



Maa-nulth First Nations

Annual Report of the Treaty Implementation Committee

2015 - 2020 Five-year Summary

Uchucklesaht hiłmiḥsaqin

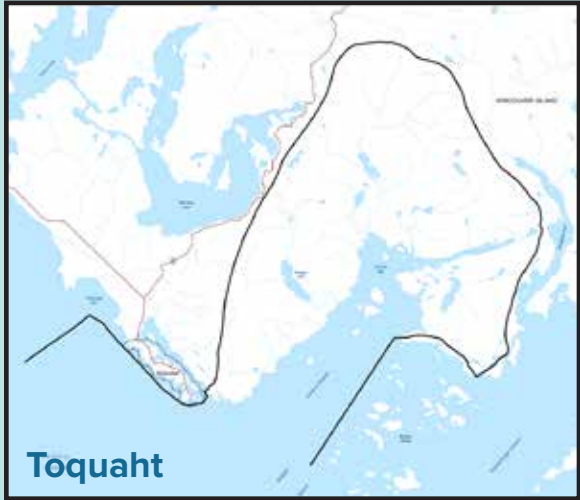
miilthii?akniš qʷaa?apqin nananiqsu
qʷaacumyin taaksiłcumniš ?ah?aa
qʷaasinḥi ?uutpis?aknišła ?iihmis
hisukniš čawaak ?uh?iiš ?uy`aatuksłat
?iisaaksinḥi čaqaałniš nismaakqin
?uh?iis yaqʷayatqin haatapi ḥaw`it.
?uyaatuksinhi ?uh?iis hašah?ap
?uu?atup ?uu?atup taatnaakqin kʷaakuuc
?uhłiiš łalaayacqum. čuu

Uchucklesaht Vision Statement

We have the same vision that our forefathers had and we must always work to fulfill that vision.

We honour our highest principles of hishuk-ish tsa'walk (everything is one and connected) and uu-a-thluk (taking care of), lisaak (respect) guides us and we work together to remain connected to our lands, resources and environment — preserving and enhancing them for the benefit of all future generations.

British Columbia



Maa-nulth First Nations
Annual Report of the Treaty Implementation Committee
2015 - 2020 Five-year Summary



Table of Contents

1. Maa-nulth Introduction3

2. Who we are7

 a. Our land Nis̓maakqin

 b. Huu-ay-aht

 c. Ka:’yu:’k’t’h’/Che:k’tles7et’h’

 d. Toquaht

 e. Uchucklesaht

 f. Yuułuʔiʔath

3. Five-years – Looking back 13

 a. Do you know all things Haač̓atstupiṭ-ḥak ḥamaṭap

 b. Health and well-being

 c. Culture, Language, and Heritage

 d. Housing and Infrastructure

 e. Education and Training

 f. Social Services

 g. Economic Development

 h. Treaty at Work

4. Tripartite Implementation Committee 31

 a. Committee work

5. Governance33

 a. Citizenship

 b. British Columbia Legislation

 c. Maa-nulth Legislation

 d. Enforcement of Maa-nulth Laws

 i. Maa-nulth First Nations and Fisheries and Oceans Canada Enforcement Protocol

 ii. BC Court Services

 e. Foreshore Agreement

6. Lands and Natural Resources37

 a. Additions to Treaty Settlement Lands

 b. Surveys

 c. Fisheries and Marine Resources

 i. Fish and Aquatic Plants Harvesting Rights

 ii. Joint Fisheries Committee

 iii. Ahousaht et al vs. Canada and “Me Too” Clause

 iv. Fraser River Fisheries

 v. Prawn and Crab

 d. Forestry

 i. Wildfire Suppression and Control

 ii. Monumental Cedar and Cypress Harvest Agreement

 e. Environment

 i. Groundwater

 ii. Participation in Environment Review Process

 f. Migratory Birds and Wildlife

 g. Reasonable Opportunity Agreement

 h. Food Security

 i. Federal Parks and Protected Areas

 i. Renewable Resource Harvesting Activities

 ii. Cooperative Management

 j. Research, Protection, Use and Management of Special Marine Areas

 k. Employment, Training and Economic Opportunities

7. Financial57

 a. Programs and Services

 b. Capital Funding Projects

 i. Health Capital

 ii. Education Capital

 c. Own-source Revenue

 d. Taxation

 e. Tax Agreements

 i. Provincial Sales Tax

 ii. First Nations Goods and Services Tax

 iii. Tax Treatment Agreement Amendments

 iv. Real Property Taxation

 f. Engagement on Treaty Taxation Interests

 g. Treaty Negotiation Loan Repayment and Forgiveness

 h. Pooled Borrowing

 i. Financial Statements

8. Collaborative Work with Other Governments 71

 a. Ongoing Policy Work at Federal Collaborative Process

 b. Government-to-Government Agreement

 c. Closing Socio-economic Gaps

 d. Alliance BC Modern Treaty Nations

 e. British Columbia’s Role in the Fiscal Financing Agreement Negotiations

 f. Maa-nulth Response to COVID-19

9. Summary79

A lush green forest with tall trees and moss-covered logs.

Introduction

The Maa-nulth Treaty (the Treaty) is a culmination of more than 15 years of negotiations between five First Nations on the west coast of Vancouver Island and the governments of Canada and British Columbia. In October 2007, citizens of each Maa-nulth First Nation agreed by a large majority to ratify the Treaty. By November 29 of that year, the Treaty was ratified by the British Columbia Legislature and received Royal Assent. On June 18, 2009, the Treaty was ratified and received Royal Assent by Canada's Parliament and Senate.

On April 1, 2011 (the Effective Date of the Treaty), citizens of the Maa-nulth First Nations marked the coming into effect of the Treaty with great celebration. Leadership and citizens of Maa-nulth First Nations burned the Indian Act, a symbolic gesture that was meant to mark the day the Maa-nulth First Nations regained control over their lands and resources and were finally able to govern their own lives and Nations once again. The intent of the Treaty was to remove barriers to socioeconomic prosperity by settling Aboriginal rights to land and resources and recognizing the right of each of the five signatory Nations to be self-governing.

On the Effective Date of the Treaty, the Indian Act ceased to apply to the Maa-nulth First Nations, with minor exceptions including determining whether an individual is an Indian and the administration of certain estates. Treaty lands are now fully owned and governed by the Maa-nulth First Nations themselves and are no longer subject to the Indian Act. Maa-nulth First Nations became the legal entities holding title to the lands, including subsurface resources, and having governing authority over their lands.

The Maa-nulth First Nations share in the wealth of resources extracted from their traditional territories and have law-making authority in many areas dealing with governance and fiscal matters, land and resource management, and matters affecting the lives of their citizens, including the ability to create laws to strengthen their language, culture, and heritage.

The Treaty provides that individuals residing on Treaty Lands who are not citizens of the Maa-nulth First Nations will be consulted by the Maa-nulth First Nations' governments on decisions that directly and significantly affect them.

The Treaty also established the tripartite Implementation Committee made up of representatives from the governments of Canada, British Columbia (BC), and the Maa-nulth First Nations, to work collaboratively to serve as the forum to oversee and monitor the implementation of the Treaty.

For the complete text of the Treaty, visit:

https://www.aadnc-aandc.gc.ca/eng/1100100022581/1100_100022591.



Introduction

You have lots of news

ʔayaałukweʔic ʔuyaqhmis (A-ya utl tlook weh its oo-yakh-mis)

This report summarizes activities under the Treaty covering a five-year period from April 1, 2015 to March 31, 2020. It highlights some of the collective and individual successes of each of the Maa-nulth First Nations as well as Maa-nulth Treaty implementation activities from a tripartite perspective.

This report outlines some of the progress each of the Maa-nulth First Nations has made on the journey they set out on when they signed the Treaty.

The Treaty is a complex agreement, dealing with important matters and thus, the report is divided into sections including an overview of the work carried out by the Tripartite Implementation Committee, as well as commentary in the areas of governance, lands, and resources, and financial summaries. It also highlights some of the collaborative work between Maa-nulth First Nations and the governments of Canada and British Columbia. While the content of this report highlights some of the accomplishments of the Tripartite Implementation Committee, it reports on matters beyond the official role of the committee as “the forum to oversee and monitor the implementation of the Treaty,” reflecting some of the successes and challenges within each of the Maa-nulth First Nations.

Readers are encouraged to further explore implementation through the stories shared on individual websites of each of the Maa-nulth First Nations (websites below), BC (gov.bc.ca), and Canada (canada.ca).

Words and phrases in the Nuu-chah-nulth language have been generously shared throughout the report by the Maa-nulth First Nations. While the Nations share a common language, each of the Maa-nulth First Nations have differences in the dialects they speak. Spelling and sometimes the words themselves will differ between the First Nations. For the purposes of this report, the words and phrases have been included as provided to honour the contributions provided by First Nations.

Who We Are

- Our land Nis̓maakqin (Nis-mak khin)

The five First Nations of the Maa-nulth Treaty are located on the west coast of Vancouver Island with territories within Barkley Sound, Kyuquot Sound and Chekelet Bay. Maa-nulth means “villages along the coast” in the Nuu-chah-nulth language – a fitting name for the five First Nations that are party to the Treaty. Those First Nations are the signatories to the first modern-day Treaty on Vancouver Island: Huu-ay-aht First Nations, Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations, Toquaht Nation, Uchucklesaht Tribe, and Yuułuꞵiꞵath (Ucluelet First Nation), and the governments of Canada and British Columbia. The Maa-nulth First Nations Treaty came into effect on April 1, 2011 and is the first multi-Nation Treaty in British Columbia.

The First Nations of the Maa-nulth Treaty are part of the larger Nuu-chah-nulth Nation which includes a total of 14 independent First Nations spanning a large geographical area on the west coast of Vancouver Island. The self-governing Maa-nulth First Nations, while operating independently under their own governments, constitutions and laws, remain members of the Nuu-chah-nulth Tribal Council and have close cultural and family ties throughout the Nuu-chah-nulth territories.

