



BRITISH
COLUMBIA



Ktunaxa Kinbasket Treaty Council

Canada

Ktunaxa Kinbasket Treaty Council Treaty Negotiations

FISHERIES AND AQUATIC ECOSYSTEMS

Negotiating Framework

Public Information Draft

SEPTEMBER 27, 2002

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PREAMBLE

At the July 2001 meeting of the Chief Negotiators, the Side Table was asked to develop a mechanism to monitor the ongoing progress of negotiations during the period prior to the referendum. To address this request, BC proposed that the Parties develop and agree upon an Interim Negotiating Framework for each chapter. Now that the referendum has been completed, the Interim Negotiating Framework can be expanded to include the full range of topics on which all Parties believe progress can be made in the near-term.

DEFINITIONS

“Aquatic Ecosystems”
“Aquatic Resources”
“Conservation”
“Domestic Purpose”
“Fisheries”
“Ktunaxa Citizen”
“Ktunaxa Government”
“Ktunaxa Lands”
“Ktunaxa Nation”

Other terms requiring specific definitions will be added.

Should terms defined elsewhere be included?

The definition for “Fisheries” or “Aquatic Resources” needs to address both domestic and introduced species.

GENERAL

1. Address the application of laws respecting use of Aquatic Resources and management of Fisheries and Aquatic Ecosystems.
2. Address matters respecting the use of permits or licences to authorize the use of Aquatic Resources.
3. Address matters respecting the payment of fees for the use of Aquatic Resources.
4. Describe the relationship between the Ktunaxa Nation’s right to use Aquatic Resources and the authority of the federal and provincial governments to authorize uses of Crown land.
5. Address matters respecting access to and the use of

Drafting conventions:

All Parties; *KKTC*; **British Columbia**; **Canada**; [not yet agreed]; (elaboration); additions; ~~deletions~~

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Aquatic Resources by people who are not Ktunaxa Citizens.

DOMESTIC USE

6. Describe the Ktunaxa Nation's right to use Aquatic Resources for Domestic Purposes.
7. Define the geographic area within which the Ktunaxa Nation's right to use Aquatic Resources for Domestic Purposes will apply.
8. Address the transferability of the Ktunaxa Nation's right respecting the use of Aquatic Resources for Domestic Purposes.
9. Describe the Ktunaxa Nation's right to trade or barter Aquatic Resources.
10. Describe the process for sharing Aquatic Resources where the consumptive use of those resources must be limited to address conservation concerns.

MANAGEMENT RELATIONSHIP

11. Address matters respecting the management of Fisheries and Aquatic Ecosystems, including habitat, restoration and conservation.
12. Address the Ktunaxa Government's obligations respecting the administration of uses by Ktunaxa Citizens of Aquatic Resources and enforcement of compliance by Ktunaxa Citizens. ~~with approved management plans.~~

COMMERCIAL USE

13. Address the sale and export of Aquatic Resources.

REDRESS/COMPENSATION

The ability of the Parties to negotiate

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<p>14. <i>[Address the <u>topic of redress for issue of compensating</u> the Ktunaxa Nation 's for their loss of access to <u>Aquatic Resources</u>. salmon species.]</i></p>	<p><u>and make progress on this topic is contingent on the Principals making progress in their discussions on the topic of compensation.</u></p> <p><u>Specific Aquatic Resources include salmon and sturgeon.</u></p>
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