



T̓silhqot'in Nation

Nulh Ghah Dechen Ts'edilhtan

(“T̓silhqot'in Nation Wildlife Law”)

Enacted by the Xeni Gwet'in First Nations Government Chief and Council on July 16, 2019.

Endorsed by the T̓silhqot'in Council of Chiefs on July 25, 2019.

Came into force on August 23, 2019.

NULH GHAH DECHEN TS'EDILHTAN

PREAMBLE

- A. We, the Xeni Gwet'in, are part of the T̓silhqot'in Nation, or "People of the River." Our ancestral *nen* (land) includes the lands declared by the Supreme Court of Canada to be T̓silhqot'in Aboriginal title lands in *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44. In that same case, the courts also declared that the T̓silhqot'in hold proven Aboriginal rights to hunt, trap and trade throughout the claim area, which lies at the heart of the Xeni Gwet'in caretaker area of T̓silhqot'in territory.
- B. We have occupied our ancestral *nen* since time immemorial. Our identity is bound to our *nen*. We have never ceded or surrendered our rights, our title, or our sacred and legal responsibilities to our *nen*. Our rights, title and sacred and legal responsibilities extend throughout our caretaker area.
- C. We have exercised and continue to exercise authority and jurisdiction over our *nen* through our values, principles, and *dechen ts'edilhtan* (literal translation: "laying down the stick" – in English, this term is better known as "laws"). Our authority and jurisdiction is also recognized and affirmed in Canadian law, through s. 35 of the *Constitution Act, 1982*, the Supreme Court of Canada decision in the 2014 *Tsilhqot'in Nation* case, and in international law through the *United Nations Declaration on the Rights of Indigenous Peoples*.
- D. Since time immemorial, the T̓silhqot'in and Xeni Gwet'in have lived by our *dechen ts'edilhtan* as taught to us by our ancestors. We are at a time in our history where it has become necessary to share our *dechen ts'edilhtan* on paper with each other as T̓silhqot'in and with non-T̓silhqot'in, as part of our laws that bind us as T̓silhqot'in people.
- E. With this *Nulh Ghah Dechen Ts'edilhtan* (Wildlife Law), we are standing up our laws on our declared Aboriginal title lands. This is only the start. We will continue to take steps to stand up our laws on our declared Aboriginal title lands, our proven Aboriginal rights lands, and throughout our caretaker area.

PART 1 – PURPOSE, PRINCIPLES, AND WILDLIFE VALUES

Purpose

- 1 The purpose of this *Nulh Ghah Dechen Ts'edilhtan* is to ensure the *nen* and wildlife upon it are managed and protected according to T̓silhqot'in values and teachings, to make sure our *nen* provides for this generation and the generations to come.

Principles

- 2 The following principles apply to this law:
 - (a) take only the wildlife you need and no more – it is important to leave plenty of resources behind for other species and future generations;
 - (b) respect the capacity of the *nen* to give, so that it can continue to give;
 - (c) ensure that the *nen* remains healthy and abundant so that it can be maintained for all T̓silhqot'in now and into the future;
 - (d) respect the traditions and heritage of the T̓silhqot'in people;
 - (e) respect the rights and responsibilities of the T̓silhqot'in people under T̓silhqot'in law to use and care for their *nen*; and,
 - (f) our *dechen ts'edilhtan* is based on education and prevention; at all times this will be at the forefront, however this does not prevent further disciplinary measures when deemed necessary.

Wildlife values

- 3 The following wildlife values apply to this law:
 - (a) all parts of harvested wildlife should be used; do not waste; wasting food can never be justified no matter how plentiful it seems because many people live from harvest to harvest; one good year can be followed by bad years which can affect the T̓silhqot'in people;
 - (b) wild animals have spirits and certain human qualities, and therefore all wildlife, including the young and unborn, are to be shown respect at all times; they deserve to be treated honourably;
 - (c) do not cause harm and suffering to wildlife;
 - (d) do not create an unfair advantage over wildlife when hunting; and,
 - (e) share with those who are in need; sharing ensures the well-being and survival of others.