In March 2020, the combined population of all Maa-nulth First Nations is over 2,500 citizens, representing an overall population growth of about 11 percent since the Effective Date of the Treaty.

The First Nations all operate under similar sacred principles, including ꞵiisaak (ee-sok), ꞵuuꞵatuk (oo-ah-thluk), and Hišuk ma c̓awak (hi-shook ma tsawalk). The sacred principles guide the Nations in everything they do.

ꞵiisaak (“Utmost Respect”): This incorporates personal and collective respect for the community and its people, traditional knowledge, the natural world, the metaphysical world, and other peoples and communities.

ꞵuuꞵatuk (“Taking Care Of”): In this context, this is about taking care of present and future generations, as well as taking care of the resources provided by the land and the natural world.

Hišuk ma c̓awak (“Everything is One”): This is the notion of the interconnected, interdependent, and reciprocal relationship between the people, the land and the wider world(s) in a physical, spiritual, and social sense.



Huu-ay-aht

We are Huu-ay-aht – Huuꞵiiꞵath̓in (Hoo-ay-atH-in)

The ꞵahuuꞵi (traditional territory) of the Huu-ay-aht First Nations is in the Barkley Sound area. Huu-ay-aht Land under the Treaty includes approximately 8,000 hectares. Huu-ay-aht’s main village of Anacla is approximately six kilometres from the community of Bamfield. Huu-ay-aht First Nations’ citizenship includes approximately 845 citizens, with close to 100 citizens living in the Huu-ay-aht First Nations ꝼahuuꝼi and the balance residing elsewhere. Most Huu-ay-aht citizens live in the Alberni Valley, as well as elsewhere on Vancouver Island and the Lower Mainland of British Columbia. Huu-ay-aht citizens also reside throughout BC and the rest of Canada as well as in the United States. Huu-ay-aht prides itself on maintaining a close connection between its elected and hereditary leadership, adopting the motto *Ancient Spirit, Modern Mind*. For more information, go to www.huuayjaht.org.



Ka:’yu:’k’t’h’/Che:k’tles7et’h’

The traditional territories of the Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations (KCFN) are located on the northwest coast of Vancouver Island and extend from Porritt Creek, north of Nootka Sound, to Solander Island at the tip of Brooks Peninsula, inland to the height of land and seaward to the point where you can no longer see land while standing in a canoe. Ka:’yu:’k’t’h’/Che:k’tles7et’h’ is a confederacy comprised of several chiefly families. The two Nations came together in the 1960s to have better programs and service delivery by the Department of Indian Affairs. KCFN Land under the Treaty includes 6,299 hectares located throughout KCFN Traditional Territories. The combined citizenship for KCFN is around 610 citizens. Approximately 25 percent live in Houpsitas, 18 percent residing in Campbell River, and the remainder living throughout British Columbia and Washington State. For more information, go to kyuquotbc.ca.

Ka:’yu:’k’t’h’/Che:k’tles7et’h’ Vision Statement

“That we are a healthy, self-sustaining, self-governing, thriving, prosperous community of Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations people. We fully express our language, songs, dances, carvings and culture in our school, our lives, our community and our longhouses. Our social lives are enhanced by continued interaction between our elders, youth and members facilitated by community activities such as story-telling nights, movie nights, youth campouts, community picnics and cultural gatherings.

“We have a standard of living based on sustainable resources of our territory which allows for a healthy diet, full employment, local materials, a rich social life enhanced by the interaction of our youth and elders and all members of our community. Recreational, leisure and year-round employment and economic opportunities are abundant. Our community is sustained socially, culturally and economically. This is based on the many benefits which flow from our control and management of natural and human resources, and our relations with other Nations, governments, businesses and people.

“Our government understands and responds to the needs of our people and provides services and facilities, updated communications systems, infrastructure, housing, a community center a road to Houpsitas and Che:k’tles7et’h’ territory, a multiplex/sportsplex, marina, self-government offices, a school and other amenities that meet our needs in a fair and equitable fashion.”

Toquaht

The traditional territory of the Toquaht Nation includes the lands and waters surrounding the western and northern shores of Barkley Sound, located on the west coast of Vancouver Island. Toquaht Land under the Treaty includes 1,557 hectares of mostly undeveloped coastline along the Macoah passage, Toquaht Bay, and Main Bay. Their main summer village was once Du Quah, situated at the mouth of Ucluelet Inlet, which was a strategic defence position. However, Toquaht people living at home today reside in the winter village of Macoah, about 40 kilometres south of the town of Ucluelet, accessible by a forest service road.

Once estimated to be 10,000 strong, Toquaht’s population is currently around 165, with 90 percent of citizens living away from home. Bringing people home to a thriving community is the Nation’s primary goal.

In 2019, Toquaht Nation began development on the new Five-Year Strategic Plan with leadership and citizens. As the Nation moves forward, it will be led by its guiding principles of hišukma c̓awak – Everything is one, qwaaꞵaꝼin c̓awak – How we are one, ꞵuuꝼatuk – Taking care of one another, and ꝼiisaak – Highest respect.

Toquaht Nation’s Council is unique in that it consists of a ꝼaꝼwiꝼi (hereditary Head Chief) as the head of government, who works alongside a chaa-maa-taa (hereditary Second Chief) and three citizens elected for four-year terms. Their governance structure reflects their motto Tradition Transcending Time. For more information, go to www.toquaht.ca.





Uchucklesaht

The territory of the Uchucklesaht Tribe is located on the west coast of Vancouver Island in west Barkley Sound. Uchucklesaht Treaty Lands are situated southwest of Port Alberni and includes more than 3,000 hectares. Modern day Uchucklesaht has two villages situated approximately 50 kilometres southwest of Port Alberni in the Alberni Inlet— Cowishulth and Hiltathis.

The Uchucklesaht Tribe at one time consisted of over 2,000 members, and now has around 300 citizens. Three citizens live in the village of Ehtateese and the remainder live outside the territory, with many residing in Port Alberni. For more information, go to www.uchucklesaht.ca.



Yuułu?it?ath

Yuułu?it?ath Land under the Treaty is made up of nearly 5,500 hectares surrounding the community of hitacu, lands north of Ucluelet, in the Effingham Inlet and along the Nahmint River in the Nahmint Valley.

The Yuułu?it?ath Nation is formerly known as Ucluelet First Nations. Approximately 200 of their 670 citizens reside in the community of hitacu, which is located on the west coast of Vancouver Island, on the eastern shore of Ucluelet Inlet (Ucluth Peninsula). The remaining citizens reside mainly in Port Alberni, Nanaimo, Victoria, and throughout Vancouver Island. The west coast has been home to Yuułu?it?ath since time immemorial. For more information, go to www.ufn.ca.

Five-years – Looking back

Do you know all things Haačatstupił-ḥak ḥamaṭap (Ḥa-chut stu pilth ḥuk ḥa-ma-tup)

Since the Effective Date of the Treaty in 2011, the five Maa-nulth First Nations have worked extremely hard to rebuild their Nations and meet their priorities as self-governing indigenous governments under a modern Treaty. For the first four years of the Treaty, many of the Nations adjusted to new legislation, constitutions, and the challenges and benefits of self-governance. Nations can now begin to measure successes and benefits of living in a self-governing world under Treaty, including more education opportunities for their citizens, cultural expression, health care centers, and economic opportunities.

This five-year summary provides a snapshot of the progress and challenges that the Maa-nulth First Nations have experienced under their modern Treaty. A lot has changed in the reporting period – April 2015 to March 2020 – as the Nations continue to evolve and re-emerge as self-governing Modern Treaty Nations.

Although the pace of progress varied through the years, the five Nations have worked hard to achieve their goals and priorities using the tools in the Treaty. In many cases, successes have resulted from independent actions of individual Nations empowered to attend to their unique goals. Progress is also often borne out of collaboration among Maa-nulth Nations or between Maa-nulth and federal or provincial counterparts.

With education support and opportunities expanding within the Treaty environment, young people from each of the five Maa-nulth First Nations continue to graduate from post-secondary institutions in record numbers. Many of them now come home to contribute to the work happening within their communities.

Through collaboration between Treaty partners, space is being made by federal and provincial bodies for Indigenous governments and governance. Perhaps this simply means moving over, to work side by side on Treaty implementation issues – working together to solve those issues. There are challenges, and often work on one issue uncovers other challenges, but that is simply the nature of government.

At the same time, legal and technical teams are working together to develop new processes so that modern Indigenous governments can evolve quickly. More importantly, as the relationship between the Parties evolves, more certainty is created along with a solid footing on which to build for the future. There is almost a rhythm to how an issue is raised, analyzed, and worked on together. Some issues take more time to solve, but there is progress, and together the Treaty partners are working their way through issues.

FIVE-YEARS – LOOKING BACK



Five-years – Looking back

During the reporting period, collaborative work has led to a long list of successes for all five of the Maa-nulth First Nations. One of the most noteworthy for all Nations was the successful co-development of a new fiscal arrangement that recognizes the fulsome role that Modern Treaty Nations play in governing the affairs of their people and Nations.

At the end of the reporting period, a global pandemic began to have an impact on all the Maa-nulth Nations. As COVID-19 concerns increased in the month of March 2020, Nations closed their office doors and looked to new ways to engage with and meet the needs of their citizens. Nations had to decide on important issues such as whether or not to grant access to their territories during the pandemic, how to operate businesses under changing economic times and how to efficiently operate their governments when things were changing rapidly. Although each Nation approached this challenge in its own way, Canada and BC offered support that helped First Nations’ governments continue to offer the services and programs upon which their citizens have come to rely. BC engaged with Modern Treaty Nations on the application of Provincial Emergency Declaration Orders and declaration of Maa-nulth First Nations’ States of Local Emergency to ensure the Nations were supported as partners in the response. Beyond the end of the reporting period of this report, the Maa-nulth First Nations have continued to rise to the challenges of the COVID-19 pandemic with a historically resilient spirit.

