

Diana Island Management Agreement

- Term Sheet -

December 9, 2006



DIANA ISLAND MANAGEMENT AGREEMENT

- TERM SHEET -

Status of Term Sheet

1. The purpose of this Term Sheet is to set out the main terms and conditions to be included in a Diana Island Management Agreement (the "Agreement") to be negotiated between Huu-ay-aht First Nations ("Huu-ay-aht") and Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Aboriginal Relations and Reconciliation and the Minister of Agriculture and Land ("the Province") (collectively the "Parties").
2. Except where otherwise set out in this Term Sheet, the term "Diana Island" refers to the 139 hectares of provincial Crown lands on Diana Island and does not include the two Huu-ay-aht Indian Reserves totaling 60 hectares that will become Maa-nulth First Nation Lands of the Huu-ay-aht First Nations upon the Effective Date of the Maa-nulth First Nations Final Agreement. (Refer to the attached map.)
3. This Term Sheet is not intended to create legally binding obligations and is not an exhaustive list of all matters or provisions that the Parties may negotiate and include in the Agreement.
4. The negotiators for the Parties acknowledge that they will require approval from their respective principals prior to proceeding to complete the Agreement in accordance with this Term Sheet. In the case of the Provincial representatives, this will require approval in principle from the above noted Ministers. Subject to obtaining any necessary approvals, it is the intention of the Parties to execute the Agreement as soon as practicable prior to ratification of the Maa-nulth First Nations Final Agreement by the Maa-nulth First Nations. The Agreement will come into force and effect on the Effective Date of the Maa-nulth First Nations Final Agreement.
5. The negotiators for the Parties agree that this Term Sheet satisfies the following requirement in the August 4, 2006, Letter of Understanding signed by the Chief Negotiators for the Maa-nulth First Nations, Canada, and British Columbia: "Agreement between the Huu-ay-aht First Nation and British Columbia on a proposal to be recommended to their respective principals to address Huu-ay-aht First Nations' interest in the protection of Diana Island."

Objectives of the Agreement

6. The Agreement will set out that the objective of the Parties regarding Diana Island are the following:
 - a) protect the Huu-ay-aht's cultural, spiritual, and heritage values on Diana Island;
 - b) protect the natural values of Diana Island;

- c) permit the continued pursuit of Huu-ay-aht traditional activities on Diana Island consistent with the Maa-nulth First Nations Final Agreement, and promote Huu-ay-aht's connection to Diana Island;
- d) provide for continued use and recreation opportunities on Diana Island for British Columbians;
- e) identify appropriate commercial, recreation and other uses of Diana Island;
- f) ensure due process for British Columbians to have their interests fairly considered in the management of Diana Island; and
- g) provide for a harmonization of the management of land and resources between the provincial Crown lands and Maa-nulth First Nation Lands of the Huu-ay-aht First Nations on Diana Island.

Management Agreement

- 7. The Agreement will provide that the Ministry of Agriculture and Lands will invite an application from Huu-ay-aht for a Head Lease under the *Land Act* for Diana Island.
- 8. The Agreement will address the following:
 - a) terms and reservations consistent with protecting the natural, cultural, spiritual and heritage values of Diana Island, appropriate for the proposed Head Lease;
 - b) appropriate commercial, recreation and other uses of Diana Island;
 - c) duration, termination and renewal opportunities of the proposed Head Lease;
 - d) rent fees pursuant to the proposed Head Lease;
 - e) revenue-sharing arrangement regarding any sub-tenures issued by Huu-ay-aht pursuant to the proposed Head Lease, consistent with provincial practices;
 - f) preparation of a management plan for Diana Island that will guide Huu-ay-aht's administration of the proposed Head Lease;
 - g) process for considering the interests of other British Columbians who have an interest in Diana Island, in the management plan and any management decisions;
 - h) process for approving a management plan initially developed and any subsequent management plans;
 - i) Huu-ay-aht's management structure to administer the Head Lease;
 - j) resolving any potential conflicts between the management plan, the Head Lease and any plans, zoning or by-laws of the applicable regional district;
 - k) resolving any disputes regarding the interpretation or application of the Agreement, the proposed Head Lease, or the Management Plan; and
 - l) any other matter the Parties agree to.
- 9. During the negotiation of the Agreement, the Parties will consider the inclusion of the foreshore adjacent to Diana Island, and any appropriate terms or reservations on the foreshore areas, in the proposed Head Lease.


10. If a Head Lease is issued to Huu-ay-aht, Huu-ay-aht would be entitled to issue and manage sub-tenures on Diana Island in accordance with the terms and reservations of the proposed Head Lease and the Agreement.
11. The Agreement will set out that Ministerial authority will not be fettered by either the Agreement or the negotiations regarding the terms or issuance of a proposed Head Lease to Huu-ay-aht.
12. The Agreement will set out that the Huu-ay-aht's management structure, administration, and activities associated with the proposed Head Lease will be self-financing.
13. The Agreement will include a process for consultation with the Huu-ay-aht regarding potential tenure applications on the nearshore adjacent to the island.

