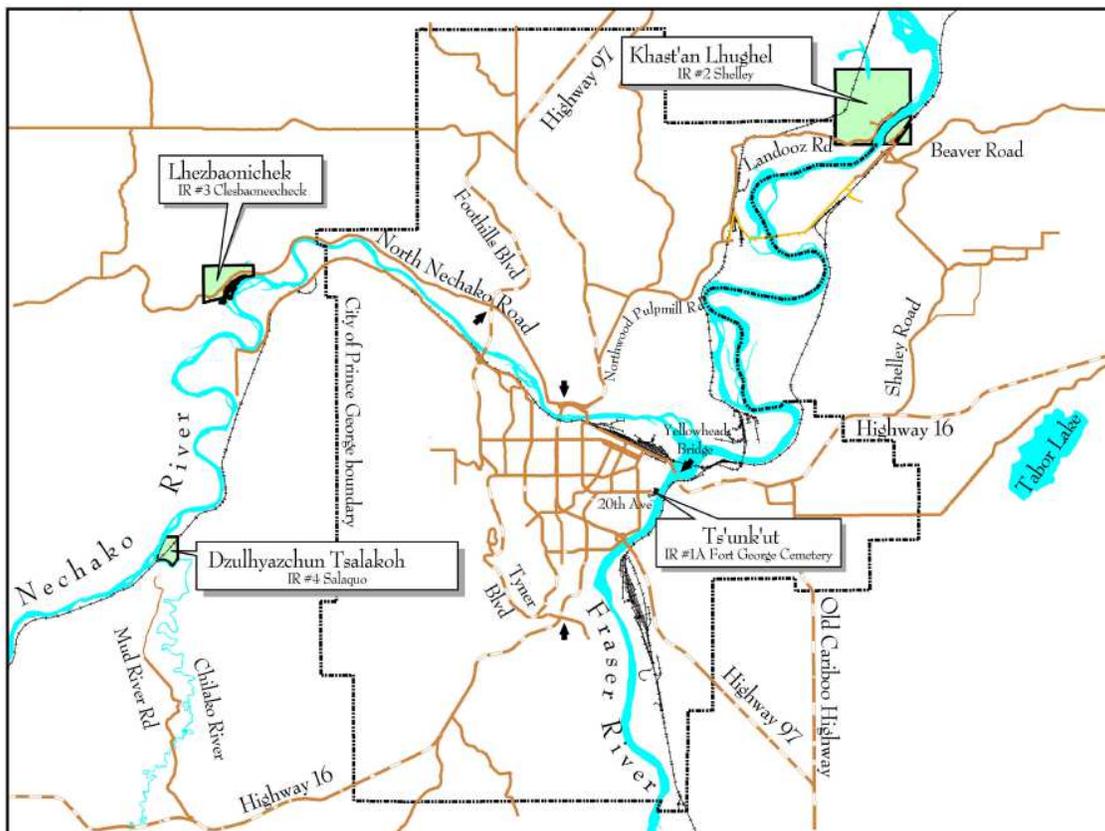
2.1 Reserve Lands

This *Lheidli T'enneh Land Use Plan 2015* provides planning direction on Lheidli T'enneh's four existing reserve lands. These four reserves and their approximate current land area are presented below in Table #1. See also Map #1 for the location of each reserve and proximity to the City of Prince George. A description of the current status of each reserve is provided.

TABLE 1

Reserve Number	Reserve Name	Area in Hectares (ha)
IR #1A	Ts'unk'ut – Lheidli T'enneh Cemetery IR #1A	0.91 ha
IR #2	Khast'an Lhughel - North and South Shelley IR #2	524.17 ha
IR #3	Lhezbaonichek – Clesbaoneecheck IR #3	123.02 ha
IR #4	Dzulhyazchun Tsalakoh – Salaquo IR #4	18.6 ha
Total Area		667 ha

FIGURE 1



2.1.1 Lheidli T'enneh Cemetery IR #1A (Ts'unk'ut)

Lheidli T'enneh Cemetery IR #1A (Ts'unk'ut) is physically located within the present boundaries of the City of Prince George's Lheidli T'enneh Memorial Park near to the Exploration Place museum. The City of Prince George renamed the park from Fort George Park in June 2015. The burial ground is located within the northern portion of the reserve and has at least 27 marked and unmarked gravesites, although the full extent of the gravesites is currently unknown. The reserve is an active cemetery with burials occurring as recently as 2014 and there is the potential to accommodate additional graves within the existing cemetery plan.

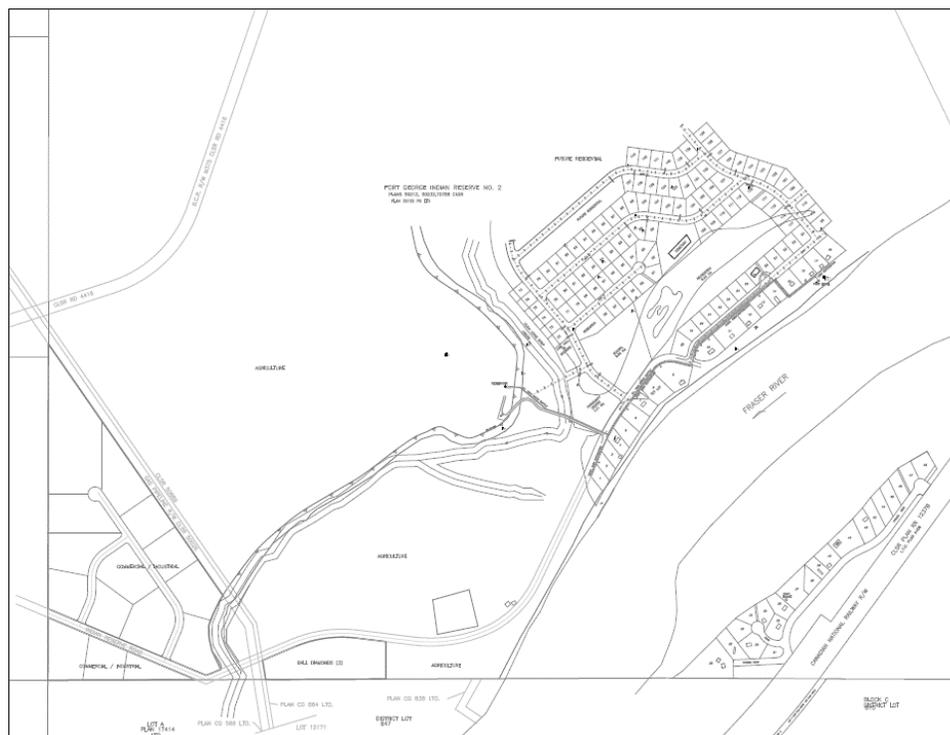


The cemetery has cultural and heritage value as the original burial ground for Lheidli people who lived at the confluence of the Nechako and Fraser Rivers. Due to the cemetery's physical location within the Lheidli T'enneh Memorial Park, Ts'unk'ut (Lheidli T'enneh Cemetery) has the potential to increase its profile within the City of Prince George and Region.

2.1.2 Shelley IR #2 (Khast'an Lhughel)

This reserve is the present home to the majority of current residents of the Lheidli T'enneh. Khast'an Lhughel (Shelley) consists of 524.17 ha and is divided by the Fraser River creating North and South Khast'an Lhughel (Shelley). This reserve is approximately 22 kilometres upstream from the confluence of the Fraser and Nechako rivers. Figure 2 depicts the current and future subdivision of reserve lands on both the North and South sides.

FIGURE 2



North Khas'tan Lhughel (Shelley) is approximately 480 ha in size and is generally level with large areas of swampy land in proximity to Rancheree Lake and a number of intermittent watercourses draining to the south into the Fraser River. Access to the north side of the reserve is via Landooz



Road to the west and also a forest road, aligned with the hydro right of way, to the east connecting to the Hart Highway near Salmon Valley. Significant slopes occur primarily in the northwest portion of the reserve and along a bench dividing the existing fields and the water tower from the floodplain area west of the existing houses

On the north side of the reserve, there are 20 houses, a cemetery, church, offices and a play area with the remainder of lands dedicated to agriculture. Also on the north side BC Hydro's 500 KV power line runs north and south through the reserve utilizing 21 ha (53 acres) of land paralleling the eastern boundary of the reserve. There is also a major gas transmission pipeline right of way (3.0 ha) on the western portion of the reserve in proximity to the BCR rail right of way (3.6 ha). The Lheidli T'enneh Final Treaty Agreement will potentially add significant lands (Salmon B and D, Shelley A blocks) adjacent to the existing reserve.

South Khas'tan Lhughel (Shelley) is approximately 50 ha in size with 16 houses, Band and Treaty office. Access to this reserve is via Whenun Road from Shelley Road to the west. A number of single family detached homes and an old mill site are located adjacent to the reserve in the village of Shelley located within the Regional District of Fraser Fort George. The Canadian National (CN) mainline traverses the reserve. A significant hill is located to the south of the CN tracks. Existing housing and Band office are located north of the tracks together with a low lying area adjacent to the Fraser River. Final Treaty Settlement may result in the addition of Lheidli T'enneh traditional territory (Beaver A, B, C blocks) abutting the south and east boundaries of the reserve.