While there were many accomplishments and challenges for Maa-nulth First Nations and the governments of Canada and BC over the five year reporting period, a selection of highlights in the areas of health and well-being, culture, language and heritage, housing and infrastructure, education and training, social services, and economic development are described below.



Five-years – Looking back

Health and well-being

- How are you? ʔaaqinʔaʕhək (Au-khin utl hək)

All of the Maa-nulth Nations have been extremely active in pursuing improvements in the areas of both individual and community health. The Treaty has enabled them to make major advances in the well-being of their people.

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations successfully completed a health centre, offering its citizens improved medical services. This was done in partnership with Health Canada and Island Health. The community is already seeing significant benefits for their residents; health issues are addressed sooner, before they become emergencies, dental hygiene needs are being taken care of in community, and there is space for clinical counselling and support.

In October 2018, Ka:'yu:'k't'h'/Che:k'tles7et'h' had a Diabetes Week with Seabird Island bringing their mobile diabetes clinic to screen for diabetes, and an Island Health dietitian joined them to talk about healthy eating and diabetes. In 2019, there was intergenerational trauma training and the KCFN medical staff was increased by one nurse three days per week and added a clinical counsellor.

In 2019, Uchucklesaht Tribe decided to no longer pay the Nuu-chah-nulth Tribal Council (NTC) to operate its nursing program. Instead, the Nation took over the service under its Human Services Department. The first step was to hire a full-time nurse who can visit Uchucklesaht citizens residing in Victoria, Kildonan, and Vancouver. This has proven beneficial and offered opportunities for staff training to enable them to conduct home visits with elders.

Uchucklesaht has since seen success in a number of areas in the ways they offer services to their citizens. They offer social assistance for individuals living in Kildonan who qualify based on application and family unit size. In order to improve child welfare, they have improved communication with Usma Nuu-chah-nulth Child and Family Services (Usma) with regard to children in care. The Nation has also increased special events such as gatherings and fitness activities for citizens, recognizing that these things help children and family in many areas.

Uchucklesaht provides patient travel for citizens requiring medical travel, increasing the budget to cover more and take into account the increased cost of food and travel.

Huu-ay-aht First Nations has been working to offer additional health services to its citizens. Elders' benefits increased significantly, providing them with additional funds to live a healthier lifestyle as well as offering food boxes during difficult times. The Nation has begun to offer access to prescriptions that were not previously covered and has increased its budget for dental care.

Huu-ay-aht’s patient travel funding has also increased during the reporting period, and the Nation now offers a patient top-up subsidy above that of the First Nations Health Authority to cover extras such as meals. They also purchased a vehicle and have funding for a driver to support patient travel. This assists citizens living in Anacla and other remote areas in getting to medical appointments when they do not have other options.

Huu-ay-aht is focusing on offering recovery programs to decrease substance abuse in its community. This includes such things as programs for people with substance use issues, hiring a clinical counsellor, and expanding the services and staffing it offers through the Child and Family Wellness team. The Nation has seen an increase in citizens accessing supports for recovery programs and treatment centres.

Administration and community service staff for Yuułuʔiłʔatḥ moved from the health clinic, resulting in expanding the health promotion and community services regularly offered in hitaču. In addition to the NTC community health nurse, there was dedicated office space and regular business hours for a Teechuktl (mental health) clinical counsellor, NTC home care nursing staff, NTC infant development workers, RCMP Aboriginal liaison officer, and an adult probation officer.

Yuułuʔiłʔatḥ took part in a three-month pilot program to provide patient travel assistance called Wheels for Wellness, which transports non-emergency patients to medical appointments in excess of 60 kilometres from their home. Their Winter Wellness program offered nutrition and cooking healthy foods courses. The NTC nurses continued to offer health care for the community, and women’s and teen groups were implemented. The Nation also continued participating in the Warrior Program for young men.

In 2017, Yuułuʔiłʔatḥ’s Port Alberni Satellite Office was secured at the Uchucklesaht Government building, offering an opportunity to engage and build relationships with the urban citizens, while providing direct government services and liaison with urban organizations.

In 2020, the Yuułuʔiłʔatḥ Government signed a Letter of Expectation with the RCMP, committing to improving the safety, security, health, and well-being of the citizens. The health and social services department started offering drop-in services from West Coast Mental Health, which is a part of the Vancouver Island Health Authority.

Culture, Language, and Heritage
- I am happy when I’m speaking my language
ʔuuʔuuqčamaḥʔaała ʔuuʔuukʷaʔatḥa
(Oo-ookh-cha-mah authla oo-oo-kwa ut ḥa)

All of the Maa-nulth First Nations have experienced an increase in cultural activities and are focused on providing human and financial resources to enhance efforts in that regard.

During the reporting period many potlatches were held. Perhaps the most noteworthy was a memorial potlatch hosted by the Toquaht Nation for the late taayii ḥaʔwił tiitskiisup (Head Hereditary Chief Bert Mack), held in Macoah on September 23, 2017. As this was the first potlatch held on Toquaht territory in generations, much time and care were needed to prepare for the ceremony, aimed at revitalizing Toquaht traditions. On the day of the potlatch, a Toquaht-carved totem pole was unveiled and raised to commemorate the late taayii, his four late brothers and their father.

Beginning in 2015, Toquaht conducted numerous cultural activities including drum making workshops for both adult and youth citizens, cultural initiation ceremonies to allow certain individuals to start learning Toquaht dances, regular drum and dance practices within the community and abroad, and regalia preparation workshops.

Yuułuʔiłʔatḥ has put a great deal of focus on building its culture, language, and heritage programs. Following the Effective Date, citizens highlighted the desire and the need to revitalize their culture, and the Yuułuʔiłʔatḥ Government responded with the addition of a language department. In 2017, the government established a culture and heritage function in support of the demands they were hearing from the community. The government began to provide funding to establish a team to support citizens in cultural development. In 2019, the Department of Culture, Language, and Heritage expanded into the field of archeology.

Joe Martin, from the Tla-o-qui-aht First Nation, was chosen to lead a team of seven people to build a traditional canoe for Yuutuʔitʔath Ucluelet citizens. The 22-foot canoe was completed in the summer of 2019 and presented to citizens at a meeting of the hitaču Assembly. The Nation hired a Manager of Culture and Heritage in 2019.

The Yuułuʔiłʔatḥ Government partnered with Nuu-chah-nulth artist Hjalmer Wenstob to host a community carving project with hitaču youth. The group finished a welcome sign, which is destined to be placed on the Pacific Rim Highway, acknowledging the Yuułuʔiłʔatḥ territory.

Yuułuʔiłʔatḥ offered a Language Nest and Silent Speakers luncheon in August 2019 to continue the work on restoring their language to their people. Graduates of the 2019 Yuułuʔiłʔatḥ “Silent Speaker” language reclamation program were treated to a private showing of Yuułuʔiłʔatḥ and Nuu-chah-nulth artifacts at the Museum of Anthropology at the University of British Columbia in

Five-years – Looking back

Vancouver in January 2020. The Yuułuꞵiꞵꞵaꞵ Department of Culture and Heritage travelled to the Canadian Museum of History in Gatineau, Quebec, to negotiate custodial arrangements for the return of Yuułuꞵiꞵꞵaꞵ artifacts back to hitaču as agreed upon in the Treaty. Members of Yuułuꞵiꞵꞵaꞵ participated in the 2019 Canoe Journey, and the Warrior Program continues to be an outstanding success.

Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations is boosting its culture, language, and heritage by creating a space where all three can be practiced and celebrated. They are still in the pre-design phase for a Big House. It is important to the Nation to get it right, so they are engaging their citizens to ensure that the final design and location of the Big House reflects the whole community and will better serve their needs.

Huu-ay-aht First Nations has also made culture a priority and has hired a full-time cultural worker tasked with ensuring culture is shared with citizens who live at home as well as away from the traditional territory. The Nation sponsored and supports a language learner as part of its staff component who is focused on learning and sharing the traditional language and knowledge with the rest of the Nation.

Huu-ay-aht has taken a significant step in sharing its history and culture by offering tours of the Nation’s traditional Village of Kiiḵin. Recognized as a National Historic Site of Canada by Parks Canada in 1999, the Kiiḵin Village and Fortress is the site of a 19th-century village and fortress that exhibits evidence of occupation dating to 1000 B.C.E. It also remains a sacred site to present-day Huu-ay-aht First Nations. The official recognition includes four distinct archaeological sites: the main village and fortress, and two related archaeological sites.

Huu-ay-aht has also started offering cultural history nights in Anacla, Port Alberni, Victoria, Nanaimo, and Vancouver. Staff levels have increased in this area, making it possible to offer more language and culture to citizens at home and living away from the territory. The culture camp is also a great addition, offering an opportunity for youth to experience many of the Nation’s traditions. It is typically held every summer on Diana Island. The Child and Family Wellness team is dedicated to ensuring families have the resources they need to share culture with their families. This includes things like cultural gifts, a baby welcoming and offering supportive services like brushings.

Uchucklesaht Tribe developed its own Culture and Heritage Program after the Treaty was signed. It has been successful for the Nation and continues to grow. The department incorporates culture into all other departments by creating cultural items for gifts and having cultural teachers work with their own people to learn how to make drums, shawls, rattles, various cedar work, dream catchers and other traditional items. The Nation also created a cross cultural workshop a few years ago to invite

the RCMP and teach them about cultural practices and traditions and enhance understanding. Each year, the Nation brings out a group of Uchucklesaht youth to teach them how to strip cedar. The group keeps half of what they strip, and the other half goes to the Culture and Heritage Program. The program donates their Cedar Hall Room to Uchucklesaht dance groups to practice their songs and dances. In 2019, the Uchucklesaht Tribe was given their own chant and members of the legislature continue to practice it and use it at various community and government functions.