Other Protective Measures

16. The Ministry of Aboriginal Relations and Reconciliation commits to work with:
 - a) the Ministry of Energy, Mines and Petroleum Resources towards establishing a mineral reserve on Diana Island under the *Mineral Tenure Act* preventing the registration of mineral title on Diana Island; and
 - b) the Ministry of Forests and Range towards removing Diana Island from the Arrowsmith Timber Supply Area and the operable forest land base.


This term sheet is hereby approved by the parties on the date set out below.

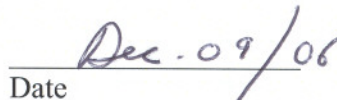
HUU-AY-AHT FIRST NATIONS


Robert Dennis
Chief Councillor

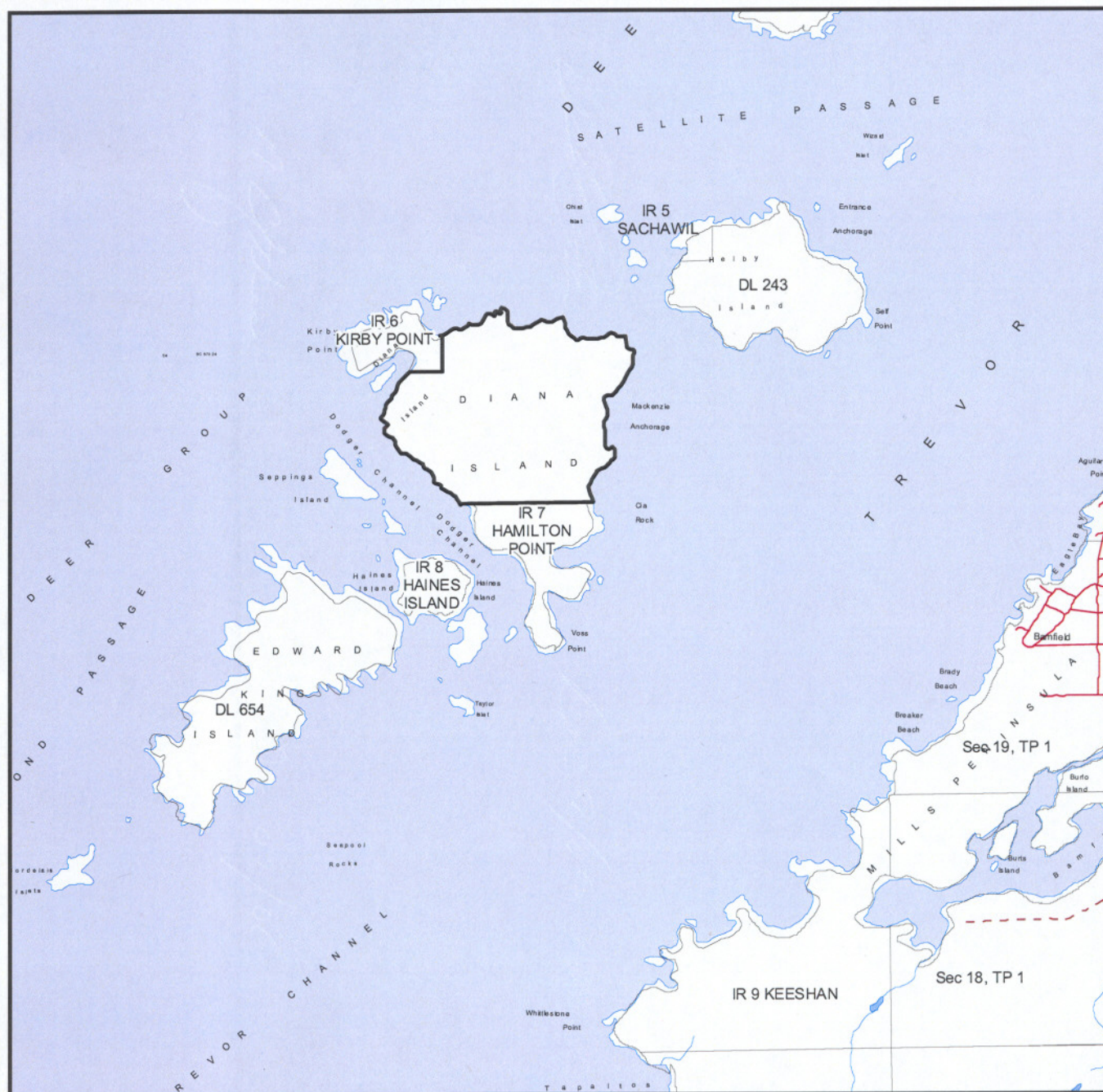

Date

BRITISH COLUMBIA


Mark Lofthouse
Chief Provincial Negotiator

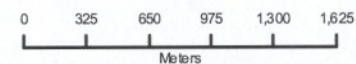

Date

Diana Island



Legend

 Diana Island



Key Map



Produced by: Integrated Land Management Bureau
 File Pathname: Nu-u-chah-nulth\ArcGisProjects\Maa-nulth\for_mempr_nsr
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 Date Created/Revised: December 08, 2006
 Created by: CIS, sw, sls



Ministry of
 Aboriginal Relations
 and Reconciliation