

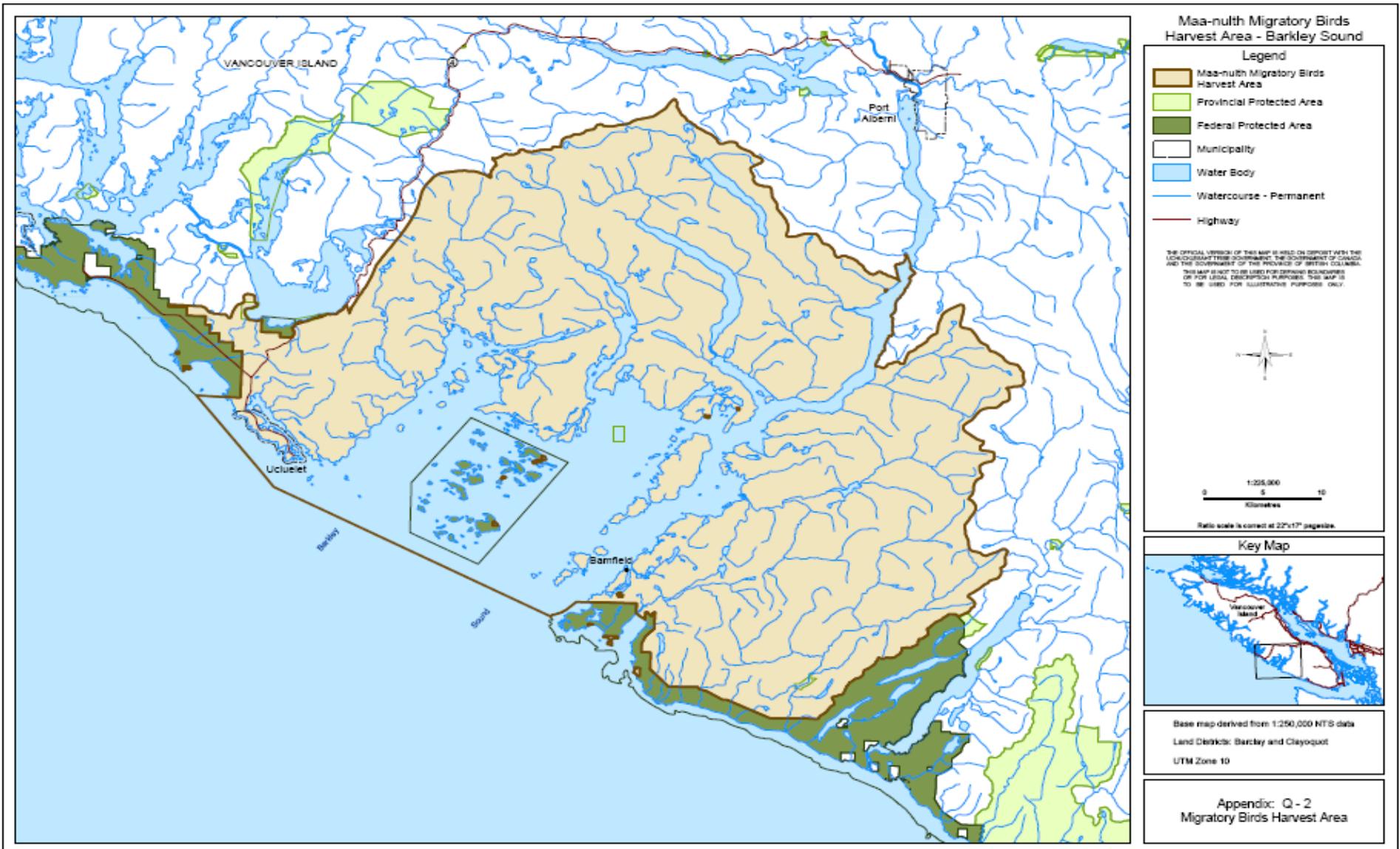
Maa-nulth First Nations Final Agreement

The image features a solid teal background. At the bottom, there is a silhouette of a mountain range in a slightly darker shade of teal. The text is centered in the upper half of the image.

Who are the Maa-nulth?