Uchucklesaht has also started to purchase cultural gifts from local artists (carvers, cedar weavers, beading, leather work, etc.) to keep some of the amazing work within the Nation and gift the work to its membership through the various events.

Yuułuꞵiꞵꞵaꞵ, Huu-ay-aht First Nations, and Uchucklesaht Tribe all saw the return of cultural treasures and artifacts from the Royal British Columbia Museum during the reporting period in accordance with the Treaty provisions.



Housing and Infrastructure
- Come into our house Mačinuʔi maʔaskukqin
(Ma-che-noo e mah-us sook khin)

Housing also played an important role, with many Nations focused on finding ways to bring their people home. Infrastructure improvements went hand-in-hand with these housing initiatives for the Maa-nulth First Nations.

Uchucklesaht Tribe Government marked the completion of its long-term vision to build an office and apartment building in Port Alberni. The Thunderbird building officially opened in June 2017 on Argyle Street. In addition to the rental suites, the \$8-million building is home to the tribe’s government services and provides a space for cultural activities in Port Alberni. The Nation started renting apartments in the building in September 2016, and the administration offices moved in a month later. The building also offers three suites that are designed to house Uchucklesaht members who come to Port Alberni for medical treatments.

Uchucklesaht completed a housing condition assessment in 2019 and the existing housing stock was determined to be in poor condition, requiring replacement. Following the completion of the 2019 work, Uchucklesaht Tribe Government identified a need to support Uchucklesaht citizen housing within the traditional/historic village and identified funding opportunities to undertake a project.

Through information identified in the housing condition assessment, Uchucklesaht also determined that historic village housing replacement would require construction of a community sewer treatment system, along with other residential infrastructure needs such as individual house water services, electrical, and connectivity. Project funding submissions were completed, and project design and planning were undertaken. Project planning and design included six new houses designed to be BC Energy Step 3 compliant and to withstand harsh west coast weather, new inground water services, fibre optic connectivity, and a community septic field with associated infrastructure, including individual septic tanks and pump chambers for each house, as well as two community pump stations. The historic village rebuild was started in late spring, early summer of 2020, first with the removal of the existing houses and construction of the civil infrastructure.

Huu-ay-aht First Nations created a partnership with different levels of government and the Bamfield Marine Science Centre to bring their sewer project to life. As a result, the Nation was able to expand its housing in the Upper Anacla Village by three homes. Work in the area also included paving of the road through the upper village, leading to the House of Huu-ay-aht and the Anacla Government Office. The Nation also built and repaired a number of housing units in the Lower Anacla Village, offering opportunities for more citizens to live in the community.

Huu-ay-aht commissioned an Independent Housing Panel to review Huu-ay-aht land use, housing, and related policies, legislation, and programs, and recommend practical changes to ensure that their territory (Hahuuti) will be a safe, healthy, appealing place with a strong economy where half its people choose to live. In December 2019, the panel presented its final report, which will guide Huu-ay-aht in its housing plans moving forward, including construction of more housing units in the Upper Anacla Village.

Toquaht Nation received funding from Canada to design and build new duplex units in Macoah. Construction began in 2017, and when completed in February of 2018, the community had eight brand new rental units. This project almost doubled the number of housing units in the community, thus nearly doubling the number of citizens living at home. These were the first homes built in Macoah since the early 1980s due to a failing septic system. The infrastructure gap was filled by Toquaht’s new Step Collection water treatment system, which broke ground in February 2016 and came online early 2018.

Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations Health Clinic was successfully completed and is paying dividends in the delivery of health care to the community.

Ka:’yu:’k’t’h’/Che:k’tles7et’h’ began a five-year project to renew the community water and sewer systems – Houpsitas Village Infrastructure Renewal. The renewal will replace all existing distribution systems and allow for much-needed community expansion.

The Nation now has a medical vehicle at its disposal that makes patient transportation easier, safer, and more comfortable with room for health personnel to travel next to the patient. In 2018/2019, they installed and began to use a helicopter landing site behind the community centre in Houpsitas, both for evacuations and when medical personnel are flown in from Port McNeill. By the end of 2018/2019, Ka:’yu:’k’t’h’/Che:k’tles7et’h’ added three more first responders for a total of five and initiated a rotation for being on call so there is always a first responder available in the community. The Nations have also contracted a clinical counsellor to help citizens when it is needed.

Yuuluʔiʔath Government signed an agreement with All Nations Trust Company (ANTCO) to provide funding via the Pathways to Technology project, for a broadband internet connection to hitaču in 2015. The Nation also continued its work to build houses in hitaču, and the water and sewer project received a major upgrade.

Through Land Transfer Titles, Yuuluʔiʔath citizens applied to purchase eight vacant lots and an additional 18 citizens applied to have ownership of their houses or lots.

In 2017, a new secondary access route was put in along the access roads behind hitaču to provide safety for members in case of a tsunami, earthquake, or other natural disaster. In February, construction started on the multi-use Traverse Trail, 3.2 metres wide and 40 kilometres long, weaving throughout the west coast. The Nation also continues to increase housing supply, building two duplexes for rentals. Seven more units followed in 2018, this time focusing on sustainability and energy efficiency.

Two phases of the community green space, the new basketball court and the playground were completed in 2018, with hopes to continue to develop more green park spaces throughout the community.

Education and Training
- We know lots of things ʔayač̓ĩsamin ɥamaʔap
(A-ya-chilth sa min ɥa-ma-tup)

The Treaty provides Maa-nulth First Nations the freedom to design educational programs that suit the needs of their citizens.

In 2019, the Yuuʔuʔiʔaʔ Government held a grand opening for its new childcare centre – the qʷayač̓iikʔiis Headstart Childcare Centre. The addition of this asset and essential service would not have been possible if Yuuʔuʔiʔaʔ Government did not have the freedom and flexibility to allocate the land base and the funding to this important project. The Nation was able to design the building and the programming using its culture, language, and heritage as the foundation. The new centre supports up to 52 participants with culture and language lessons and features Nuu-chah-nulth art designs created by the Nation’s own citizens.

Yuuʔuʔiʔaʔ developed homework club, after school drop-in, and youth drop-in programs which have been ongoing since 2016 and also began offering summer day camps. In 2017, the hitaču daycare relocation to Cixʷatin Centre was completed. The Nation also received a \$590,000 grant for the building of the new daycare, with Yuuʔuʔiʔaʔ contributing the remaining \$1.2 million.

Elders and Yuuʔuʔiʔaʔ language coordinator held Nuučaaʔuʔ Language classes on Wednesday nights at the huupatu building beginning in 2018 to students that range from beginners to advanced learners. A summer language camp was held on Lone Cone (Tofino), and a Language NEST is underway with the daycare.

The Yuuʔuʔiʔaʔ Government and School District 70 have been working closely to update the Local Enhancement Agreement since 2019, a tool to increase student success and to bring Indigenous learning to all students in the district.

In 2019, Uchucklesaht Tribe started to operate its own education program for the Nation rather than contracting it to the Nuu-chah-nulth Tribal Council (NTC). Uchucklesaht now goes above and beyond and has doubled its post-secondary budget as well as providing school supplies, school allowance, scholarships, and, most recently due to Covid-19, laptops to get their youth through the tough times and keep focused on their education.

Uchucklesaht staff focuses on post-secondary training requests and identifying opportunities for citizens. The Nation has taken over these services and has its own staff that manage these services. They track students and check in on them regularly

Huu-ay-aht First Nations have been operating its own education programs since 2012. They are actively working with the school district to offer the best education opportunities for their elementary and secondary students. In the reporting period, the Nation has also started to include funding for trades and upgrading, including online programs and courses. They are seeing more students participating in North Island College programs as well. The department has increased living allowances to students in recent years, as well as offering more opportunities for tutoring and extra support. As a result of the extra effort, support, and funding, the Nation has seen more graduates, providing scholarships to a long list of citizens, and offering work opportunities within forestry and other fields. Support for students continued to increase through the subsequent pandemic period.

Toquaht Nation has been administering its own education programs since 2015. Initially, post-secondary education was administered following the Nuu-chah-nulth Tribal Council policy. However, to better meet the needs of Toquaht citizens, a new policy was developed and implemented in 2017. The new Toquaht Post-Secondary Policy goes well beyond traditional sponsorship models to support a multitude of educational pursuits for both full-time, part-time, and short-term studies. Students in K-12 are also supported through various programs that offer resources for tutors, technical equipment, materials and supplies, and extracurricular activities.



Social Services
- Let’s go home Wałšiᑭałin (Walth-she utl in)

Another trend during this reporting period was the development of enhanced social development programs in several of the Nations.

Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations created a Social Development Department focused on areas such as social assistance and family services. The goal of the department is to operate with transparency, while maintaining confidentiality and ensuring all people are treated equally and have their needs met. The department also supports clients in seeking employment by seeking out new training opportunities and jobs to help clients move away from social assistance to independent living. Ka:’yu:’k’t’h’/Che:k’tles7et’h’ also works with Usma Nuu-chah-nulth Family and Child Services (Usma) and the BC Ministry of Children and Family Development to provide their citizens better services and support them in a safe, cultural way.

During the reporting period, Huu-ay-aht First Nations conducted an extensive independent social services project that resulted in a list of recommendations to help the Nation reach its goal of having no children in care and to give families the skills they need to stay together. Thanks to a partnership between Huu-ay-aht, BC, and Canada, this program saw a significant commitment of funds on an annual basis, and many of the independent Social Services Panel’s recommendations have been carried out. This includes the creation of a Child and Family Wellness Department, with increased staffing to provide support and services to citizens, including cultural care and healing-based programs.

In 2019, Huu-ay-aht committed to being part of the Warrior Program to help build youth leaders. The program has seen significant success since its creation. Huu-ay-aht continues to see fewer children in care by working with Usma and the Ministry of Children and Family Development.