PART 2 – INTRODUCTORY PROVISIONS

Definitions

4 In this law:

“Community Resolution” means a Band Council Resolution duly enacted by the Xeni Gwet'in First Nations Government Chief and Council;

“Declared Title Area” means the lands to which the Supreme Court of Canada granted the T̓silhqot'in Nation a declaration of Aboriginal title in *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44, as described in the map attached as Schedule A; for additional clarity, the “Declared Title Area” does not include submerged lands, private lands, or Indian reserves;

“firearm” includes a rifle, shotgun, handgun and any device that propels a projectile by means of an explosion, compressed gas or spring, but does not include a bow;

“habitat” means the area or type of site where wildlife:

- a) naturally occurs;
- b) depends on directly or indirectly in order to carry out its life processes; or,
- c) formerly occurred and has the potential to be reintroduced;

“hunting” or “hunt” includes:

- a) shooting at wildlife with a hunting weapon, whether or not the shot wounds or kills the wildlife; or
- b) searching for, tracking, chasing, or lying in wait for wildlife while in possession of a hunting weapon;

“hunting weapon” means a firearm, crossbow, longbow, recurve bow or compound bow;

“law” means this T̓silhqot'in Nation *Nulh Ghah Dechen Ts'edilhtan* and any order made pursuant to this law;

“non-T̓silhqot'in person” means any person who is not a T̓silhqot'in person;

“T̓silhqot'in person” means a person on the band list of the Xeni Gwet'in First Nations Government, T̓ši Deldel First Nation, Tl'etinqox Government, Yunešit'in Government, ʔEsdilagh First Nation, or Tl'esqox (Toosey Indian Band);

“wildlife” or “wild animals” includes moose (mús), deer (nists'i), caribou (bedzish), elk (deníchúgh), mountain goats (sebay), mountain sheep (debi), rabbits (gex), squirrels (dlig), flying squirrels (tsánlht'áy), marmots or groundhogs (dediny), grouse, ptarmigan (k'ázbá), ducks (nát'í), geese (xex), swans (delgi), grizzly bear (nunitsíny), black bear (ses-lhet'és), wolf (nun), coyote (chel'íg), fox (nanjéz), wolverine (nuštil), fisher (sesugh), mink (tilhjus), marten (sesjís), weasel (nembay), skunk (guli), cougar (nundi-

chugh), lynx (nundi), bobcat (nundi-dalmaylh), beaver (tsá), otter (chináz), and muskrat (nábí); but it does not include fish, pets, or livestock.

Area of application and scope of law

- 5 This law applies in the Declared Title Area; it applies to hunting and to other activities, except trapping, that may affect wildlife and habitat in the Declared Title Area.

No ownership of living wildlife in Declared Title Area

- 6 The Province of British Columbia does not own the wildlife in the Declared Title Area. The concept of ownership does not and cannot apply to living wildlife. Wild animals are not objects; they are living beings with their own spirits. Humans are related to, interconnected with, and dependent upon wildlife.

Use of harvested wildlife

- 7 Any person who kills wildlife in the Declared Title Area in compliance with this law:
- (a) may make use of, or share with others, the meat and other parts of harvested wildlife; and,
 - (b) must not waste the useable parts of harvested wildlife.

PART 3 - BAN ON HUNTING BY NON-T̂SILHQOT'IN

No hunting by non-T̂silhqot'in

- 8 A non-T̂silhqot'in person must not hunt wildlife in the Declared Title Area, subject to the exceptions set out below.

Exceptions to ban on hunting by non-T̂silhqot'in

- 9 A non-T̂silhqot'in person may hunt wildlife in the Declared Title Area only if:
- (a) that person has a valid permit issued in accordance with section 19, complies with this law and any conditions set out in the permit, and carries the permit with them at all times while hunting or while transporting harvested wildlife in the Declared Title Area; or,
 - (b) that person is accompanied by a non-T̂silhqot'in guide outfitter who has complied with Part 6, below.

No entry into the Declared Title Area by non-T̂silhqot'in with hunting weapons

- 10 A non-T̂silhqot'in person may not enter into or pass through the Declared Title Area with a hunting weapon, unless that person:

- (a) holds a valid authorization issued in accordance with section 20;
- (b) holds a valid permit to hunt in the Declared Title Area, issued in accordance with section 19;
- (c) is escorted by a T̓silhqot'in Compliance and Enforcement Officer;
- (d) resides on private property in an area surrounded by the Declared Title Area, or that requires the use of a road passing through the Declared Title Area to access the property by vehicle;
- (e) is a guide outfitter who has complied with Part 6, below, or is travelling to the Declared Title Area as a current client of such a guide outfitter; or,
- (f) is a peace officer on duty who carries firearms or other weapons to aid in the execution of their duties.

Enforcement against non-T̓silhqot'in

11 A non-T̓silhqot'in person who does not comply with this law is a trespasser in the Declared Title Area and will be treated accordingly. Enforcement measures may include:

- (a) the temporary or permanent removal of that person from the Declared Title Area;
- (b) confiscation of any wildlife or wildlife parts from the person or their vehicle;
- (c) claims against that person in the British Columbia courts for monetary damages or other relief; and,
- (d) such further or alternative enforcement measures as may be brought by provincial or federal authorities.

