



Maa-nulth First Nations Agreement-in-Principle Treaty Information

Certainty for British Columbians

The provincial government is committed to negotiating workable, affordable treaty settlements that provide certainty and equality. By resolving Aboriginal claims, treaties will reduce the need for expensive litigation and create certainty over the ownership and use of Crown land. Modern-day treaties will contribute to overall economic growth throughout British Columbia.

Agreement-in-Principle

An Agreement-in-Principle (AIP) is the fourth step in a six-step treaty process. The AIP reflects British Columbia's publicly endorsed principles that guide provincial negotiations with First Nations and Canada. A Final Agreement with the Maa-nulth First Nations will clearly define the rights and obligations of the First Nations in a way that is consistent with B.C.'s guiding principles.

The treaty package as outlined in the AIP includes land, capital, and resources. Canada and British Columbia will share the costs of the treaty package. British Columbia contributes mainly Crown land and Canada contributes mainly cash.

The Maa-nulth First Nations Agreement-in-Principle

The Maa-nulth First Nations, which entered the treaty process in 1994, are a group of five First Nations (Huu-ay-aht, Ka:'yu:k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht and Ucluelet) with a combined population of 1,934 people. Many live on reserves on the west coast of Vancouver Island near Barkley Sound and Kyuquot Sound. The First Nations are strongly committed to economic development and business enterprise.

A treaty with Maa-nulth First Nations will:

- clearly define the rights and obligations of the Maa-nulth First Nations in a way that is consistent with B.C.'s publicly endorsed principles for treaty negotiations;
- provide certainty on lands and resources, which will improve the investment climate on the west coast of Vancouver Island;
- stimulate regional economic growth that will benefit all British Columbians;
- increase Maa-nulth First Nation participation in the regional economy;
- reduce the First Nations' reliance on government transfers and phase out tax exemptions for Maa-nulth First Nation members; and
- provide agreement on self-government and co-operative local government relations.



Land

The land component of the AIP totals 23,005.21 hectares. It includes 20,900 hectares of provincial Crown land, approximately 2,105 hectares of existing Indian reserves and 0.21 hectares of federal land to be provided to the Ucluelet First Nation. The land offer upholds B.C.'s negotiating principle that *private property should not be expropriated for treaty settlements*.

The Maa-nulth First Nation Indian reserves will become treaty lands that the First Nations will own in fee simple. Fee simple ownership provides the First Nations with the flexibility to manage their lands and generate long-term economic benefits. The Province will ensure that the terms and conditions of leases and licences are protected. Should there be an impact on licensees or leaseholders as a result of a treaty settlement, fair compensation will be paid. This is in accordance with the negotiating principle that *the terms and conditions of leases and licences should be respected; fair compensation for unavoidable disruption of commercial interests should be ensured*.

A Final Agreement would allow for the Maa-nulth First Nation governments to participate on the boards of the Regional District of Comox-Strathcona or Alberni-Clayoquot on an equal basis with other members. The AIP also contains a provision for the Maa-nulth First Nations to enter into service agreements with local governments. This reflects B.C.'s negotiating principle that *treaties should include mechanisms for harmonizing land-use planning between Aboriginal governments and neighbouring local governments*.

Capital Transfer

The federal government will make a cash transfer to the Maa-nulth First Nations of \$62.5 million. In addition, the Ucluelet First Nation will receive \$6.25 million in order to purchase private land from a willing seller, and therefore will receive a smaller allocation of provincial Crown land.

The funds will assist the Maa-nulth First Nations to develop business capacity and economic opportunities, which will help their communities become increasingly self-sufficient. Money will be spent locally, which will also help bolster the local economy.

Forestry

B.C.'s negotiating principle that *province-wide standards of resource management and environmental protection should continue to apply* is reflected in the forestry chapter of this AIP. Maa-nulth First Nations will be able to make laws with respect to forest management, but these laws must be consistent with provincial standards. Opportunities in the forest sector will help build and sustain local economies for the Maa-nulth First Nations, as well as provide jobs for their members.

Wildlife and Migratory Birds

The AIP respects the provincial negotiating principle that *hunting, fishing and recreational opportunities on Crown land will be ensured for the use and benefit of all British Columbians*. The public will still be able to hunt, fish and engage in recreational activities on the west coast of Vancouver Island. Maa-nulth First Nations will be able to harvest wildlife and migratory birds within a defined harvest area that will include treaty and non-treaty land. Maa-nulth First Nation hunters will be required to carry and produce documentation issued by the Maa-nulth First Nation government when harvesting in accordance with treaty rights.

The AIP clarifies the rights, responsibilities and jurisdiction of the First Nations with respect to wildlife, including migratory birds and their habitats. It also confirms and clarifies the role of the provincial minister with respect to wildlife conservation.