2.1.3 Clesbaoneecheck IR #3 (Lhezbaonichek)

Lhezbaonichek (Clesbaoneecheck) was surveyed and established in 1894. The reserve is 123 ha (304 ac) in size and located on the left bank of Nechako River within the Regional District of Fraser Fort George, upstream from the confluence of the Nechako and Fraser Rivers on the west boundary of the City of Prince George.

The reserve is mostly forested, sloping from northwest to southeast, and is bisected by the former Takla Forest Road extending from the end of North Nechako Road. This road continues to the Reid Lake area and is constructed to a gravel standard. It was formerly a private log haul road originally "permitted" through the reserve by Prince George Pulp and Paper. The responsibility for the road beyond the City boundary is not certain as the road is not public in the legal sense because it is not owned and maintained by a government. The Regional District and BC Transportation do not wish to assume responsibility for this road due to





concerns voiced by the Department of Fisheries and Oceans with respect to periodic road erosion (escarpment slumping) into the Nechako River. Resolution of this slumping problem to meet DFO requirements was estimated to cost just under \$1 million in 1985. BC Forestry Services has also stated that they are not interested in assuming responsibility of this road for the same reasons.

Lhezbaonichek (Clesbaoneecheck) is the former site of the Lheidli T'enneh Pow Wow Grounds and includes an existing stage area. One residential dwelling and a drilled well are presently located on this reserve. The reserve also includes four low lying islands in the Nechako River. These islands tend to be susceptible to flooding dependent upon fluctuations in Nechako River water levels due to seasonal changes and Rio Tinto (Alcan) discharges.

2.1.4 Salaquo IR #4 (Dzulhyazchun Tsalakoh)

Dzulhyazchun Tsalakoh (Salaquo) is approximately 18.6 ha (46 ac) in size and located on the right bank upstream from Lhezbaonichek (Clesbaoneecheck) at the confluence of the Chilako (Mud) River and Nechako River within the Regional District of Fraser Fort George. There is no legal, physical or private road access to this reserve. Pedestrian access to Dzulhyazchun Tsalakoh (Salaquo) is obtained from lands to the south where permission is required to traverse adjacent lands prior to walking over the CNR railway bridge to the reserve.

The reserve is generally forested with significant pine beetle kill. The Canadian National Railway main line between Prince George and Prince Rupert bisects the reserve. This mainline is elevated with fill through the west part of the reserve to achieve an acceptable grade for the bridge crossing on the west bank of the Chilako. The mainline returns to grade toward the east reserve boundary. The reserve is generally level to rolling north of the CNR mainline with a gravel bar area at the confluence of the Chilako and Nechako Rivers. Significant slopes occur in the southeast area of the reserve.



Field site visits have identified a number of culturally modified trees and caches in proximity to the original seasonal village site.

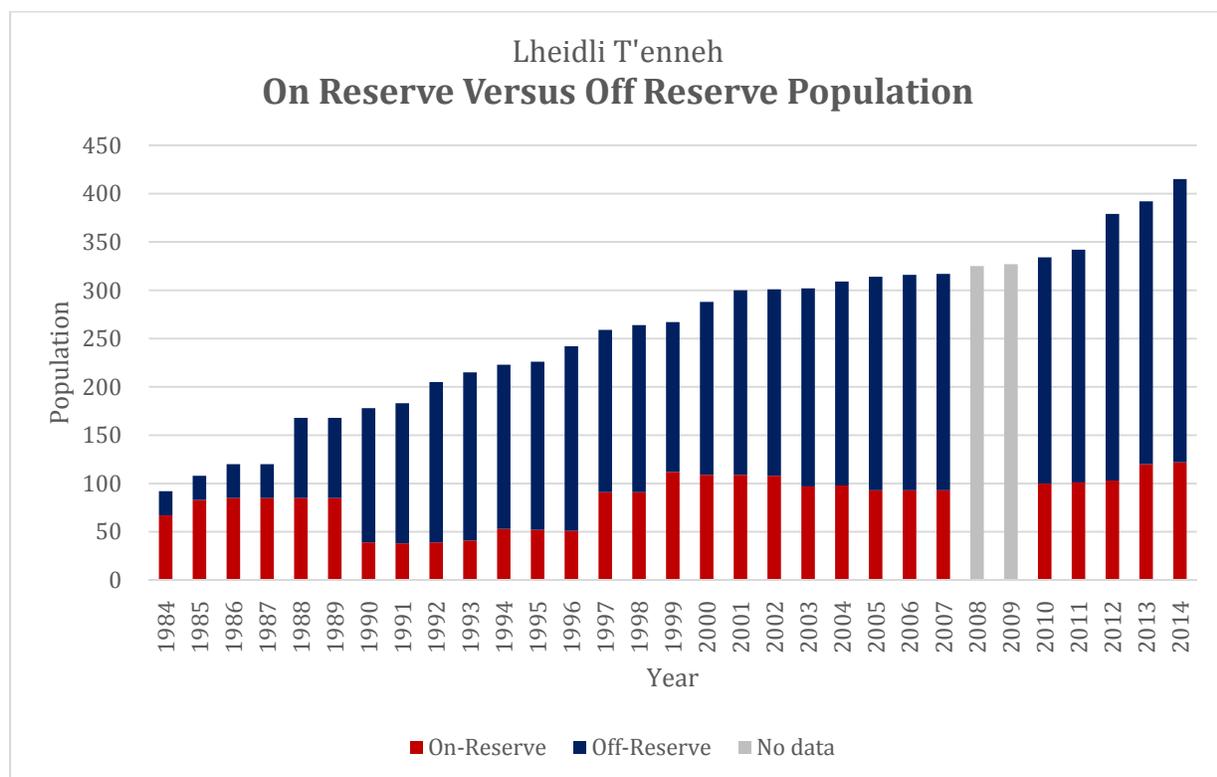
2.2 Community Demographics

For the purposes of the *Lheidli T'enneh Land Use Plan*, demographics are discussed in terms of populations. Like most First Nations, Lheidli T'enneh regards its Band Membership as two distinct groups, the on-reserve population and the off-reserve population. The historical reason for this split is largely due to Aboriginal Affairs and Northern Development Canada (AANDC) policies.

AANDC has historically only provided funding for physical infrastructure (including housing) and social programs and services for the on-reserve population. Funding provided through AANDC is often not enough to meet the demand for on-reserve housing, restricting members' ability to access affordable housing and community health services. On a community level, band members living off reserve also feel disconnected from the reserve community.

The following figure demonstrates that of the 415 registered Band Members (March 2015), 293 or 71% of Lheidli T'enneh Band Members live off reserve. The remaining 29% or 118 people live on reserve, the majority at IR #2, although there are several members living at IR #3.

FIGURE 3



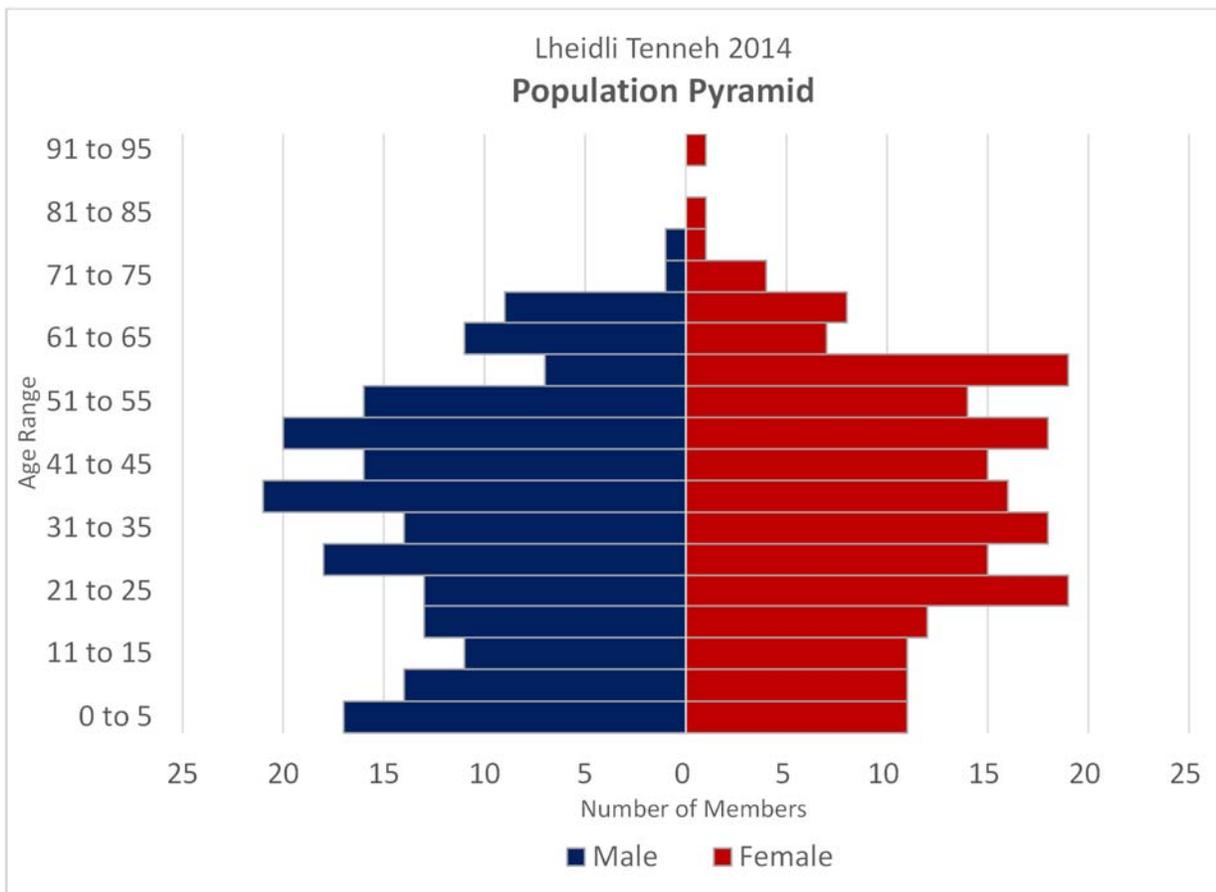
The on-reserve population of any First Nation is directly correlated to the availability of housing, community services, health and safety and overall standard of living. Since 76% of the Lheidli T'enneh housing was built after 1991, it is likely that a historical lack of housing contributed to the high percentage of Members living off-reserve. Other factors impacting the off-reserve population include legislative changes, such as Bill C-31 and Bill C-3, and the close proximity of the reserve lands to the urban centre of Prince George, where housing and services are more readily accessible.