PART 4 – T̓SILHQOT'IN HUNTING

General right to hunt

12 A T̓silhqot'in person may hunt wildlife in the Declared Title Area, as long as they:

- (a) follow this law, including, for greater certainty, any restrictions on hunting or requirements for hunting set out in an order made under this law; and,
- (b) respect the purpose of this law and make best efforts to follow the principles and wildlife values while hunting wildlife in the Declared Title Area.

Enforcement powers of T̓silhqot'in Compliance and Enforcement Officers

- 13** A T̓silhqot'in Compliance and Enforcement Officer will take the following actions to address a contravention of this law by a T̓silhqot'in person:
- (a) determine whether to give a verbal warning or issue a compliance notice;
 - (b) give either a verbal warning immediately or issue a compliance notice to the person within seven (7) calendar days;
 - (c) explain to the person the section of the law contravened when giving a verbal warning or issuing a compliance notice;
 - (d) if a compliance notice is issued, explain the compliance notice process to the person; and,
 - (e) if a compliance notice is issued, report the issuance of the compliance notice in writing to the Xeni Gwet'in First Nations Government Chief and Council and to the T̓silhqot'in person's Chief and Council (if not Xeni Gwet'in) within fourteen (14) calendar days.

Enforcement powers of Xeni Gwet'in First Nations Government Chief and Council

- 14** After a compliance notice is reported to the Xeni Gwet'in First Nations Government Chief and Council, the Xeni Gwet'in First Nations Government Chief and Council will, within thirty (30) calendar days:
- (a) issue a warning letter to the person; or
 - (b) refer the matter to the Nagubets'eneten process set out in sections 15 to 16.

Nagubets'eneten process

- 15** The Nagubets'eneten process will include the person being referred; three representatives from Xeni Gwet'in, one of which will be an elder; and any additional persons who the referred person and the three representatives from Xeni Gwet'in jointly agree upon. Core legal principles of the Nagubets'eneten process are:
- (a) to include teaching T̓silhqot'in culture and laws in a positive way;
 - (b) to ensure the person is accountable for their actions by applying disciplinary measures to the person, which could range from guidance and teaching to a ban on hunting in the Declared Title Area;
 - (c) to ensure relationships are restored; and,
 - (d) to include T̓silhqot'in ceremony.

Time period for Nagubets'eneten process

- 16** All persons involved in each Nagubets'eneten process must make best efforts to ensure that the process is concluded within sixty (60) calendar days from the date the referral is made by the Xeni Gwet'in First Nations Government Chief and Council.

Other disciplinary measures

- 17** A T̓silhqot'in person who does not comply with this law may be subject to such further or alternative enforcement measures as may be jointly agreed to by the Xeni Gwet'in First Nations Government, T̓silhqot'in National Government, and provincial or federal authorities.

PART 5 – ORDERS, PERMITS, AND AUTHORIZATIONS

Power to make orders

- 18** The Xeni Gwet'in First Nations Government Chief and Council may make an order that:
- (a) limits or bans hunting of certain species of wildlife, including an order:
 - (i) limiting or banning hunting of certain sexes, ages or sizes of individuals of those species, or individuals with particular physical features; or,
 - (ii) limiting the number of individuals of a species that may be killed or captured in a specified time period, including through the use of a tag system;
 - (b) limits or bans hunting of some or all species in specified areas;
 - (c) limits or bans hunting of some or all species at certain times of year;
 - (d) limits or bans certain methods of hunting;
 - (e) requires people who hunt in the Declared Title Area to report kills of certain wildlife to the Xeni Gwet'in First Nations Government;
 - (f) places restrictions or requirements on the sale of wildlife meat, skins, pelts, or other wildlife parts or derivatives;
 - (g) places restrictions on people who hunt in the Declared Title Area or others to protect public safety or property;
 - (h) places restrictions on people who hunt in the Declared Title Area or others to protect wildlife or habitat, either throughout the Declared Title Area or in specified areas;
 - (i) places other restrictions or requirements on hunting;
 - (j) provides further detail regarding the process for issuing, amending, and revoking permits, pursuant to section 19, and authorizations, pursuant to

section 20, including addressing fees associated with permits and authorizations;

- (k) further describes the position and powers of T̓silhqot̓in Compliance and Enforcement Officers pursuant to this law; or,
- (l) details other processes and administrative or appeal procedures associated with provisions of this law.