- Huu-ay-aht First Nations (Bamfield area)
- Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations (Kyuquot Sound area)
- Toquaht Nation (Ucluelet area)
- Uchucklesaht Tribe (near mouth of Alberni Inlet)
- Ucluelet First Nation (Ucluelet area)

Combined Territories of the Four Barkley Sound First Nations



Ka:'yu:'k't'h/Che:k'tles7et'h' Territory



- ◆ Maa-nulth traditional territories cover 337,000 ha, 10% of Vancouver Island.
- ◆ The five Maa-nulth First Nations have approximately 2000 members – one of the largest treaty tables in the Province.
- ◆ After the split vote on the 2001 Nuuchahnulth Tribal Council AIP, Maa-nulth formed to negotiate separately.
- ◆ Maa-nulth Agreement in Principle was initialled in October 2003.
- ◆ Ratification by the five First Nations took place between July and October 2007. Signing of the Final Agreement was completed in April 2009. The treaty has been ratified by the provincial and federal governments through the passage of settlement legislation.
- ◆ On the Effective Date the treaty will be operational and become law.

General Provisions

- ◆ Final Agreement is a treaty and land claims agreement within meaning of sections 25 and 35 of the *Constitution Act, 1982*
- ◆ Charter of Rights and Freedoms will apply to Maa-nulth citizens
- ◆ Defined and undefined Maa-nulth aboriginal rights and title anywhere in Canada will be modified into the treaty rights (similar to Nisga'a model.)

Lands

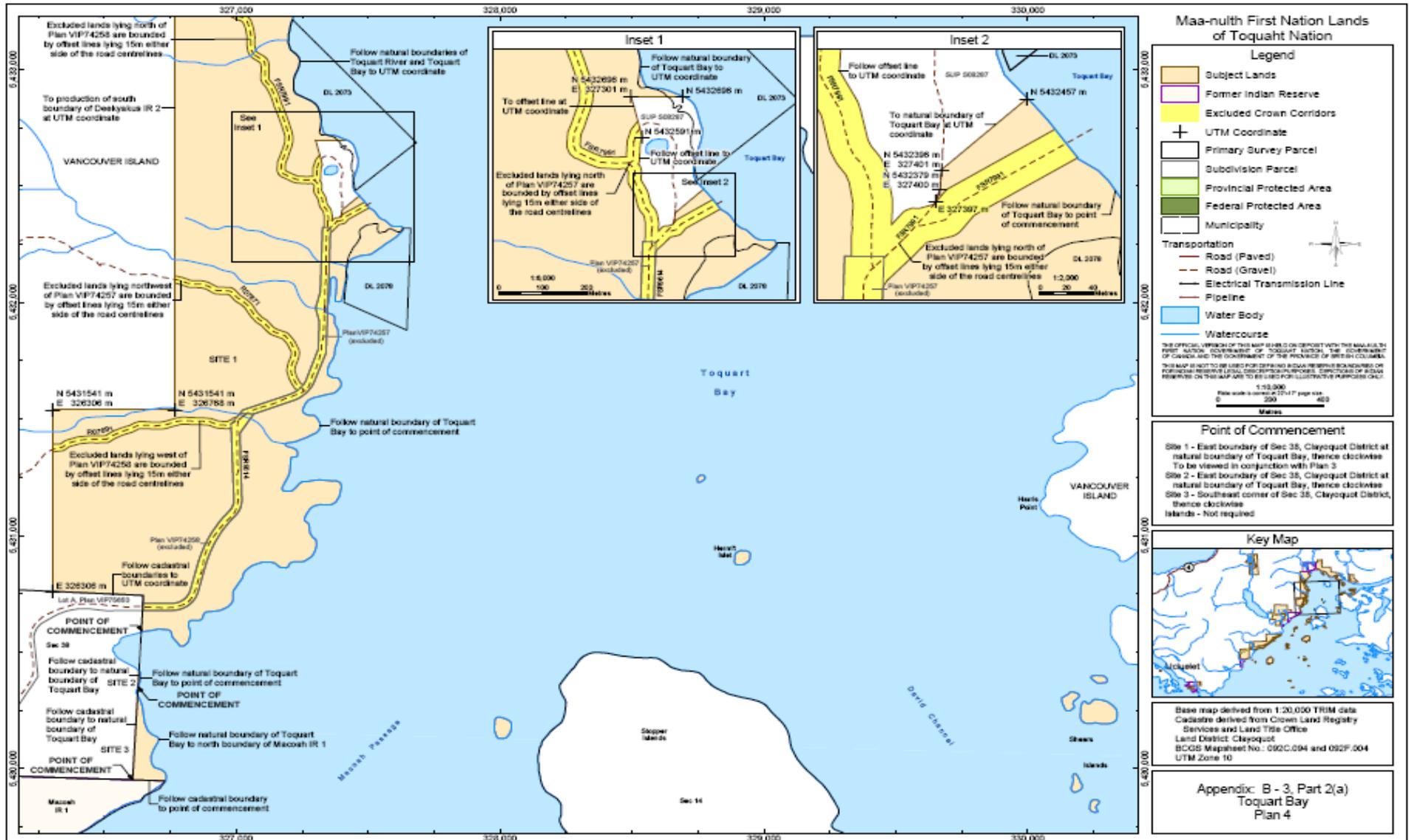
- ◆ Maa-nulth First Nation Lands will be principally former provincial Crown land plus former Indian Reserves.
- ◆ Existing tenures (except forest tenures) will be protected by replacement tenures issued by Maa-nulth or continuation of original tenure.
- ◆ The Final Agreement contains expropriation provisions.
- ◆ Maa-nulth can register treaty lands under the *Land Title Act*