The age demographics for the Lheidli T'enneh are demonstrated in the population pyramid (Figure 4) below. This figure represents the total Lheidli T'enneh population as of 2014 and does not distinguish between on and off-reserve.

In 2014, 33% of the population was under the age of 25. In 2004, the population under the age of 25 was 40% for the on-reserve population and 34% for the off-reserve population. Population demographics for First Nations often report a younger population than other jurisdictions. BC Stats reported that there was approximately 28% of the population under the age of 25 in 2014. In planning for this demographic, Lheidli T'enneh should focus on youth services for recreation and education and the development of affordable housing, such as attached housing units (apartments, condominiums and townhomes).

In 2014, the population over the age of 25 was 67%. This indicates there will be specific pressures for housing and health services. In planning for this demographic Lheidli T'enneh might consider developing specialized housing, including assisted living and other health services to accommodate elder Band Members.

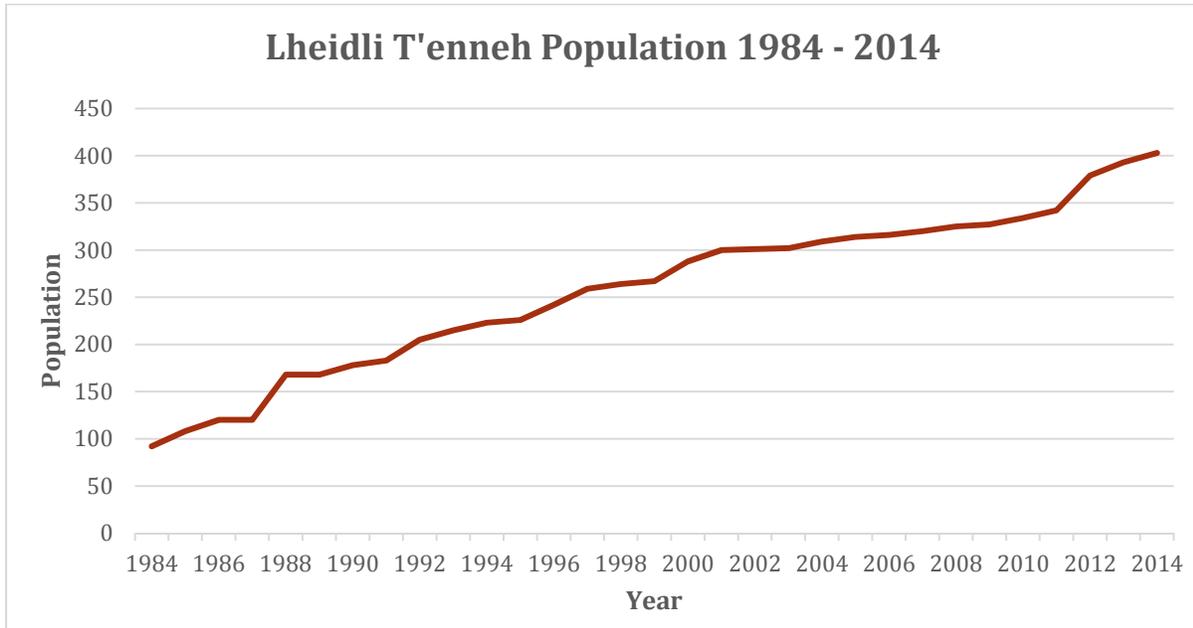
FIGURE 4



2.2.1 Population History

There are many factors affecting the population of the Lheidli T'enneh, both the historic increases and the future population growth. These factors include Bill C-31 and Bill C-3 as well as possible treaty settlement. Figure 5 below shows the historical change in population in the past 30 years.

FIGURE 5



In 1985 the Government of Canada passed Bill C-31 allowing those women and their dependants who had lost their Indian Status through enfranchisement to be reinstated. Owing to Bill C-31, in 1986 many First Nations saw dramatic increases in their populations (this particularly impacted the off-reserve population since mostly enfranchised Members and their children were living off reserve). Similarly, in 1999, INAC processed a large backlog of Bill C-31 applications resulting in another rapid increase of First Nations' populations.

On March 11, 2010, the Government of Canada introduced further legislation to enhance Gender Equity in the Registration Provisions of the Indian Act. The Gender Equity in Indian Registration Act (Bill C-3) received Royal Assent on December 15, 2010 and came into force on January 31, 2011. This is sometimes referred to as the McIvor case. Bill C-3 impacts the population of the Lheidli T'enneh as it ensures that eligible grandchildren of women who lost status as a result of marrying non-Indian men are entitled to registration (Indian Status).

Currently, in order to be a Band Member, a person must also be a registered Indian. With treaty settlement, a program for eligibility and enrollment will be implemented such that people with a family connection to Lheidli T'enneh may have the opportunity to become Band Members without being registered Indians. It is possible that Lheidli T'enneh will see a marked increase in the total Membership population due to the Eligibility and Enrollment program.

There were 320 Band members when the Lheidli T'enneh initialled the Final Agreement in October 2006. As of June 2015, 339 people over the age of 16 were enrolled as Eligible Voters under the terms of the Final Agreement.

2.2.2 Population Projections

A number of population projections have been prepared for the Band in the past.

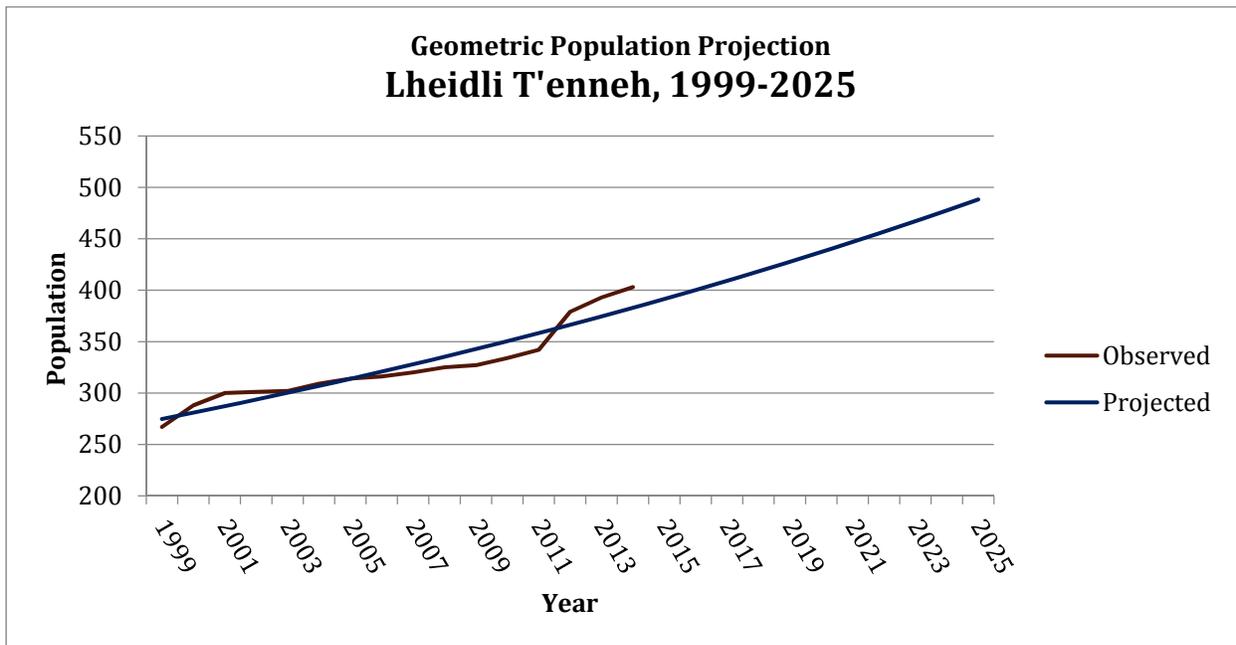
The 1998 *Lheidli T'enneh First Nation Physical Development Plan* prepared by C4 Engineering Ltd. used 3 growth rates of 2.5%, 5% and 7% for the years 1998 to 2018. Using these 3 growth rates, future Lheidli T'enneh Membership was projected to increase to 434 (2.5%), 703 (5%) and 1025 (7%) by 2018.