Uchucklesaht provides its citizens preventative education related to health. They offered speakers on a number of topics. They also offer immunizations, meal packages, and medical assistance to elders, such as vital sign monitoring, help with doctor appointments, or procedures. Uchucklesaht’s nurse collaborates with Island Health Authority’s multi-disciplinary team to assist citizens with services they may need, including mental health awareness and support, assistance with medication, cost, and explanation.

Economic Development
- Were there lots of people? ᑭayaałitha quuᑭas
(A-ya tlit ᖃa khoo-us)

The First Nations of the Maa-nulth Treaty are growing both socially and economically, with a focus on building their economic opportunities and their economies overall.

In 2015, Toquaht Nation approved a feasibility study for the purchase of Forest License A19234, and in 2016, the Nation entered into an Asset Purchase Agreement with Coulson Forest Products to purchase the license. The title was officially transferred to the Nation in June 2016, giving Toquaht control over forest practices in a significant portion of its traditional territory.

In 2019, Toquaht completed its Secret Beach Campground, Kayak Launch, and Marina project after many years of planning. This was a significant investment for the community that is sure to offer significant returns with further development.

In November 2018, Uchucklesaht Tribe Government purchased the former Redford School in Port Alberni. The 1.5-acre property has a 20,000 square foot office building, including a gymnasium and large kitchen. Since the Thunderbird building is full, this new building will house some government services, and the Nation may consider renting some office space to other Nations. The gymnasium gives the Nation a large gathering space for social and cultural purposes.

In 2019, Huu-ay-aht First Nations finalized a deal with Western Forest Products (WFP) resulting in their ownership of seven per cent of TFL44. At the end of this reporting period, the Nation was in talks with WFP to expand this ownership. Huu-ay-aht also made significant investments in the Bamfield community with the purchase of 11 properties, including a motel, lodges, airport, and a number of other parcels of land and businesses. Many of the operations are up and running, being operated by the Huu-ay-aht Group of Businesses, building on their strong hospitality, forestry, gravel, and fisheries operations.

In 2020, Huu-ay-aht finalized a plan with the Province of BC to partner in the Bamfield Main Road Surfacing Project. This will ensure that by 2023 Bamfield Main Road will be chipsealed. This will offer many economic opportunities for the Nation. They are exploring different projects that will help their Nation and citizens prosper. Through COVID-19, the Huu-ay-aht Group of Businesses continued to operate most of its businesses, although Pachena Bay Campground was closed in 2020.

The Yuułuᑭiᑭᑭatᖅ Economic Development Act was repealed and replaced with a new one in 2015, becoming the 34th Act of the Yuułuᑭiᑭᑭatᖅ Government.

In 2016, the Yuułuᑭiᑭᑭᑭᑭ Government purchased a significant economic development property that resulted in tourism developments at the highway junction between Ucluelet and Tofino, such as the Wya Point Resort, Wya Welcome Centre and gift shop, and the planned Lost Shoe Creek commercial development. Between the operations of Wya Point, (then) Wya Point Surf Café, and Surf Shop, there are close to two dozen citizens employed, which offered the Nation a significant economic boost.

In 2017, Yuułuᑭiᑭᑭᑭᑭ passed a living wage policy. 2019 proved to be a strong revenue year for Yuułuᑭiᑭᑭᑭᑭ Government’s hospitality businesses, which operate under the banner of the Ucluelet First Nation Group of Companies. First Nations employment in the Group of Companies’ operations was 100 percent in the off-season, although extra employees and staff were brought in during high tourist season. Controlling costs and simplifying operations, including moving all accommodations to E-commerce and Air BnB website booking systems and closing operations during unprofitable months has resulted in solid improvement.

The Treaty offered Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations the opportunity to become part owner of a guide outfitters operation, gaining greater access to hunting within its traditional territory and beyond.

The Nation started a new forestry ventures operation, planning for forestry operations within woodlot licenses and on Treaty lands. It also expanded their marina and campground to include cabins. The operations offer a fishing resort, a hostel, a campground, cabins, a marina, fuel and general store.

Treaty at Work - There is lots of work ᑭᑭᑭᑭᑭᑭ mamums (A-yautl ma-muums)

The Treaty has provided possibilities for Maa-nulth First Nations to increase economic and business opportunities. Additional revenues from business development enable the Maa-nulth First Nations to increasingly support their respective visions of creating and increasing meaningful and relevant programs and services for their citizens. As a result of increased economic and business opportunities, the Nations have also seen an increase in overall budgets (see financial section for more information).

In January 2016 the Huu-ay aht First Nations purchased 11 properties in the Bamfield area, including a motel, two lodges, a pub, an airport, and a number of other parcels of land. The purchase has allowed the Nation to diversify its businesses and has begun a revival of the local economy.

Additional revenues have allowed Huu-ay-aht to re-invest in businesses and also invest in new and enhanced programs and services that greatly benefit their citizens. Examples include an expanded food fish distribution, the social service project, and enhanced cultural services. It also opened the door to significant investment in the Bamfield community and increases to the services it can offer its citizens while diversifying its economy.

The Secret Beach Development Project is an example of how Toquaht Nation is using the Treaty as an opportunity to improve on what their community has to offer to citizens and visitors alike by working with different levels of government. The project offers the Nation an opportunity to generate revenue from the resources in its territory.

The Secret Beach Campground and Kayak Launch continued to operate while the original Toquaht Bay Marina & Campground remains closed due to heavy metal contamination. Toquaht and British Columbia continued negotiations on a remediation plan for the contaminated site. In 2014/15, the conceptual design was completed for the access road, breakwater, boat ramp, and floats of a new marina located at Secret Beach. Initial environmental studies were conducted, and an application was submitted for Fisheries and Oceans Canada approval, which was subsequently granted. During the 2016/17 fiscal year, the required foreshore tenure from BC was granted and the detailed design of the marina, boat ramp and breakwater system was completed. During the 2017/2018 fiscal year, the access road to the marina was roughed in to provide site access for construction. The first phase of the marina was completed in May of 2019 and the Grand Opening was held on June 21, 2019. The old marina was dismantled in late 2019.

At the beginning of the reporting period, the Yuułuᑭiᑭᑭᑭᑭ Government was implementing approximately 33 laws and 30 regulations and added to that legislative base over the next five years as outlined later in this report. Yuułuᑭiᑭᑭᑭᑭ Government is recognized in the Maa-nulth Treaty and the Foreshore Agreement to be able to manage development and growth on Yuułuᑭiᑭᑭᑭᑭ lands and Yuułuᑭiᑭᑭᑭᑭ foreshore. Self-government is allowing the Nation to create the type of community they want to live in and be in control of achieving their own goals.

The Lands and Resources department has a new tool to help maintain and protect specific areas throughout the traditional territory. The Important Harvest Areas (IHA) designation negotiated under the Reasonable Opportunity Agreement (for each Maa-nulth First Nations) is helping find new ways to protect and rehabilitate some areas that were previously damaged through past logging practices.

Tripartite Implementation Committee

Committee Work

To facilitate a new government-to-government relationship, the Treaty requires that the Parties form a tripartite Treaty Implementation Committee. The committee is comprised of one member from Canada, one from British Columbia, and a single member to represent the five First Nations of Maa-nulth. Notwithstanding the official membership, representatives from each of the Maa-nulth First Nations generally attend and participate in meetings of the committee, speaking on matters that affect their Nations.

The Implementation Committee is an intergovernmental forum where the Parties discuss implementation of the Treaty, share information, seek paths for the resolution of implementation matters and co-develop Treaty implementation tools. The Implementation Committee plays a critical role in treaty implementation and provides a venue for the Parties to collaborate on implementation matters and in developing, maintaining, and advancing bilateral and tripartite treaty relationships. It also provides a mechanism of accountability in treaty implementation matters.

The Implementation Committee prepares reports on the implementation of the Treaty and develops a communications strategy in respect of the implementation and content of the Treaty.

During the reporting period, to best meet its obligations and be a productive venue to support implementation of the Treaty, the committee undertook analysis of its efficiency and implemented a number of changes. These included:

- Establishment of an administrative working group to assist in advancing issues at the direction of the committee; and between regular committee meetings, to develop practical recommendations to bring back to the committee.
- Creation and implementation of an action tracker to monitor, assign responsibility for, report on disposition of all issues on the agenda of the committee, and to track success on handling matters addressed on an ongoing basis.
- Continued work on development and implementation of communication and strategic plans to maximize the effectiveness of information handling and organize committee agendas to facilitate the highest levels of progress possible.

The committee is increasingly becoming an effective tool in assisting all parties to the Treaty in advancing implementation issues as they arise. Implementation issues are often first discussed by the committee directly and are then directed through the appropriate body to find resolution or continued monitoring.

Citizenship

Prior to signing the Treaty, (then) Indian and Northern Affairs Canada determined and regulated Maa-nulth Nations’ membership under administration of the Indian Act. Under the Treaty, Maa-nulth First Nations have full control and law-making authority with respect to who is eligible to be a citizen of their respective First Nations. Each of the Nations has experienced growth in their population due in part to the changing laws but also to a rapid population growth.

First Nation	Population April 2015	Population March 2020	Percentage Increase
Huu-ay-aht	700	845	21%
Ka:’yu:’k’t’h’/Che:k’tles7et’h’	610	610	--
Toquaht	150	165	10%
Uchucklesaht	265	300	13%
Ucluelet	600	670	12%
Total Maa-nulth	2325	2590	11%

British Columbia Legislation

British Columbia has the responsibility to consult with Maa-nulth when amending or introducing legislation that has the potential to affect areas of governance in which Maa-nulth has a jurisdictional interest. During the reporting period, British Columbia provided 86 notifications of pending legislation. Of those notifications, the Maa-nulth First Nations requested engagement on 34 and notified British Columbia that no engagement was required on the remaining 52. In only one instance during the reporting period did British Columbia not meet the requirements of the Treaty to give notice in the agreed upon manner.