	Former Indian Reserves (ha)	Additional Lands (ha)	Purchased Fee Simple Lands (ha)	Totals (ha)
Huu-ay-aht	1,077	7,181		8,258
Ka'yu:'k't'h'/ Che:k'tles7et'h'	379	5,920		6,299
Toquaht	196	1,293		1,489
Uchucklesaht	233	2,834		3,067
Ucluelet	199	5,147	92	5,438
TOTALS	2,084	22,375	92	24,551

Access and Roads

- ◆ Most existing roads are listed as Crown corridors and are excluded from treaty lands.
- ◆ Public will have access to non-private treaty lands for recreational and non-commercial use, including hunting and fishing.
- ◆ Maa-nulth can designate treaty lands as private lands under certain conditions.
- ◆ Key recreational sites within treaty land cannot be designated private without B.C.'s consent.
- ◆ Third parties and private landowners are assured access to their properties.

Excluded Corridors



Forestry

- ◆ Maa-nulth will own forest resources on Treaty Settlement Land and will manage consistent to provincial standards for private land.
 - Special cases: Community watersheds & forest research plots
- ◆ Treaty Settlement Land timber not subject to manufacture in BC requirements and may be exported as if IR timber.
- ◆ Treaty Settlement Land timber must be scaled.
- ◆ There will be control of forest insects and disease on Treaty Settlement Land.
- ◆ Forest tenures cease to be valid but outstanding obligations must be fulfilled

Water

- ◆ Maa-nulth have a total water reservation of 247,000 cubic decametres for domestic, industrial and agricultural purposes.
- ◆ Each First Nation also has a reservation on one or two streams to allow them to explore suitability of those streams for hydro purposes for a specified period of time.

Fisheries, Wildlife and Migratory Birds

- ◆ Maa-nulth has the right to harvest fish, wildlife and migratory birds for food, social and ceremonial (FSC) purposes within specified areas; rights limited by conservation measures, public health and public safety.
- ◆ BC will continue to have ability to authorize uses of or dispose of Crown lands in a way that may affect methods, times and locations of FSC harvest ensuring Maa-nulth has reasonable opportunity to exercise harvesting rights.
- ◆ Canada and BC will retain authority to manage fish, wildlife and migratory birds within their respective habitats

Fisheries, Wildlife and Migratory Birds cont.

- ◆ Maa-nulth may trade and barter fish with other aboriginal people resident anywhere in Canada, but can only trade and barter wildlife and migratory birds with other aboriginal people resident in BC
- ◆ Shellfish Aquaculture – Selected sites reserved under *Land Act* for 25 years to allow Maa-nulth time to apply for shellfish aquaculture tenures

Subsurface Resources

- ◆ Maa-nulth will own subsurface resources under treaty lands except for one parcel of privately owned mineral resources.
- ◆ Maa-nulth ownership of subsurface resources is subject to existing subsurface tenures, which will continue to be administered by B.C.