The 2005 Land Use Plan projected future population growth using a geometric growth rate of 5.9% for the total Membership. This would have put the population at over 1000 members by 2025.

The City of Prince George has experienced an annual population growth of under 1%, and in their long range planning document, the Official Community Plan Bylaw No. 8383, 2011, they use the BC Stats projections of an average rate of growth of 0.4% to 1.2% a year between now and 2025.

Based upon review of the historical population data, previous population projections and further analysis, this Plan used the observed population from 1999 to 2014 and provided a geometric growth projection (approximately 2.5%) to the year 2025. This is shown in Figure 6 below, projecting a total population of 488 by 2025. Increasing the units of housing and availability of service on reserve should be a priority based on these projections.

FIGURE 6



Part 3: Guiding Principles

3.1 Community Vision

The Lheidli T'enneh maintains strong cultural ties to their Traditional Territory and historically significant sites viewing them as a source of pride and economic strength.

Land based developments strive to balance both preservation and progress to ensure the Lheidli T'enneh is able to assert their competitive advantage while upholding value for environmental stewardship.

3.2 Guiding Principles

Guiding principles are provided to help frame the development of the 2015 Land Use Plan. These are established to guide the planning process in bringing the broader vision to life.

During the LUP 2005 planning process Lheidli T'enneh Band Members identified a large number of specific developments they would like to see occur on reserve. This led to a collective vision for the values/principles to guide the development of Lheidli T'enneh Reserve lands. In addition to the Guiding Principles established in 2005, which are still relevant, there are additional principles that will guide future development of Lheidli T'enneh lands.

- Recognize sites for their historical cultural and spiritual importance.
- Develop agricultural opportunities for the Band, local markets and export purposes.
- Retain areas for traditional activities and for educational purposes so that elders can educate other members.
- Develop new outdoor recreation activities
- Develop new outdoor land and water based uses to attract, educate, draw tourists and provide employment/income (river tours, bed/breakfast).
- Provide new commercial and industrial opportunities (gas station, general store).
- Develop community facility/facilities to provide programs and services (healing centre, health care, day care, indoor recreational facilities and Elders centre).
- Provide a range of housing opportunities (affordable Band housing such as triplexes, Elder assisted living, single person units, and single-family detached Band housing) and ensure that the Membership participates in the aesthetic and construction of housing when appropriate.
- Develop or improve on and off site access to reserve lands.
- Encourage environmental stewardship and sustainable land development through energy efficient (green) building techniques, as well as innovative solutions to waste water treatment, stormwater management, and power generation.

Part 4: Lheidli T'enneh Land Use

This part is the core of the Land Use Plan. There are three sections, the first section sets out the general objectives and priorities that apply to all reserve lands.

The second section describes each of the land use designations that are shown on the land use maps.

The third section includes the vision, objectives and priorities for each of the reserves. The Land Use Maps will also provide direction to the next phase of the land use regulation, the Zoning Law.

4.1 General Objectives and Priorities

This section sets out the general objectives for all of the reserve lands.

4.1.1 Objectives

- a) Promote sustainable land development.
- b) Protect and enhance environmentally sensitive areas.
- c) Protect culturally sensitive areas.
- d) Celebrate and enhance traditional knowledge.
- e) Ensure development in environmentally sensitive areas is located and carried out with sensitivity to the natural environment.
- f) Ensure community input, as required by the Land Code, before amending the land use plan.
- g) Strengthen relationships with the City of Prince George and the Regional District of Fraser Fort George on land management issues.

4.1.2 Priorities

- a) Support initiatives to incorporate energy efficient and environmentally friendly design into new infrastructure and new buildings, and in building upgrades and retrofits.
- b) Conduct a housing needs assessment to identify demand for Lheidli T'enneh lands based housing.
- c) Lands within 30 m of the Fraser and Nechako Rivers, as well as lands identified as within the ESA Permit Area (within the 200 year flood plain, steep slopes and wetlands) will be subject to an Environmentally Sensitive Area Development Permit prior to any development.
- d) Development Permit process to be established ensuring structures will be permitted in the ESA Development Permit areas on the condition that environmental impacts are identified and mitigated to the satisfaction of the Lands Authority.
- e) Continue to comply with the environmental laws of British Columbia and Canada to establish standards and requirements for addressing environmental impacts.
- f) Consider an archeological impact assessment for cultural heritage purposes prior to any development on reserve.
- g) Identify cultural sites for protection on all reserves (this could be achieved through partnership with UNBC and other post-secondary institutions).
- h) Develop requirements for handling hazardous materials on reserve land.
- i) Prior to development within 100 m of an identified cultural site, require a development proposal to be submitted to the Lands Authority.

4.2 Land Use Designations

Land use designations have been proposed for each reserve. The designations are recommendations for land use and were developed based upon a continuation of current land use, community preferences collected during the extensive community meetings leading up to the 2005 Land Use Plan and contemporary planning principles. The designations group similar and compatible land uses together under comprehensive land use categories. The Land Use Designation Maps indicate the location of land uses that are permitted within each of the reserves.

<i>Community Development</i>	This land use designation refers to existing residential and commercial uses at Khast'an Lhughel (Shelley), the Band office, as well as community facilities uses serviced with or having the potential to be serviced with communal water and sewer systems. This designation also refers to areas designated for possible future expansion of the existing community development area at Khast'an Lhughel (Shelley) and potentially Lhezbaonichek (Clesbaoneecheck). Prior to the development of these lands Lheidli T'enneh will adopt a Zoning Law to ensure that new development conforms to the Plan and infrastructure requirements, and is compatible with adjacent uses.
<i>Agricultural and Resource</i>	This land use designation refers to the development of Lheidli T'enneh's natural resources including forestry, fisheries, gravel, agriculture and traditional plants such as food and medicinal plants.
<i>Industrial</i>	This designation allows for development of industrial uses such as storage compounds, warehousing, gas station, as well as uses such as mills and manufacturing. Requirements and regulations for development will be addressed in the Zoning Law.
<i>Cultural</i>	This designation includes lands identified as having a specific cultural and heritage value to the Lheidli T'enneh such as the church and cemeteries, and lands where traditional uses including hunting, fishing, berry picking or other culturally significant activities historically occurred or currently take place. Generally, these areas are for the use and benefit of Lheidli T'enneh Band Members, however it is possible for areas to be used for renewed land and water based uses for educational purposes and tourism, providing new employment and income. The Zoning Law would identify uses and zone lands more precisely.

Environmentally Sensitive Area (ESA Permit Area) – Development Permit Area

This overlay shown on the Land Use Maps include lands within the 1:200 year floodplain, areas with slopes greater than 20%, and wetlands. Also included, but not necessarily noted within the ESA Permit Area overlay on the Land Use Maps, are lands within 30 m of the Nechako and Fraser Rivers as these may require erosion control or shoreline protection or area lands that may be flooded. These areas should generally remain in their natural state, however, should proposals to develop these areas be submitted, a Development Permit application must be submitted to the Lands Manager for consideration. Completion of specific environmental studies and the adoption of environmental mitigation measures processes for the protection and management of these areas may be required through the Development Permit process.

Culturally Sensitive

All reserve lands are culturally sensitive as the reserves were established in a select few areas traditionally well used by the Lheidli T'enneh. Prior to development an archeological impact assessment should be required in those areas not currently within the future subdivision design layout as shown in Figure 2. This would assist in identifying what lands should be protected and preserved for cultural and heritage purposes.