Maa-nulth Legislation

During the reporting period, the Maa-nulth First Nations continued to exercise their lawmaking authority recognized in the Treaty.

Huu-ay-aht First Nations enacted an additional 12 Acts, including the *Huu-ay-aht First Nations Goods and Services Tax Act and Government Agreements Authorizations Act*, and 16 Regulations, including the *Time Limit for Eligibility to be Public Officer Following Disqualification Regulation and Eligibility for Land Interest Regulation (WFP)*.

Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations enacted an additional 14 Acts, including the *Social Housing Project Capital Borrowing Act, Emergency Preparedness Act*, and 16 Regulations, including the *Governance and Fiscal Agreement Regulation, and the Review Board Forms and Fees Regulation*.

Toquaht Nation enacted an additional 25 Acts, including the *Official Community Plan Act, the Public Works and Services Act*, and 17 Regulations, including the *Wood Waste Disposal Regulation*, and the *Housing Regulation*.

Uchucklesaht Tribe enacted an additional 14 Acts, including the *Subsurface Resources Act*, the *Trespass and Community Safety Act*, and 14 Regulations, including the *Symbols and Honours Regulation* and the *Elhlateese Traffic and Parking Regulation*.

The Yuułuꞵitꞵath Government enacted an additional 23 Acts, including the *Zoning and Structures Act*, the *Goods and Services Tax Act*, and 18 Regulations, including the *Animal Control Regulation* and the *Compliance Notice and Ticket Regulation*.

Enforcement of Maa-nulth Laws

Maa-nulth First Nations and Fisheries and Oceans Canada Enforcement Protocol

An Enforcement Protocol intended to outline enforcement related arrangements between the Maa-nulth First Nations and Fisheries and Oceans Canada (DFO) continues to be under development. Despite establishing a healthy working relationship built on knowledge sharing, the committee remains challenged on finding resolutions to matters before them. Representatives from Maa-nulth and local DFO staff are keen to continue development of this work.

BC Court Services

Section 13.32.7 of the Maa-nulth Treaty provides that, other than prosecutions, the enforcement of the laws of the Maa-nulth First Nations will be in the British Columbia Supreme Court. On April 2, 2015, Maa-nulth First Nations sent a letter BC to begin discussions with the Court Services Branch of the Ministry of Justice to ensure the proper processes and procedures are in place, particularly in debt enforcement. These discussions occurred periodically throughout the reporting period and remain ongoing.

These discussions between Maa-nulth First Nations and BC also evolved to include discussions regarding the enforcement of violation tickets issued under the laws of the Maa-nulth First Nations in the British Columbia Provincial Court, as contemplated in 13.33.1 of the Maa-nulth Treaty. During the reporting period, the discussions concerning the enforcement of violation tickets superseded the discussion regarding enforcement in the British Columbia Supreme Court and quickly expanded to include other British Columbia Modern Treaty Nations. By the end of the reporting period, BC and the Maa-nulth First Nations, along with those other Modern Treaty Nations, had begun to work collaboratively to consider changes to the *Offence Act*, R.S.B.C. 1996, c. 338 that are necessary for 13.33.1 of the Maa-nulth Treaty to be operationalized.

Foreshore Agreements

During the reporting period, BC and the Toquaht Nation continued to discuss how the Toquaht Nation may make laws in relation to the protection of the natural environment applicable to the foreshore adjacent to their Treaty lands under the Amended Toquaht Nation Foreshore Agreement dated December 3, 2013 (the “Foreshore Agreement”). Discussions include the scope of proposed environmental protection laws and how those would integrate with existing provincial laws and a potential amendment to the Foreshore Agreement to enable delegation of certain environmental protection regulations to executive bodies or officials of the Toquaht Nation. Those discussions are ongoing.

Additions to Treaty Settlement Lands

The Treaty provides the ability for Maa-nulth First Nations to add lands to their Treaty Settlement Lands under 2.10.0.

During the reporting period, Uchucklesaht Tribe was the only Nation to complete an addition. The Tribe added two parcels of land to its Treaty lands (Silverside and Lot 1 of District Lot 357).

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations requested consent from British Columbia and Canada for the addition of District Lot 1610 and District Lot 1612 to its Treaty lands. At the end of the reporting period, KCFN continued to await the outstanding steps for these consents to proceed with the additions process.

The chart below summarizes Additions to Treaty Settlement Lands since the Effective Date of the Treaty.

Treaty Settlement Lands (TSL) and Additions to TSL since Effective Date (in hectares)					
First Nation		Additions to Treaty Settlement Lands since Effective Date (ha)			
	Treaty Settlement Lands at Effective Date	In Previous reporting periods	In Current reporting period	Total additions to TSL	Total TSL at March 31, 2020
Huu-ay-aht	8258	0	0	0	8258
Ka:'yu:'k't'h'/Che:k'tles7et'h'	6299	0	0	0	6299
Toquaht	1489	68.2	0	68.2	1557
Uchucklesaht	3067	0	0.211	0.211	3067
Yuuʔuʔiʔath	5438	1.608	0	1.608	5440
Maa-nulth TOTAL	24551	69.808	0.211	70.019	24621

Surveys

The Treaty requires that in cases where adequate legal surveys had not been completed by the Effective Date, initial surveys of the outer boundaries of Treaty Settlement Lands are to be completed as soon as practicable afterward. Prior to the Effective Date, Canada completed all required surveys in respect of former Indian Reserves (2,084 hectares). British Columbia was responsible to provide initial surveys for the remaining 22,467 hectares of “Additional Lands” (lands in addition to former Indian Reserve lands that make up the Treaty Lands on the Effective Date).

Operating under the Maa-nulth Survey Protocol, a tripartite document (Memorandum of Understanding) required by the Treaty, BC and Maa-nulth First Nations have developed a survey program to provide outer boundary surveys where adequate surveys do not exist. The MOU requires consideration of the following: the priorities of the applicable Maa-nulth First Nation; efficiency and economy, including the availability of qualified, reasonably priced land surveyors; and the necessity to clarify the boundaries because of imminent public or private development on adjacent lands.

Staging survey priorities in three-year cycles, from 2014-17, and 2017-2020, respectively, allowed BC to procure the services of British Columbia based land surveyors to develop survey plans for Maa-nulth Treaty Lands. Completed plans are submitted to and reviewed by the Land Title and Survey Authority of British Columbia before they are presented to Canada and the applicable Maa-nulth First Nation for final approvals.

The following table shows the percentage of completion of surveys of the Additional Lands. The numbers do not include surveys currently contracted and in various stages of completion nor does it include completed contracts where the plans have not yet been approved by all parties.

Additional Lands surveyed for Yuułuʔiłʔatḥ remained unchanged from the prior reporting period. Despite many surveys undertaken, none of the surveys completed in the current reporting period have been approved.

Percentage of Additional Lands* Surveyed (in hectares)				
First Nation	Total TSL On Effective Date Former IRs: 2,084 ha + Additional Lands: 22,467	Additional Lands to be surveyed	Additional Lands surveyed since Effective Date	Percentage of Additional Lands surveyed at March 2020
Huu-ay-aht	8258	7181	6528	91%
Ka:yu:k't'h'/ Che:k'tles7et'h'	6299	5920	3542	60%
Toquaht	1489	1293	1293	100%
Uchucklesaht	3067	2834	1510	53%
Yuułuʔiłʔatḥ	5438	5239	1726	33%
Maa-nulth TOTAL	24551	22467	14599	65%

*“Additional Lands” refers to lands in addition to former Indian Reserve lands that make up the Treaty Lands on the Effective Date.



Lands and Natural Resources

Fisheries and Marine Resources

For countless generations, by virtue of their location on the west coast of Vancouver Island, the Maa-nulth Nations have a natural bond with the ocean and its resources. They have always been connected to the sea culturally, economically and spiritually and fish and marine resources have been central to the health and well-being of the people.

It is natural then, that access to and management of marine resources are key to any treaty being successful. The Treaty recognizes this special relationship and makes provision for Maa-nulth First Nations to both access these essential resources and provides for roles in the management of the resources. The Treaty sets out allocations of some specific species for domestic purposes (food, social or ceremonial) with harvesting rights limited by measures necessary for conservation, public health and public safety. Fishing occurs in non-exclusive Domestic Fishing Areas outlined in the Treaty and Maa-nulth First Nations designate and document individuals and vessels authorized to fish for community needs.

Fish and Aquatic Plants Harvesting Rights

Under the Treaty, each Maa-nulth First Nation has the right to harvest fish and aquatic plants for food, social and ceremonial purposes, limited by measures necessary for conservation, public health or public safety. This right will generally be exercised within a defined geographic area known as the Maa-nulth Domestic Fishing Area.

Joint Fisheries Committee

Prior to the Treaty, the Maa-nulth First Nations sought greater control over how fisheries were conducted in their traditional harvest areas. Under the Treaty, final authority over fisheries remains with the relevant federal or provincial minister. However, a tripartite Joint Fisheries Committee (JFC) was established under the Treaty for co-management of the Maa-nulth First Nations domestic fisheries and coordination with commercial, recreational, and other Aboriginal fisheries. The JFC includes one member from each Maa-nulth First Nation, Canada and British Columbia. Maa-nulth First Nations and DFO provide alternating chairs. Maa-nulth First Nations chair is in addition to the members from each individual Maa-nulth First Nations. The JFC generally meets twice each year but is supported by year-round work of the Joint Fisheries Technical Committee (JFTC) and JFTC sub-committees that attend to the more detailed matters of modern fisheries co-management. Variations on JFTC operations have been seen over the course of implementation of the Treaty, as the parties work to achieve effective and streamlined approaches.

One of the challenges to success has been high turnover in representatives from DFO, though there are other factors at play. In 2019-20, a Joint Fisheries Committee Renewal Working Group was struck to examine past challenges and forge collaborative solutions to pave the way for future success.