Role Off Treaty Lands

Some key examples:

- ◆ Role in the planning and management of the Pacific Rim National Park Reserve.
- ◆ Maa-nulth can gather plants for FSC purposes within federal and provincial parks and protected areas and hunt birds and animals for FSC purposes within federal parks and protected areas, subject to conservation measures, public health and public safety.
- ◆ Maa-nulth will enter into agreements with B.C. to delegate law-making authority over foreshore areas adjacent to waterfront treaty lands, comparable to municipal authority.
- ◆ Protection of Stopper Islands (205 ha) – Toquaht and the Province are negotiating measures to protect cultural, recreational and environmental values.

- ◆ Maa-nulth will have the opportunity to participate in provincial Environmental Assessments of projects that may adversely affect treaty lands or treaty rights.
- ◆ Before the Effective Date, BC and Maa-nulth will negotiate a list of heritage sites outside treaty land to be protected.
- ◆ Provincial Parks MOU –
Ka:yu:'k't'h/Che:k'tles7et'h' and Uchucklesaht will have roles in management of parks in traditional territory; other Maa-nulth First Nations have no provincial parks in their territories

Resource Revenue Sharing

- ◆ Maa-nulth will receive a percentage (8.36%) of stumpage revenues invoiced by the Campbell River and the South Island Forest Districts for the area that overlaps with the Maa-nulth traditional territory for 25 years.
- ◆ Total annual payments will average \$1.2 million; the treaty sets out floors and ceilings for each First Nation.
- ◆ Payments are cost-shared by Canada and B.C.

Capital Transfer

- ◆ The treaty provides for a Capital Transfer of \$73.1 which will be paid out over 10 years.
- ◆ Negotiation loans will be deducted by Canada from the transfers.

Governance

- ◆ The Final Agreement is based on a concurrent law-making model and clarifies whose laws prevail in the event of conflict.
- ◆ Each Maa-nulth First Nation will have its own constitution providing for a democratically elected government, financial administration standards comparable to those of other governments in Canada and the protection of rights and freedoms of Maa-nulth citizens.
- ◆ Maa-nulth governments must consult with non-member residents on Treaty Settlement Land related to decisions that directly affect them.
- ◆ Maa-nulth public institutions must allow non-member residents the ability to participate in discussions and vote on decisions.

Taxation

- ◆ First Nations provided authority to levy taxes; authority limited to own members residing on Treaty Settlement Land.
- ◆ Both Canada and BC will continue to have concurrent tax authority on Treaty Settlement Land. Subject to terms and conditions, BC will vacate from property tax on Treaty Settlement Land through a tax side agreement.

◆ Tax exemptions provided under s.87 of *Indian Act* will be phased out for Maa-nulth members:

– After 8 yrs for transaction taxes (e.g., sales tax); and

– After 12 yrs for all other taxes (e.g., income and property taxes)

Local Government

- ◆ Each Maa-nulth First Nation will be a member of the appropriate regional district within 10 years after the Effective Date (i.e., Alberni-Clayoquot Regional District or Strathcona Regional District).

Key Lands and Resources Side Agreements

- ◆ **Fish Harvest Agreement** – Maa-nulth will receive commercial licences for salmon, halibut, rockfish, roe herring, sablefish, crab and prawn.
- ◆ **Management of Thunderbird's Nest (2,185 ha)** – Uchucklesaht will participate in the management/planning of the newly created protected area.

- ◆ **Commercial Recreation MOUs** – Up to 12 ha per First Nation reserved under *Land Act* for 15 years to allow Maa-nulth time to apply for commercial recreation tenures.
- ◆ **Cedar/Cypress Access Agreements** – Each Maa-nulth First Nation will be able to harvest a small number of monumental cedars annually in provincial parks or on Crown Lands for cultural purposes.

Monumental Cedar Side Agreement

- ◆ This agreement allows up to 250 m³ of Monumental cedar to be harvested annually.
- ◆ A cedar harvest plan is needed.
- ◆ Maa-nulth and BC will find suitable locations and will develop the harvest plan.
- ◆ Maa-nulth will make reasonable efforts to manage Treaty Settlement Land for monumental cedar.

- ◆ For more information and copies of the Final Agreement, including all Appendices, and the Side Agreements, please see:

- www.maanulth.ca/the_treaty.html

- www.gov.bc.ca/arr/firstnation/maa_nulth/default.html