4.3 Vision, Objectives and Priorities for Reserves

4.3.1 IR #1A Ts'unk'ut (Lheidli T'enneh Cemetery)

Vision

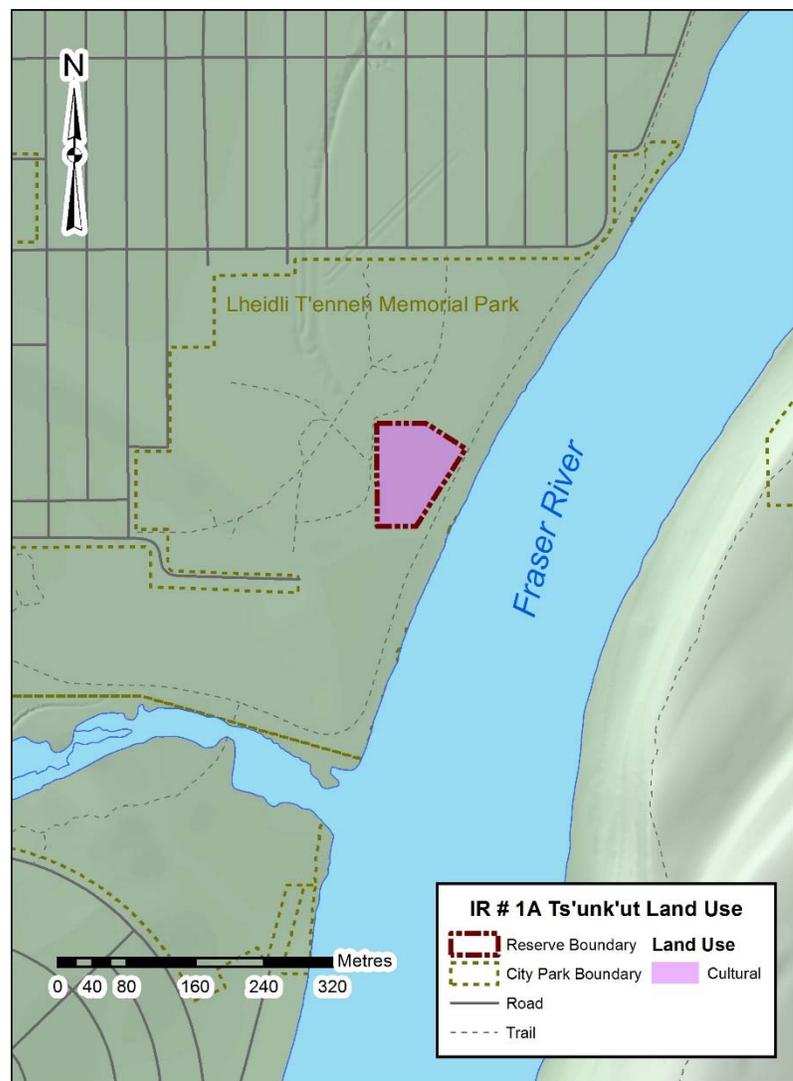
Ts'unk'ut (Lheidli T'enneh Cemetery) will be celebrated as a significant cultural/heritage site for the Lheidli T'enneh Nation.

Objectives

- a) Recognize Ts'unk'ut (Lheidli T'enneh Cemetery) as a cultural heritage site based upon to its cultural, spiritual and historic value and its continued use as a burial ground.

Priorities

- a) Designate as a Cultural Heritage site under the Lheidli T'enneh Land Code.
- b) Continue to work with the City of Prince George to ensure Lheidli T'enneh management related to landscaping and cemetery improvements/upgrades.
- c) Encourage burial ground as an active cemetery for Lheidli T'enneh Members and explore potential for designation of portion of City of Prince George cemetery expansion for future Lheidli T'enneh use.
- d) Ensure formal Lheidli T'enneh representation on City committees involved in future management, operation and site planning in the Lheidli T'enneh Memorial Park and



Exploration Place where adjacent activities may impact Ts'unk'ut (Lheidli T'enneh Cemetery).

- e) Develop appropriate information package to educate Members, the broader Prince George Community and tourists on the traditions, culture and history of Ts'unk'ut (Lheidli T'enneh Cemetery).

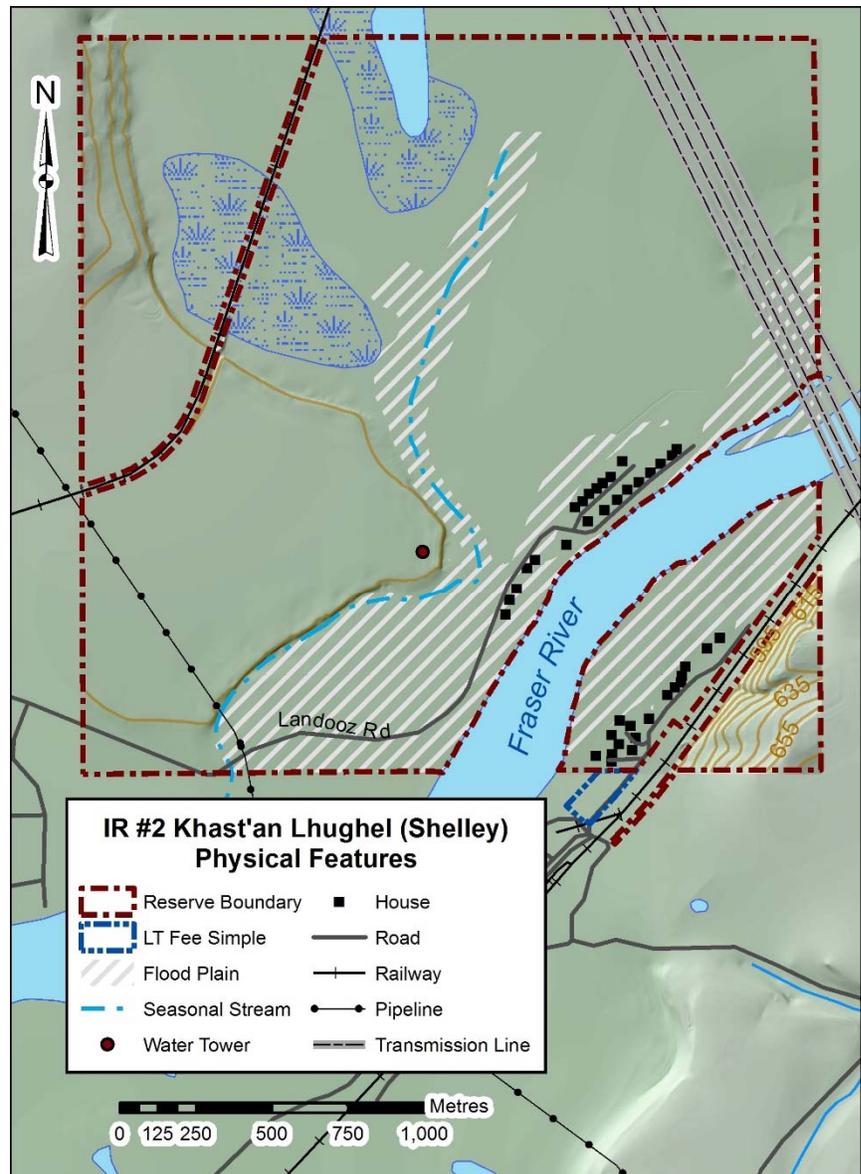
4.3.2 IR #2 Khast'an Lhughel (Shelley)

Vision

Khast'an Lhughel (Shelley) will be the principle settlement area for the Lheidli T'enneh membership. North Khast'an Lhughel will be the site of all new development. This reserve is a community providing a variety of employment and housing opportunities, education, social and recreation programs to ensure a high quality of life while respecting traditions and cultural beliefs.

Objectives

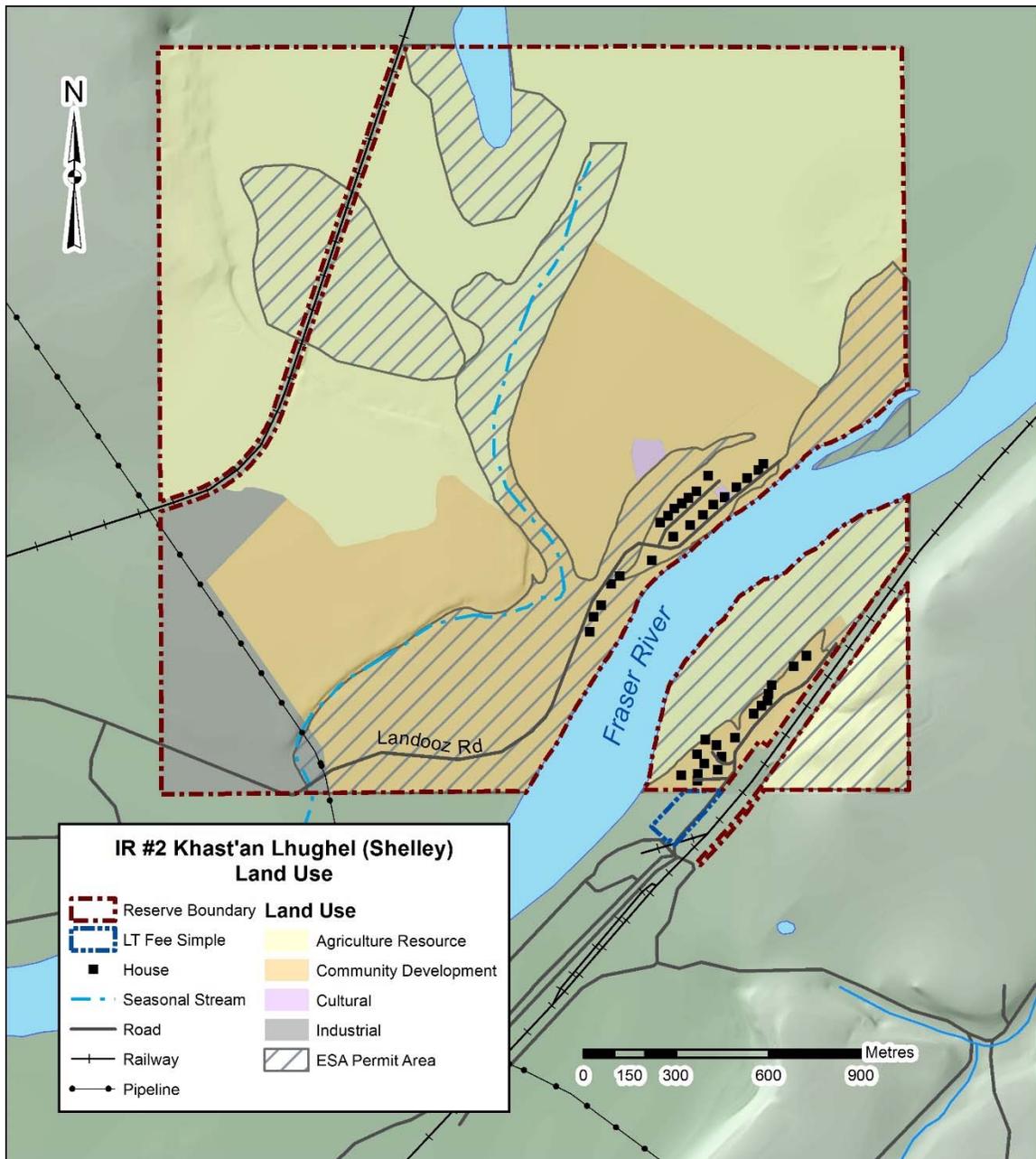
- a) Encourage, support and enhance economic opportunities.
- b) Repair and replace existing houses and develop new housing stock.
- c) Provide for future residential expansion in the area adjacent to existing community development north of the cemetery.
- d) Identify and protect cultural heritage sites by requiring an archeological impact assessment prior to any development.
- e) Protect traditional cultural use areas for future use and for educational and economic opportunities.
- f) Explore potential for enhancing agricultural use.
- g) Improve access to North Khast'an Lhughel (Shelley).