The committee has succeeded in elevating the profile of the Fraser River sockeye debate and supported the Nation’s efforts for their right to harvest commercial crab and prawns. They have also restructured themselves to utilize a number of small, specialized working groups to more efficiently address issues and support the committee. This approach is proving effective in addressing issues on the JFC table.

Ahousaht et al vs. Canada and “Me Too” Clause

The Treaty, in section 10.2.3, states that if the highest domestic court that considers the Litigation (Ahousaht et al vs. Canada) determines that one or more of the plaintiffs has the right to catch and sell prescribed species then the parties will amend the agreement and the Harvest Agreement. This, along with components of the Harvest Agreement (clauses 106-107 and Appendices I-VIII) as well as a Side Agreement (April 2011) are sometimes referred to as the “Me Too Clauses.” Each component identifies procedures to initiate discussions with Canada and events that may “trigger” those discussions.

Late in the reporting period (January 2020), the Maa-nulth First Nations sent a letter to Canada expressing their view that the trigger referred to in 10.2.3 of the Treaty had occurred on July 2, 2013 when the British Columbia Court of Appeal rendered its decision in Ahousaht et al v. Canada BCSC No. S033335 (“Ahousaht”) on the question of whether or not the plaintiffs had an Aboriginal right to fish and to sell that fish commercially and affirmed the right did exist.

Although the Supreme Court of Canada did not consider the question, it did refuse leave to appeal on January 30, 2014.

Maa-nulth First Nations and Canada disagreed on whether the Me Too Clauses had been triggered. Discussions between Maa-nulth and Canada failed to find agreement on the issue of triggering which resulted in the January 2020 letter. The issue of the actual triggering date for the Me Too Clause was not resolved during the reporting period.

On March 31, 2019, in response to Ahousaht, Canada implemented the “Five Nations Multi-Species Fisheries Management Plan” for the Ahousaht plaintiffs. As a result, on March 30, 2020 the Maa-nulth First Nations gave formal notice to Canada under section 1.1 of this Side Agreement to commence discussions regarding changes for Maa-nulth First Nations similar to the fisheries management and licensing system for the Ahousaht litigants commercial rights-based fishery.

Fraser River Fisheries

The Fraser River Sockeye (FRS) runs in marine waters have historically played a very significant role in the food supply of the Maa-nulth First Nations.

In 2014, the initial Maa-nulth allocation was 13,976 FRS, based on previous year diversion rate. In summer of that year, the Maa-nulth Fisheries Committee raised with DFO the possibility of fishing outside the Maa-nulth Domestic Fishing Area (MDFA). This proposal was rejected by DFO on the basis that 2014 was forecast as ‘abundant’, with 50-66 percent of the run migrating off the West Coast

of Vancouver Island (WCVI) and consequently, the Maa-nulth First Nations through their access in the MDFA would be able to harvest their allocation. The 2014 season saw strong returns of FRS, however, 96 percent of the run diverted down the east side of Vancouver Island with lower numbers down the west side where the MDFA is located. DFO provided permission to fish outside the MDFA from Sept 8 to 30 and 25 percent of the Maa-nulth allocation for FRS was caught. The Maa-nulth First Nations assert that this resulted in subsequent food fish supply shortages.

In 2018, Maa-nulth First Nations met the requirements to allow for fishing outside the MDFA. The amended annual Harvest Document was received August 21, 2018 and access to Johnstone Strait was made available on August 23, 2018. As the peak of the run was prior to this date, the full allocation was not harvested (only 6,821 FRS of a 12,645 FRS allocation was caught). On September 6, 2018, DFO informed Maa-nulth by letter that it would not be possible to provide harvest access to the lower Strait of Georgia due to consultation requirements with other Nations and because Maa-nulth had already been provided access to Johnstone Strait and Strait of Juan de Fuca. Since then Maa-nulth First Nations have been informed by DFO that they also need to be part of the lower Fraser Basin collaboration on FRS to get entry.

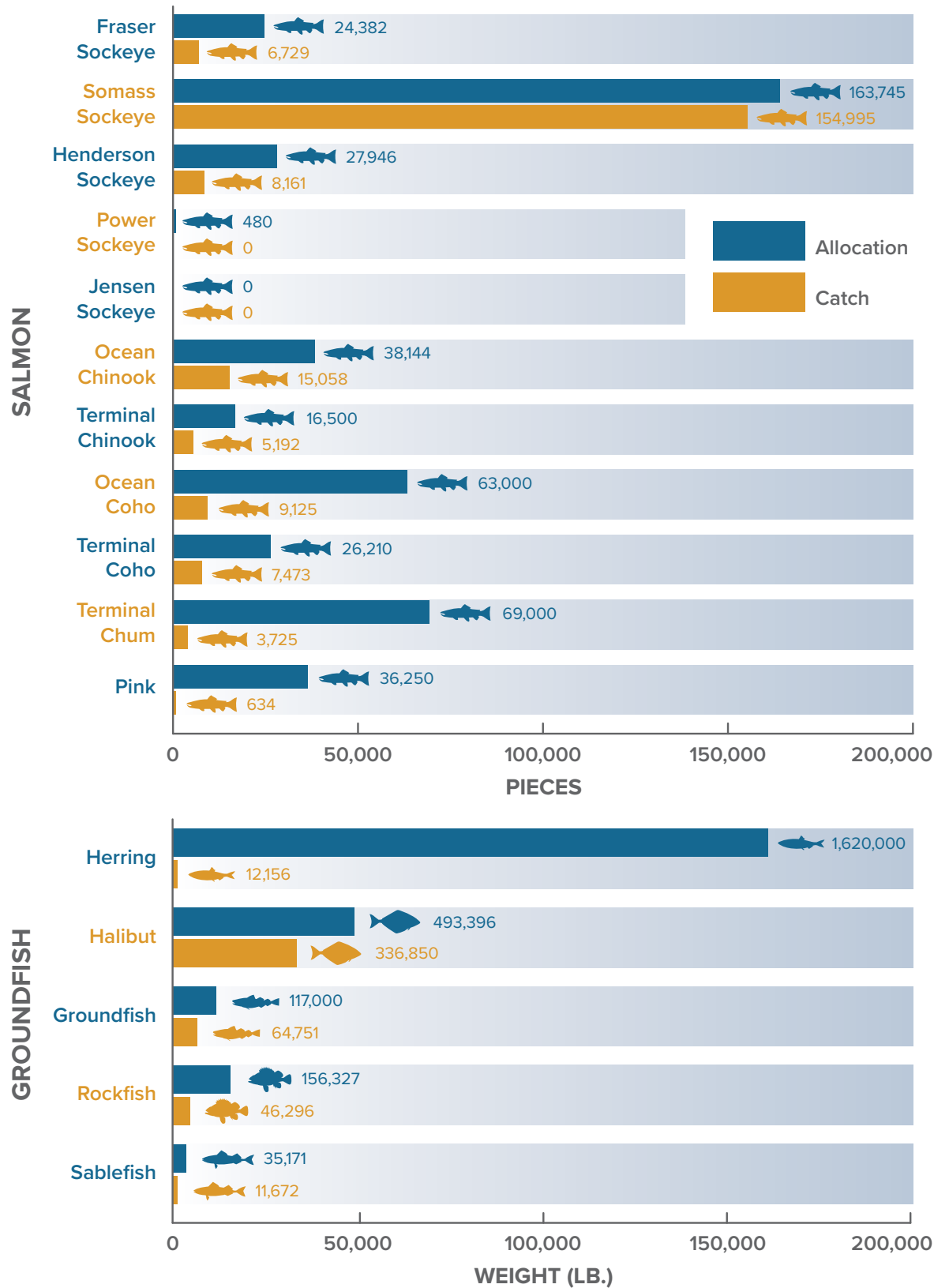
Prawn and Crab

Maa-nulth First Nations can purchase commercial crab and prawn licences, but to date have not done so. It is the harvest of crab and prawns for Domestic Purposes (defined in the Treaty as food, social and ceremonial purposes) that has been challenging due to the following factors:

- a) For prawns, the commercial fleet moves into the MDFA waters in May of each year and conduct high-capacity fishing in the prime fishing areas. Maa-nulth Nations claim this leaves the stocks depleted from that time on until they reproduce and grow to harvestable size, and they are once again targeted by the commercial fleet the following May. It takes an inordinate effort by Maa-nulth (due to low catch/unit effort after the commercial openings in May) to harvest adequate quantities of prawns for domestic use. This is particularly an issue for Ka:’yu:’k’t’h’/Che:k’tles7et’h’ which has been trying to address it with DFO for most of the reporting period.
- b) For crab, this is an issue put forward and championed by Toquaht, but also applies to all of the Maa-nulth First Nations. It is believed that commercial and recreational harvesters essentially reduce the abundance of harvestable crab in areas that historically have provided abundant crab for Maa-nulth Domestic Purposes with a high catch/unit effort.
- c) Another concern raised relates to Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations’ continued lack of access to traditional shellfish due to the introduction of sea otter. This has caused a subsequent decimation of shellfish stocks including tutsip (sea urchin), clams, geoduck, and crab.

These issues remain under discussion.