The Supreme Court of Canada has confirmed that Aboriginal people have a constitutional right to hunt and fish for domestic purposes, but this right is not clearly defined. A Final Agreement with the Maa-nulth First Nations will provide certainty for the long-term diversity and abundance of wildlife, and ensure the Province's continued ability to use, manage and conserve these resources for all British Columbians.

Fishery

The provincial negotiating principle that *hunting, fishing and recreational opportunities on Crown land will be ensured for the use and benefit of all British Columbians* is upheld in the fishing provisions of this AIP.

The Maa-nulth First Nations will receive a domestic allocation of fish for food, social and ceremonial purposes, and these fish may not be sold. The federal and provincial ministers will retain authority for managing and conserving fish, aquatic plants and fish habitat. Maa-nulth First Nations will participate in fisheries management through a joint fisheries management committee. The First Nations will develop annual fishing plans for their fish allocations and review these plans with this committee. The federal Minister of Fisheries and Oceans will then issue a harvest document authorizing Maa-nulth First Nation fisheries each year based on the annual fishing plans.

The AIP provides for the Maa-nulth First Nations and the federal Department of Fisheries and Oceans to negotiate a harvest agreement outside the treaty for commercial fishing opportunities. These negotiations will determine annual allocations of sockeye and chinook salmon, herring, halibut, sablefish and Dungeness crab.

Commercial allocations will have the same priority as other commercial fisheries in management decisions made by the federal Minister of Fisheries and Oceans.

The Province supports treaty arrangements that reflect the following objectives:

- a fishery that is accessible to all British Columbians;
- equitable fishing arrangements for all participants;
- an overall vision of the fishery that informs all management decisions and specific treaty negotiations; and
- an integrated and effective management regime across all sectors that is capable of ensuring the sustainability of the resource and economic viability of the industry.

Environmental Protection and Parks

B.C.'s negotiating principle specifies that *parks and protected areas will be maintained for the use and benefit of all British Columbians*. Public access to provincial parks will not be affected by the treaty. The AIP provides for the negotiation of agreements outside the treaty that would enable Maa-nulth First Nations to have a role in park management and park operations in specific parks within the region, which will be determined during Final Agreement negotiations. Canada and Maa-nulth First Nations will set out arrangements for the establishment of a planning and management process for Pacific Rim National Park Reserve. The Maa-nulth First Nations AIP ensures that province-wide standards of resource management and environmental protection will continue to apply. In addition, Maa-nulth First Nations will be able to make environmental protection laws with respect to treaty lands.

Culture and Heritage

In the past, no established process existed for Maa-nulth First Nations or other First Nations to reclaim artifacts and ancient human remains. The AIP provides a process of reconciliation that respects the First Nations' heritage and will eliminate the need for potentially expensive legal action for the Maa-nulth First Nations or the Province.

Governance

A separate Self-Government Agreement will be negotiated outside the treaty, and will set out governing authorities that are not constitutionally protected. This is in keeping with the intent of B.C.'s publicly endorsed negotiating principle that ***Aboriginal governments should have the characteristics of local government, with powers delegated from Canada and B.C.***

Maa-nulth First Nations will have democratically elected governments with powers similar to those of municipal governments in areas such as land-use planning, traffic regulation on their roads and public works. These law-making authorities will be put into effect through federal and provincial legislation. Maa-nulth First Nations will be expected to contribute to the costs of their governments in order to reduce their reliance on federal and provincial funding.

Authorities related to land and resource rights, assets, culture and language will be included in the treaty. These will ensure long-term preservation of Maa-nulth First Nations' assets and cultural identity while providing greater certainty over land and resource ownership and management.

Together, the treaty and the Self-Government Agreement will enable the Maa-nulth First Nations to manage their affairs and public institutions, administer their collective economic interests and participate effectively in regional planning processes.

Taxation

After a transition period, Maa-nulth First Nation citizens will pay taxes like all British Columbians. This is in step with the provincial principle that ***existing tax exemptions for Aboriginal people should be phased out.*** Maa-nulth First Nations will have law-making authority for direct taxation of Maa-nulth First Nation citizens on treaty land and, upon agreement with Canada or British Columbia, over non-members on treaty land. Transitional provisions will address the fact that the Indian Act, including the Section 87 tax exemption, will no longer apply.

The agreement with the Maa-nulth First Nations will create certainty over the lands and resources on a significant portion of the west coast of Vancouver Island. It will clearly define the rights and responsibilities of the First Nations. It will provide opportunity for economic development and help build a prosperous, vibrant community for Aboriginals and non-Aboriginals alike.

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