- h) Retain existing forested areas for future harvesting.
- i) Protect environmentally sensitive areas (1:200 year floodplain, wetlands and significant slopes) by designating these within an Environmentally Sensitive Development Permit area (shown on Land Use Map as ESA Permit Area).
- j) Celebrate the existing cemetery and church grounds as a cultural heritage site based upon its spiritual, cultural and historic value.

Priorities

- a) Complete road improvements projects initiated and access/allocate capital funds for recommended road construction and drainage improvements.
- b) Complete the physical design and program development for community/education centre expansion.
- c) Review road maintenance agreement with City of Prince George in conjunction with road construction and drainage improvements to determine whether agreement should be revised, renewed, or maintenance undertaken internally by Lheidli T'enneh for North Khast'an Lhughel (Shelley).
- d) Extend and enhance existing water and sewer system on North Khast'an Lhughel (Shelley) to the west of the current developed area to provide for potential commercial/industrial development and training opportunities (forestry, log building).
- e) Develop a comprehensive agriculture plan and explore opportunities.
- f) Develop a program to fund Church restoration and consider lands between church and cemetery (Elders Walk) for special landscaping treatment.
- g) Upgrade for North Khast'an Lhughel (Shelley) standby well in conjunction with development of new lots and use existing well as back up.
- h) Contract operation and maintenance responsibility for South Khast'an Lhughel (Shelley) water system and introduce training program for staff resources to assume this function for both water systems.
- i) Upgrade South Khast'an Lhughel (Shelley) reserve standby well to production well and use existing well as back up.
- j) Complete domestic water systems study and allocate capital funds to complete water supply/distribution improvements and meet fire protection requirements (pumps, equipment, and additional fire hydrants).
- k) Review options for north side sewage disposal and decide on preferred option for a treatment facility.



Land Use Designation	Land uses
Community Development	<ul style="list-style-type: none"> Residential (houses, duplexes, multi-unit dwellings) Commercial/business Community Services such as Band Office, education, community facilities, and fire hall Recreation, and playground
Industrial	<ul style="list-style-type: none"> Warehousing and storage Manufacturing and mills
Agriculture and Resource	<ul style="list-style-type: none"> Agriculture, forestry, and gravel removal
Cultural	<ul style="list-style-type: none"> Traditional uses such as hunting, fishing, berry picking, Recreation and tourism related to traditional uses Church, cemetery, identified cache pit, culturally modified trees

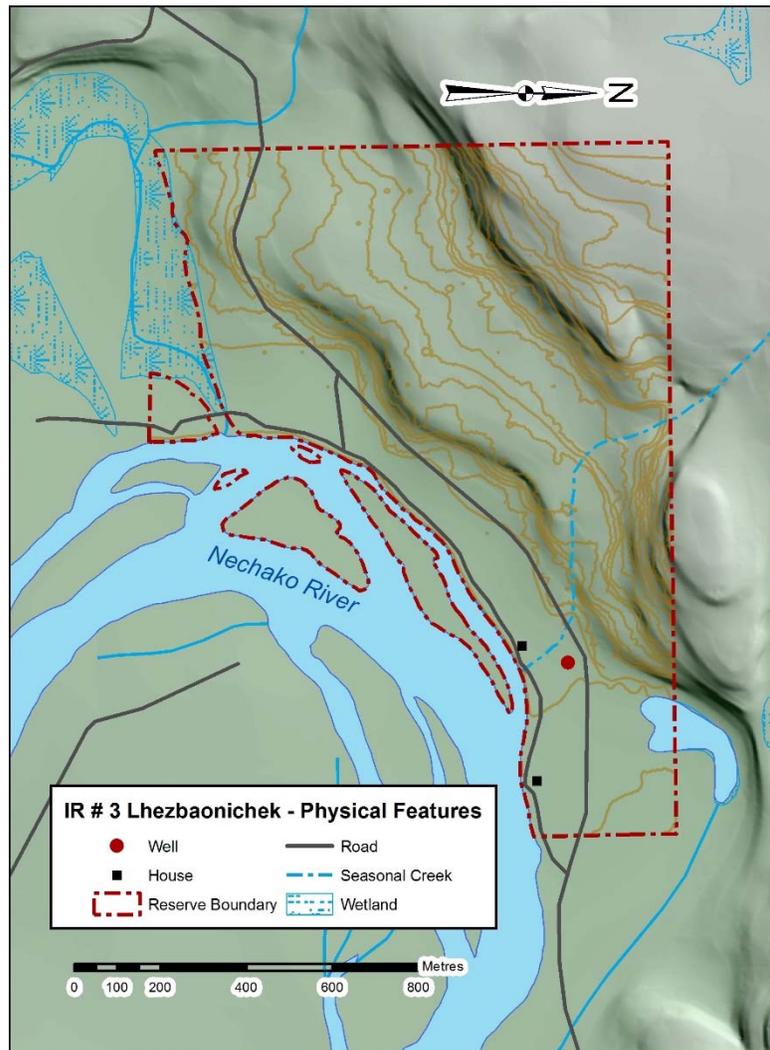
4.3.3 IR #3 Lhezbaonichek (Clesbaoneecheck)

Vision

Lhezbaonichek (Clesbaoneecheck) will maintain its value for resource development and as a traditional use area linked to the Nechako River. In the future, with road upgrades and power, this is a desirable alternate location for residential and community development.