Power to issue, amend, revoke permits

19 Where a section of this law states that a permit may be issued in accordance with this section, the Xeni Gwet̓in First Nations Government Chief and Council may:

- (a) issue a permit allowing a person to do something that would otherwise be prohibited by this law, with or without a time period specified in the permit, and subject to any conditions that are necessary in the opinion of the Xeni Gwet̓in First Nations Government Chief and Council;
- (b) amend a permit, after giving notice of the proposed amendment to the permit holder; and,
- (c) revoke a permit, for any cause the Xeni Gwet̓in First Nations Government Chief and Council considers sufficient, after giving the permit holder an opportunity to be heard.

Power to issue, amend, revoke authorizations

20 Where a section of this law states that an authorization may be issued in accordance with this section, the Xeni Gwet̓in Chief, a Xeni Gwet̓in Councillor, the Xeni Gwet̓in Band Manager, or a T̓silhqot̓in Compliance and Enforcement Officer may:

- (a) issue an authorization allowing a person to do something that would otherwise be prohibited by this law, with or without a time period specified in the authorization, and subject to any conditions that are necessary in the opinion of the person issuing the authorization;
- (b) amend an authorization, after giving notice of the proposed amendment to the person holding the authorization; and,
- (c) revoke an authorization, for any cause the person revoking the authorization considers sufficient, after giving an opportunity to be heard to the person holding the authorization.

Obligation of Xeni Gwet̓in First Nations Government Chief and Council

21 The Xeni Gwet̓in First Nations Government Chief and Council must respect the purpose of this law, the principles, and the wildlife values when performing their

various functions under this law, including enacting orders pursuant to section 18 and issuing, amending, and revoking permits in accordance with section 19.

Obligation of other persons

22 The Xeni Gwet'in Band Manager and each T̓silhqot'in Compliance and Enforcement Officer must respect the purpose of this law, the principles, and the wildlife values when performing their various functions under this law, including issuing, amending, and revoking authorizations in accordance with section 20.

PART 6 – GUIDE OUTFITTING

Prerequisites for Non-T̓silhqot'in guiding activities

23 Non-T̓silhqot'in persons must not carry out guiding activities in the Declared Title Area unless they:

- (a) have a valid provincial Guide Outfitter Licence to carry out guiding activities in the Declared Title Area;
- (b) have entered into a benefit sharing agreement with the Xeni Gwet'in First Nations Government and T̓silhqot'in National Government associated with their use of the Declared Title Area; and,
- (c) have written authorization from the Xeni Gwet'in First Nations Government and T̓silhqot'in National Government.

Other requirements for Non-T̓silhqot'in guiding activities

24 A non-T̓silhqot'in person authorized to carry out guiding activities in the Declared Title Area under section 23 may only do so in compliance with:

- (a) the terms of any applicable provincial Guide Outfitter Licence or Guiding Territory Certificate;
- (b) the terms of any benefit sharing agreement with Xeni Gwet'in First Nations Government and T̓silhqot'in National Government;
- (c) any additional restrictions on use of the Declared Title Area included in the written authorization provided by the Xeni Gwet'in First Nations Government and T̓silhqot'in National Government; and,
- (d) the provisions of this law, subject to any modifications included in the written authorization provided by the Xeni Gwet'in First Nations Government and T̓silhqot'in National Government.

PART 7 – GENERAL PROVISIONS

Notice

25 Notice of this law will be given to:

- (a) T̓silhqot'in people;
- (b) resident and non-resident hunters;
- (c) the Province of British Columbia; and,
- (d) the Government of Canada.

Enactment, amendment, and repeal of law

26 By Community Resolution, the Xeni Gwet'in First Nations Government Chief and Council may enact, amend, or repeal this law.

