

Maa-nulth Final Agreement: Maa-nulth First Nation Lands

The Maa-nulth Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and the Maa-nulth First Nations. The five Maa-nulth First Nations are Ucluelet First Nation, Huu-ay-aht First Nations, Toquaht Nation, Ka'yu:k't'h'/Che:k'tles7et'h' First Nations, and Uchucklesaht Tribe, all located on the west coast of Vancouver Island. The Maa-nulth First Nations represent about 2,000 people. Maa-nulth means "villages along the coast" in the Nuu-chah-nulth language.

The Maa-nulth Final Agreement is among the first Final Agreements reached in the province under the British Columbia treaty process. The Final Agreement sets out each Maa-nulth First Nation's rights and benefits respecting land and resources, and self-government over their lands and resources and their citizens. The Final Agreement provides certainty for all parties with respect to ownership and management of lands and resources and the exercise of federal, provincial and Maa-nulth First Nation governmental powers and authorities.

The negotiation of a Final Agreement marks Stage Five of the six-stage British Columbia treaty process, and is the conclusion of substantive treaty negotiations. Once ratified by all parties, the Final Agreement will become a treaty through legislation. It will be a constitutionally-protected, legal agreement which creates mutually binding obligations and commitments.



Maa-nulth First Nation Lands

The Final Agreement treaty settlement land package consists of approximately 24,500 hectares of fee-simple land, known as Maa-nulth First Nation Lands. Each Maa-nulth First Nation government will have law-making authority over its Maa-nulth First Nation Lands, although federal and provincial laws will continue to apply. The Final Agreement clearly sets out which law will prevail if there is a conflict.

Huu-ay-aht First Nations: 1,077 hectares of former reserves, and 7,181 hectares of additional lands

Ka'yu:k't'h'/Che:k'tles7et'h' First Nations: 379 hectares of former reserves, and 5,920 hectares of additional lands

Toquaht Nation: 196 hectares of former reserves, and 1,293 hectares of additional lands

Uchucklesaht Tribe: 233 hectares of former reserves, and 2,834 hectares of additional lands

Ucluelet First Nation: 199 hectares of former reserves, and 5,147 hectares of additional lands, plus 92 hectares of fee-simple owned and surplus federal government lots in the Municipality of the District of Ucluelet. These federal government lots will not be treaty settlement land, therefore Ucluelet First Nation's government will not have governance authority over them, nor will it own the subsurface resources.

Treaty settlement lands will be transferred to the Maa-nulth First Nations as of the effective date of the treaty. Each Maa-nulth First Nation may then apply to have its lands registered in the provincial land title system. This arrangement will provide greater flexibility and efficiency, and allow the Maa-nulth First Nations to use their lands to raise capital.

While all parties agree that as a general principle Maa-nulth First Nation Lands will not be subject to expropriation, the Final Agreement contains processes whereby either Canada or British Columbia may expropriate Maa-nulth First Nation Lands.

ADDITIONS TO MAA-NULTH FIRST NATION LANDS

Each Maa-nulth First Nation has identified parcels of fee-simple land it may acquire after the effective date of the treaty. The Final Agreement includes provisions that will allow for these parcels to be declared as Maa-nulth First Nation Lands if they are purchased within 15 years after the effective date.

In addition, each Maa-nulth First Nation may add other fee-simple land to its Maa-nulth First Nation Lands, subject to the agreement of Canada and British Columbia and to the consent of the municipality if the lands are within municipal boundaries.

RESOURCES ON MAA-NULTH FIRST NATION LANDS

Each Maa-nulth First Nation will own and manage all forest resources on its Maa-nulth First Nation Lands, and will own most of the subsurface resources on or beneath the surface of those lands. Each Maa-nulth First Nation will be able to determine and collect any fees for the development or extraction of these resources. Those submerged lands which were part of former reserves form part of the Maa-nulth First Nations Lands for the applicable Maa-nulth First Nation.

ACCESS

Federal and provincial personnel will have access to Maa-nulth First Nation Lands to carry out requirements under federal and provincial law.

The Final Agreement provides for reasonable public access for hiking, canoeing and other recreational activities on Maa-nulth First Nation Lands. While the general public may hunt and fish on Maa-nulth First Nation Lands, each Maa-nulth First Nation can regulate access for these activities. There are provisions to ensure public access for rights-of-way and navigable waters, and specific access for owners of adjacent fee simple parcels and tenure-holders. Public provincial highways and major roads will continue to be owned and maintained by the province. Specified public utility rights-of-way will continue on Maa-nulth First Nation Lands.

LEASES AND LICENCES ON MAA-NULTH FIRST NATION LANDS

Some tenures will continue in their present form after the effective date, whereas other tenures will be replaced with other forms of tenure negotiated by the parties.

COMMERCIAL RECREATION TENURE

On or before the effective date of the treaty, British Columbia will designate up to 12 hectares of provincial Crown land for each Maa-nulth First Nation under the Land Act, for a term of at least 15 years, for the purpose of providing the applicable Maa-nulth First Nation an opportunity to apply for commercial recreation tenure.

MAA-NULTH FIRST NATIONS AND THE NEIGHBOURING COMMUNITY

Under the Final Agreement, each Maa-nulth First Nation government may participate in regional governments established under provincial law to ensure local planning and efficiencies in the delivery of local services. No later than 10 years after the effective date of the treaty, the Huu-ay-aht First Nations, Uchucklesaht Tribe, Ucluelet First Nation and Toquaht Nation may each appoint one Director to the board of the Alberni-Clayoquot Regional District, and the Ka'yu:k't'h'/Che:k: tles7et'h' First Nations may appoint one Director to the board of the Regional District of Comox-Strathcona. ■