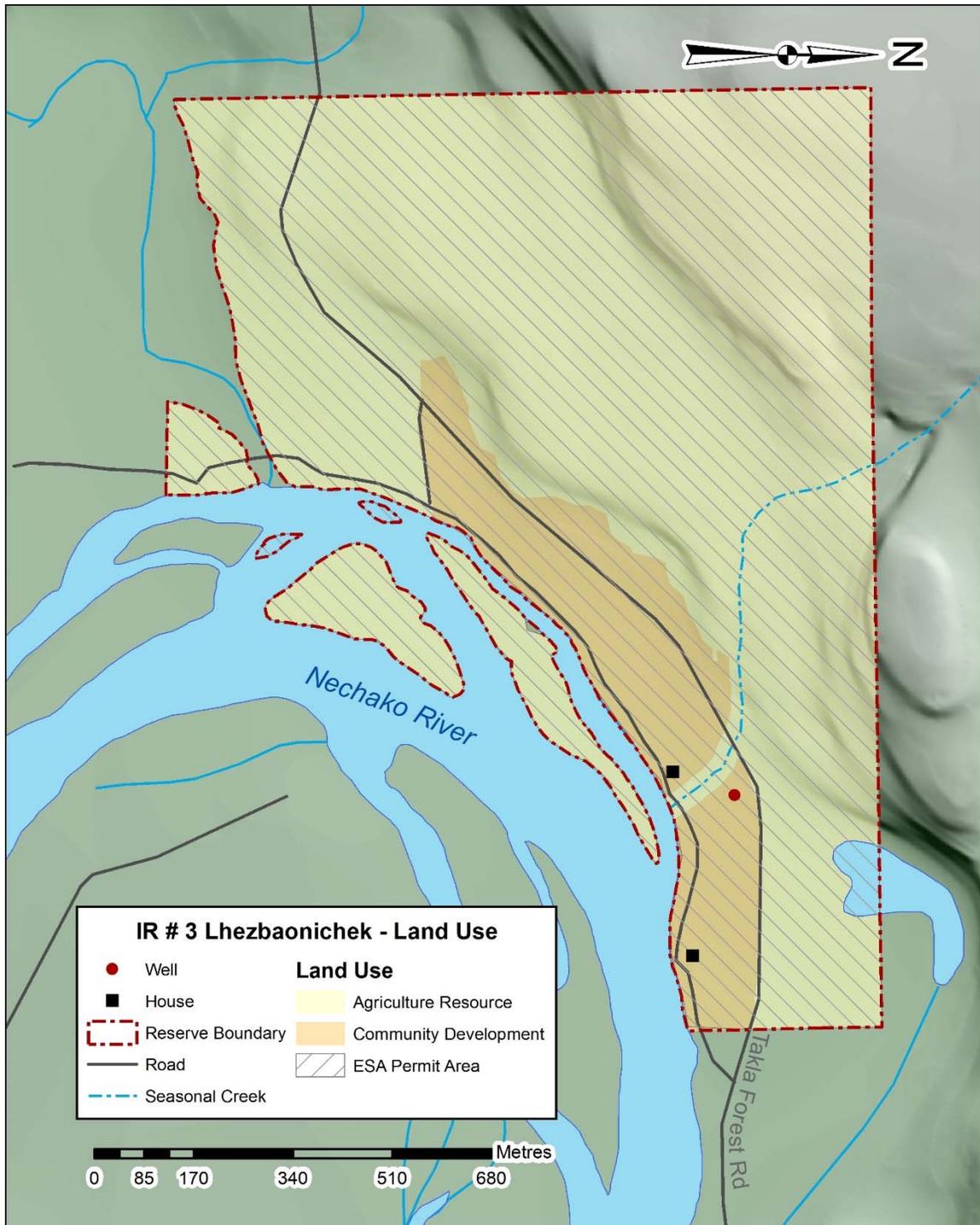
Objectives

- a) Retain the northwest area for future forestry operations.
- b) Re-claim low lying areas and prevent erosion of land.
- c) Consider raising elevation of low lying areas for future development where appropriate.
- d) Allow for recreational trails and river based traditional activities for members and for tourism.
- e) Provide for future residential development dependent on off-site road and power improvements and with adequate groundwater and soils for sewage disposal.
- f) Protect environmentally sensitive areas and wildlife habitat (1:200 year floodplain, wetlands and significant slopes) by designating these lands within an Environmentally Sensitive Development Permit area (shown on Land Use Map as ESA Permit Area).
- g) Identify and protect cultural heritage sites by requiring an archeological impact assessment prior to any development.



Priorities

- a) Confirm the status of the former Takla Forest Road providing access from North Nechako Road by meeting with stakeholders (Regional District of Fraser-Fort George, Ministry of Transportation and Infrastructure and BC Forest Services).
- b) Determine if an alternate road access from the northwest.
- c) Revisit BC Hydro power options for the reserve and explore alternative options for power.
- d) Undertake erosion control measures as identified to stabilize the banks adjacent to the Nechako River.



Land Use Designation	Land uses
Community Development	<ul style="list-style-type: none"> Residential (houses, duplexes, multi-unit dwellings) Commercial/business Community Services such as Band Office, education, community facilities, and fire hall Recreation, and playground
Agriculture and Resource	<ul style="list-style-type: none"> Agriculture, forestry, and gravel removal

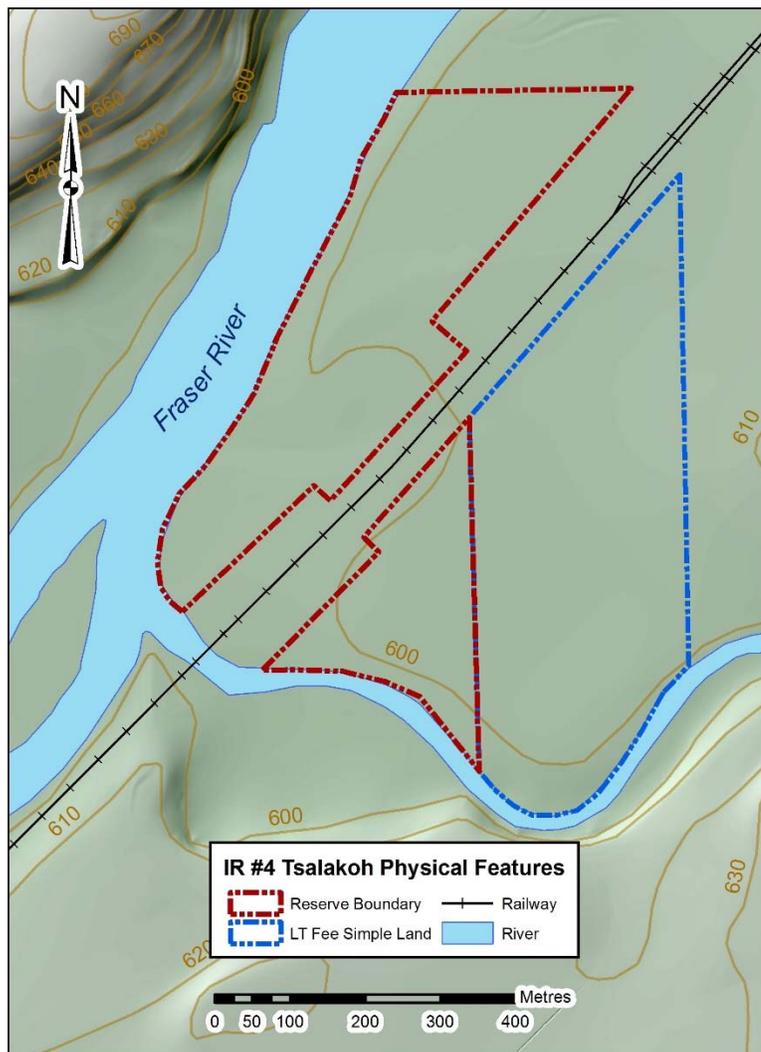
4.3.4 IR #4 Dzulhyazchun Tsalakoh (Salaquo)

Vision

Enhancement of cultural/traditional use focus with water based tourism priority linked to the Nechako River.

Objectives

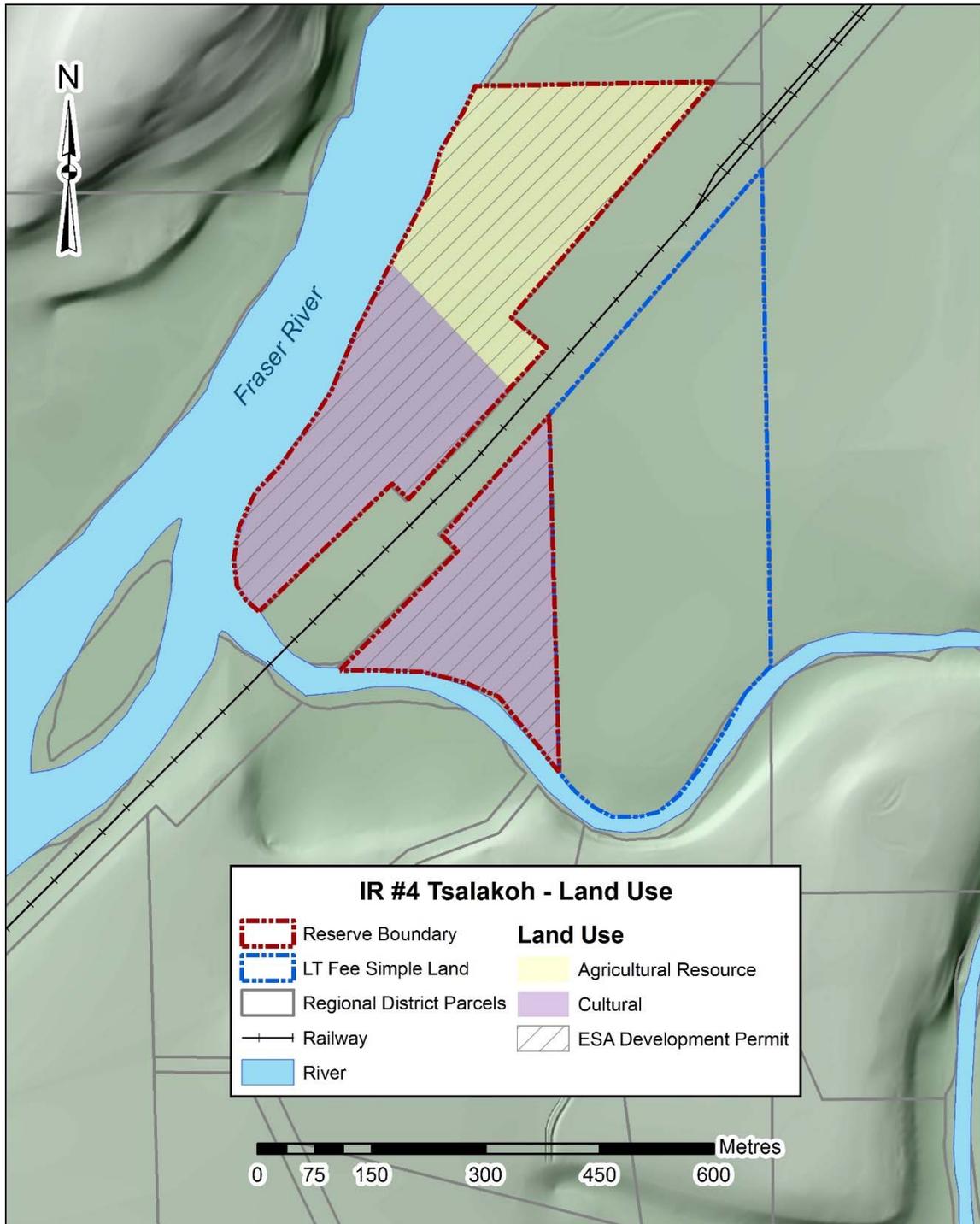
- a) Protect environmentally sensitive areas and wildlife habitat (1:200 year floodplain, wetlands and significant slopes) by designating the reserve within an Environmentally Sensitive Development Permit area (shown on Land Use Map as ESA Permit Area).
- b) Identify and protect cultural heritage sites by requiring an archeological impact assessment prior to any development.
- c) Retain in its primarily natural state with recognition of the original seasonal village site, culturally modified trees and caches.
- d) Assess the feasibility of Fuel Management funding through the Strategic Wildfire Prevention Initiative to manage pine beetle deadfall on reserve.
- e) Allow for recreational trails and river based traditional activities for members and for tourism.