Endorsement of law

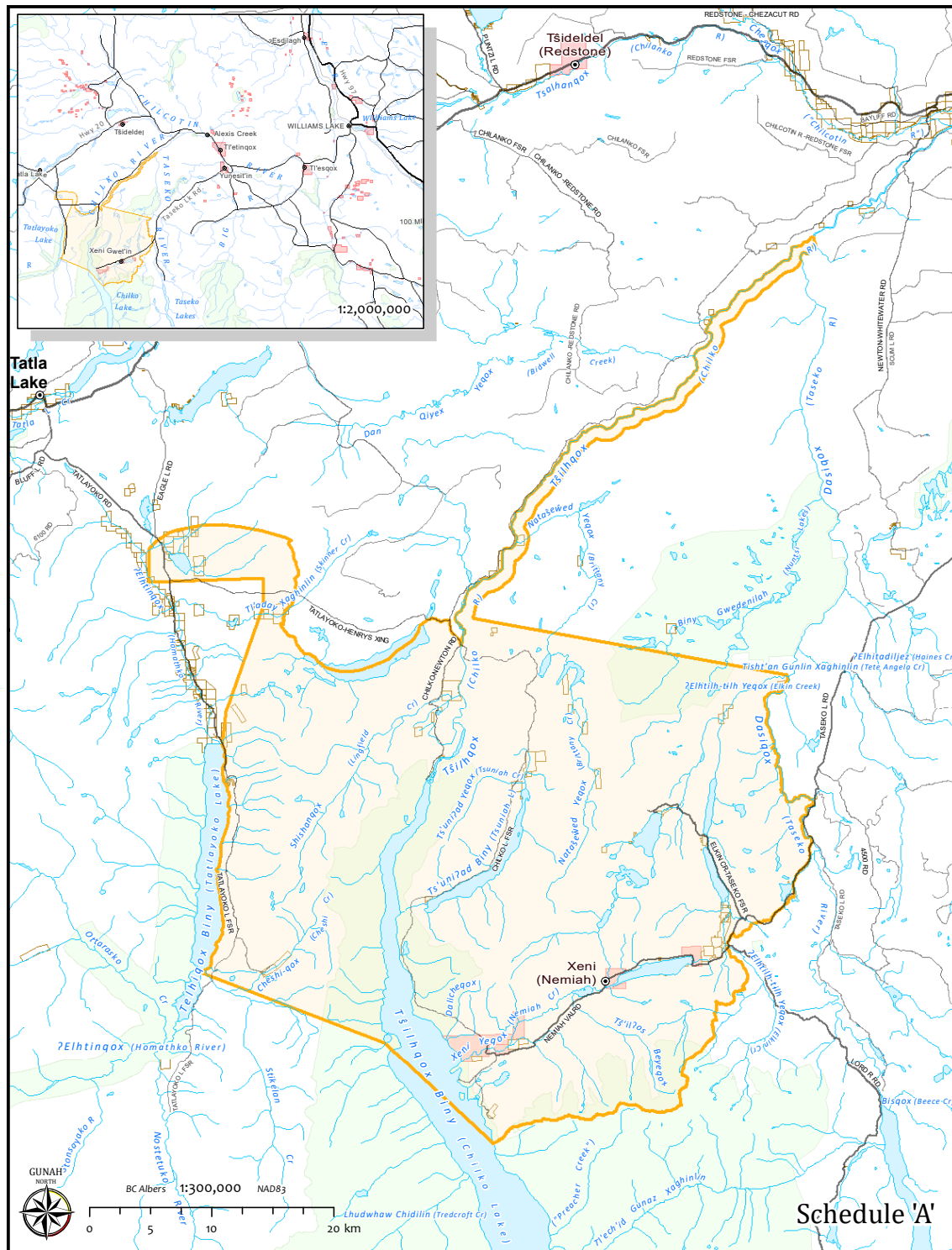
27 By Nation Resolution, the T̓silhqot'in Council of Chiefs may:

- (a) following enactment of this law by Xeni Gwet'in First Nations Government Chief and Council, endorse this law and thereby make this law effective and binding on all T̓silhqot'in people;
- (b) following amendment of this law by Xeni Gwet'in First Nations Government Chief and Council, endorse any amendments to this law, and thereby make the amended law effective and binding on all T̓silhqot'in people; and,
- (c) following repeal of this law by Xeni Gwet'in First Nations Government Chief and Council, endorse the repeal of this law and thereby confirm that the law no longer applies to or binds all T̓silhqot'in people.

Date when this law comes into force

28 This law comes into force on August 23, 2019; for greater certainty, this law will not apply to T̓silhqot'in persons on the band lists of the T̓si Deldel First Nation, Tl'etinqox Government, Yunešit'in Government, ʔEsdilagh First Nation, and Tl'esqox (Toosey Indian Band) until the T̓silhqot'in Council of Chiefs has endorsed the law pursuant to section 27(a).

NULH GHAH DECHEN TS'EDILHTAN



This map is illustrative only. Do not rely on this map as being a precise location of features, routes or boundaries, including the boundaries of the declaration of Aboriginal Title, or for any representations, express or implied.

Declared Title Area Area of Application of the Nulh Ghah Dechen Ts'edilhtan

Legend

- Area of Application of the Nulh Ghah Dechen Ts'edilhtan
- Indian Reserves
- BC Parks and Protected Areas
- Integrated Cadastral Fabric - Private Land
- ?Eten (Road)
- Towns and Communities of Note
- ~~~~~ Yeqox (River)
- Biny (Lake)