Priorities

- a) Identify potential for legal access to the reserve through negotiated access easements, right of refusal or purchase of adjacent lands.
- b) Initiate the process to obtain the land that was surrendered in 1922.
- c) Determine what is necessary to minimize the Lheidli T'enneh liability for pedestrian access using the existing CNR bridge.
- d) Complete GPS inventory reserve for caches and culturally modified trees and considered protection by designating as cultural heritage sites.
- e) Meet with stakeholders (Provincial Government, Regional District of Fraser-Fort George and City of Prince George) to determine if a possibility of a future trail link from the existing Cranbrook Hill Greenway to this reserve.

- f) Consider trail use and a rest area for tourism potential as part of a cultural corridor water based opportunity celebrating the history and culture of the Lheidli T'enneh.



Land Use Designation	Potential Land uses
Agriculture and Resource	Forestry, gravel removal
Heritage / Cultural	Traditional uses such as hunting, fishing, berry picking, Recreation and tourism related to traditional uses Camping, seasonal cabins

Part 5: Plan Implementation

The Land Use Plan is one step in the process to the realization of the Lheidli T'enneh planning objectives. Summarized briefly in this section are several of the implementation tools required to implement the *Lheidli T'enneh Land Use Plan*.

5.1 Land Use Plan Approval and Amendment

In order for the updated Land Use Plan to become law, the following processes must be followed, as required by the Land Code:

- a) Recommendation by the Lands Authority to the Lheidli T'enneh Membership under Section 24 of the Land Code;
- b) Approval by Lheidli T'enneh Membership at a meeting held to consider the Plan under Section 12 of the Land Code;
- c) Band Council Resolution to approve the Plan under Section 7 of the Land Code.

5.2 Zoning Law

A Zoning Law is being prepared as part of the review of the Land Use Plan. The Zoning Law includes the identification of specific zones for land parcels and the corresponding site development regulations. Development review and approval procedures, as well as the processes for amending the zoning will be contained in the Zoning Law.

5.3 Coordination and Local Government Relationships

Effective implementation of this Land Use Plan will require meaningful cooperation amongst all affected departments and with adjacent local governments on matters such as servicing, land use and transportation.

The following list reiterates the recommended projects and negotiations which will involve the local governments of the City of Prince George and the Regional District of Fraser-Fort George:

- a) Continue to work with the City of Prince George to ensure Lheidli T'enneh management related to landscaping and cemetery improvements/upgrade
- b) Ensure Band representation on any committees whose decisions affect the cemetery.
- c) Increase the visibility of Lheidli T'enneh at Exploration Place and Lheidli T'enneh Memorial Park through the installation of additional cultural and heritage exhibits, and development of an educational package for the public.
- d) Review the Road Maintenance Agreement with the City of Prince George for North Khast'an Lhughel (Shelley).
- e) Initiate a meeting of all involved and affected to upgrade the former Takla Forest Road between Lhezbaonichek (Clesbaoneecheck) and the City of Prince George boundary.
- f) Initiate discussion with the Provincial Government and local governments to include a future trail link from existing Cranbrook Hill Greenway to Dzulhyazchun Tsalakoh (Salaquo).

5.4 Capital Project Priorities

Based upon recommendations and priorities identified in this Land Use Plan, the Capital Plan to guide future annual budgets and capital project priorities should be updated. This should also identify applications to obtain capital funding from the Federal Government of Canada, the

Provincial Government of BC, and other funding sources.

5.5 Housing

A Land Use Plan will typically determine the residential land requirements of the community and identify land uses based on population projections. A simplified population projection was provided in Part 2 of this document, however additional study of the effects of Bill C-31 and Bill C-3 on the future population is needed. In addition, as noted previously in this Plan, on-reserve population is directly tied to available housing, community services and the amount of nearby employment. Housing tenure has also played a role in the demand for on-reserve housing.

Under the current land management regime, there are two types of housing tenure: Traditional certificates of possession (CP), and 49 year leases. Council also has the authority to designate land tenure under the Land Code. Currently, all Lheidli T'enneh land is under the management of the Band Council, without any CPs or leases. Housing and land tenure possibilities need to be developed and communicated to Band membership and prospective residents.

Khast'an Lhughel is the primary location of existing housing, with 20 homes on the north and 16 on the south side. North Khast'an Lhughel is identified as the primary expansion area for new residential development as well as commercial and industrial development. In 2008 McElhanney Consulting Services prepared the North Shelley Subdivision 3A and 3B Study which completed conceptual subdivision layout and assessed the servicing requirements. The design recommended a Stage 1 extension of Khast'an Road accommodating 18 additional lots and future staged development for an additional 80 lots. This should be reviewed to determine if the proposed staging and layout is the preferred future development.

A significant variable with respect to future on reserve population and housing demand is the number off-reserve Band Members who may wish to move to Khast'an Lhughel (Shelley) upon final treaty settlement and in subsequent years.

Appendices

Appendix A: Glossary

Bill C-31 – In 1985 the Government of Canada passed Bill C-31 allowing those women and their dependants who had lost their Indian Status because of marrying non-Indians to be reinstated.

Bill C-3 – In 2011, this legislation was passed to ensure that eligible grandchildren of women who lost status as a result of marrying non-Indians are entitled to registration (grandchildren of Bill C-31 grandmothers). Sometimes referred to as the McIvor case.

Clesbaoneecheck (IR#3) – This reserve is located past the end of the North Nechako Road on the west bank of the Nechako River at Duck Lake.

Deneza – Refers to the Traditional heads of clans or kinship groups.

Fee Simple Land – Having complete ownership, the most private property rights over land.

Keyoh – A Dakelh (Carrier) word meaning “territory”. It refers to specific areas of land traditionally over which a particular clan, or group of people (extended family) have stewardship rights.

Khast'an Lhugal (IR#2) – The reserve houses most of the on-reserve Lheidli T'enneh membership. It is separated by the Fraser River into North and South Khast'an Lhugal and is located approximately 22km upstream of the confluence of the Nechako and Fraser Rivers. This reserve was called the Shelley reserve for many years.

Lands Authority – The group of elected persons established under the Lheidli T'enneh First Nation Land Code.

Land Code – Provides the basis for managing and administering Lheidli T'enneh Land. A land code set out the basic provisions regarding the exercise of a First Nation's rights and powers over their reserve land. The Lheidli T'enneh Land Code was enacted under the federal Framework Agreement on First Nation Land Management and its implementation legislation; the *First Nations Land Management Act*. Ratified by Membership vote on October 28, 2000 and came into legal force and effect on December 1, 2000.

Land Use Plan – The plan adopted to specify land use direction for development purposes, this is the guide to future land use on reserve.

Member – A person whose name appears on the Lheidli T'enneh Membership List.

Ts'unk'ut (IR #1) - Lheidli T'enneh cemetery located in the Lheidli T'enneh Memorial Park (formerly Fort George Park).

Traditional Territory – Most of the land in BC is unceded Indian land traditionally under the jurisdiction of distinct first nations. First Nations within the BC Treaty process have filed Statement of Intent Traditional Territory maps that encompass the lands traditionally used by the nation. The Lheidli T'enneh Traditional Territory encompasses the City of Prince George, extending eastward to the Rocky Mountains, southward to Hixon, northward to Summit Lake and westward to Cluculz Lake.

Salaquo (IR #4) – The reserve located on the east bank upstream from Clesbaoneecheck at the confluence of the Chilako (Mud River) and the Nechako River.

Appendix B: Reports Consulted

The following is a list of various reports and studies that have been completed for the Lheidli T'enneh since the completion of the 2005 Lheidli T'enneh Land Use Plan and which were reviewed and considered in the preparation of this Land Use Plan.

- Subdivision 3A and 3B Development (McElhanney Consulting Services Ltd), May 2008 predesign report-
- Road and Drainage Feasibility Study (McElhanney, March 2008)
- Geotechnical Report – proposed residential Subdivision, Stage 1, (GeoNorth Engineering Ltd - for McElhanney, Dec, 2010)
- Environmental Assessment – North Shelley Subdivision Expansion (stage 1) (Triton Environmental Consultants for McElhanney, Dec 2010)
- Comprehensive Community Plan (Krebs, 2010)