Cumulative Maa-nulth Treaty Allocations and Catches, 2011 to 2019



Cumulative Total Harvest (pounds) of Intertidal Bivalves from 2011-2019

Species	HFN	KCFN	TN	UT	YFN	Total
CLAM, BUTTER	140	0	40	574	0	754
CLAM, MANILA	849	44	1468	80	0	2441
CLAM, NATIVE LITTLENECK	110	1	0	35	0	146
OYSTERS	625	13	54	1231	0	1923
TOTAL	1724	58	1562	1920	0	5265

Cumulative Total Harvests of Unallocated Species, 2011-2019

Species	Units	HFN	KCFN	TN	UT	YFN	Total
AMERICAN SHAD	(pieces)	-	12	-	-	-	12
ANCHOVY	(pieces)	-	-	-	4	-	4
CHITONS	(pounds)	0	0	0	0	3	3
CRAB, DUNGENESS	(pounds)	8570	538	133	3770	235	13246
CRAB, RED ROCK	(pounds)	2	41	51	266	2	362
MUSSELS, BLUE	(pounds)	23	56	0	960	2	1041
PERCHES	(pieces)	2					2
PRAWN (head on)	(pounds)	13241	968	66	976	125	15376
SARDINE	(pounds)	44					44
SEA URCHINS	(pounds)	182	0	0	0	881	1063
SKATES	(pounds)	941					941
STEELHEAD (RAINBOW TROUT)	(pieces)	257	180	70	55	59	621

Forestry

The Maa-nulth Treaty resolves questions about who owns forest resources and gains the economic benefits of forest resource harvesting. On the Effective Date, under the Treaty, the Maa-nulth First Nations own all forest and range resources on their Treaty Lands. This ensures that the Maa-nulth First Nations control the management and harvesting of trees and non-timber resources both for traditional and commercial purposes.

The Treaty also provides that each Maa-nulth First Nation will be paid a share of annual resource revenues generated within that Nation’s traditional territories for a 25-year period commencing on the Effective Date of the Treaty. The revenue sharing formulas are based on provincial stumpage revenues and details of these payments are provided in the Financial Matters section of this report.

In addition to harvesting opportunities on forested Treaty Lands, Maa-nulth First Nations also have varying Treaty-related or other access to Provincial Crown Forest Tenures such as Woodlot Licenses, First Nation Woodland Licenses, Community Forests and Tree Farm Licences within their traditional territories. All five Maa-nulth First Nations have independent forestry operations. The Treaty enables the Maa-nulth First Nations to export logs internationally from their Treaty Lands, exempt from provincial raw log export restrictions. Canada has redesigned its procedures to allow raw log export permits to be issued to self-governing Indigenous Nations including the Maa-nulth First Nations.

Wildfire Suppression and Control

On the Effective Date of the Treaty, Canada, BC and each of the Maa-nulth First Nations entered into a Wildfire Suppression Agreement (WSA). The WSAs set out how Canada, BC and each of the Maa-nulth First Nations will share the costs incurred by BC for wildfire control on Maa-nulth First Nation lands. In the period April 1, 2011 to the end of the reporting period of this report there were no fire costs invoiced by the Province.

Monumental Cedar and Cypress Harvest Agreement

Section 21.3.0 of the Treaty provides that Maa-nulth First Nations and BC enter into an agreement that provides Maa-nulth First Nations the ability to harvest Monumental Cedar and Cypress for Cultural purposes on Crown land within their Maa-nulth First Nation Area.

Each Maa-nulth First Nation has Monumental Cedar and Cypress Harvest Agreements (MCCHA) with the Province of BC, with Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations and Uchucklesaht Tribe having special consideration for harvesting of Monumental Cedar and Cypress in specified ‘Protected Areas’.

The MCCHAs provide that all five Maa-nulth First Nations have the ability to harvest 250 cubic metres per year for cultural or heritage purposes.

The MCCHAs also include a clause indicating that Parties will review the agreement within five years of it coming into effect. Beginning in 2016, Maa-nulth First Nations and BC met to review the terms and conditions of the MCCHAs. Maa-nulth voiced concerns at that time around the lack of obligation for BC to manage Crown lands for purposes of the MCCHA. Maa-nulth First Nations were particularly concerned by what they saw as a lack of security around the supply. The long-term supply of Monumental Cedar and Cypress is not clear, nor is the ability to grow a long-term supply of these monumental trees.

This and other concerns led to the formation of the Monumental Cedar and Cypress Technical Working Group between BC and Maa-nulth First Nations to review the agreements, discuss the supply of Monumental Cedar and Cypress available for harvest and undertake an assessment and gap analysis of next steps. The work of this group is underway.





Lands and Natural Resources

Environment

Groundwater

BC's Water Sustainability Act came into effect on February 29, 2016, thereby triggering British Columbia's obligations under 8.5.1 of the Maa-nulth Treaty to negotiate and attempt to reach agreement with the Maa-nulth First Nations on the volume of groundwater that may be extracted and used by Maa-nulth First Nations for domestic, agricultural and industrial purposes.

In May 2016, the Maa-nulth First Nations requested that those negotiations begin. In September 2018 the first meeting was held with BC where initial discussions focused on developing a memorandum of understanding to guide the negotiations, as well as developing a project charter. Discussions stalled in 2019 due to a lack of agreement around resourcing for negotiations.

During the reporting period, BC provided the Maa-nulth First Nations with \$250,000 of funding for technical work and negotiations support that had exceeded \$500,000. Although the parties had not yet returned to the negotiation table by the end of the reporting period, BC has agreed that any applications for groundwater licences within the Maa-nulth Harvesting Area will be referred to the Maa-nulth First Nations for comment prior to any groundwater licence being issued by BC.

Participation in Environmental Review Process

During the period of this report, the Maa-nulth First Nations participated in several environmental and regulatory environmental processes including environmental assessments of the following projects:

- Kwispaa LNG Project
- Tilbury Marine Jetty Project
- Trans Mountain Expansion Project
- Roberts Bank Terminal 2 Project, and
- Global Container Terminals Deltaport Fourth Berth Project.

Additional processes included:

- National Research Council (NRC) hearings and engagement
- Reviews of the *Fisheries Act*, the *Navigation Protection Act*, and the *Canadian Environmental Assessment Act, 2012*
- BC Environmental Assessment Revitalization engagement
- Salish Sea Initiative
- Ocean Protection Plan projects, and
- Southern resident killer whale protection and recovery strategy.

Environmental issues are vital to the culture and well-being of the Maa-nulth First Nations and their citizens and are taken very seriously. From the perspective of the Maa-nulth First Nations, funding often hampers the ability to fully participate in these discussions.

Migratory Birds and Wildlife

Like the Domestic Fishing Areas, the Treaty sets out a defined Migratory Bird Harvest Area and a Wildlife Harvest Area for the Maa-nulth First Nations to harvest for domestic purposes (defined in the Treaty as food, social and ceremonial purposes). These Harvest Areas extend throughout the entire traditional territories of the Maa-nulth First Nations and include the right to harvest wildlife and migratory birds (and fish) on a non-exclusive basis within the entire traditional territories of the Nations. The Treaty sets out requirements for consultation before Canada or BC may designate or set an allocation for a hunted species where there are conservation concerns. At the time of reporting, the only designated wildlife species is Roosevelt Elk.

The Treaty requires that the Maa-nulth First Nations form and participate in a Maa-nulth Wildlife Council (MWC), which is responsible for developing a Wildlife Harvest Plan for consideration by BC and is signed off by the provincial minister responsible. Up until 2018, Maa-nulth Wildlife Harvest plans were prepared annually by the MWC and approved by the provincial minister. In 2018, the Council moved to developing a five-year Maa-nulth Wildlife Harvest Plan to ensure there would be no gaps in the provincial authorization of the plan, which had been an issue in some years. This plan remains in effect for five years and is updated annually. Under the Treaty, final authority over wildlife remains with the relevant provincial minister.

Maa-nulth has law-making authority over hunter designations, documentation, and the methods, timing, and locations of wildlife harvest by Maa-nulth harvesters. Harvesters who were 19 years of age or older on the Effective Date of the Treaty are exempt from the requirement to have graduated from a certified BC hunter training program. While Maa-nulth First Nations are authorized to develop their own hunter training program, there are none in place yet.

Any member of a Maa-nulth Nation using firearms to harvest wildlife is required to obtain a licence for the use and possession of firearms under federal law on the same basis as other Aboriginal peoples of Canada.

Maa-nulth governments continue to encourage compliance with reporting requirements and are engaged in efforts to see strong sustainable wildlife populations in their territories in balance with the connected ecosystems. The importance of these stewardship activities has been highlighted in recent years by declines in Roosevelt Elk populations in some areas. The result has been no harvest allocation to some Nations. Collaborations between BC and the MWC have resulted in translocations of elk into areas with populations below desired levels. Translocations have occurred in Huu-ay-aht and Uchucklesaht territories, and other Nations are actively working to have translocations occur to their territories.

Reasonable Opportunity Agreement

The Treaty requires that BC and the Maa-nulth First Nations negotiate and attempt to reach agreement on a process to evaluate the impact of authorized uses or dispositions of provincial Crown land on each Maa-nulth First Nation’s reasonable opportunity to harvest fish and aquatic plants, wildlife, and migratory birds. This matter is dealt with in a Maa-nulth-British Columbia Reasonable Opportunities Side Agreement (ROA), which was signed in 2014 by the five Maa-nulth First Nations and (then) Ministry of Aboriginal Relations and Reconciliation. The objectives of this agreement are to satisfy the obligations of the Parties under section 10.1.11 of Chapter 10 Fisheries, 11.1.6 of Chapter 11 Wildlife, and 12.1.6 of Chapter 12 Migratory Birds of the Treaty. The ROA describes “reasonable opportunity” obligations and defines the collaborative process to evaluate the impact of authorized uses or dispositions of Crown land on each Maa-nulth First Nation’s reasonable opportunity to harvest fish and aquatic plants, wildlife and migratory birds in the Maa-nulth Harvest Areas.

The agreement establishes a ROA Management Working Group (MWG). Representatives of the ROA MWG are responsible for overseeing implementation of the ROA according to Sections 3.2.2 and 3.2.3 of Appendix 3A of the ROA, including mandating the work of a ROA Technical Advisory Group. One of the tasks delegated to the MWG is to indicate Important Harvest Areas (IHA) outside of Treaty Land. Located wholly within Maa-nulth Harvest Areas, these IHAs cannot collectively exceed 40,000 hectares. The ROA commits the Province to engage with Maa-nulth First Nations on natural resources use applications for Significant Uses or Dispositions in IHAs as defined in Schedule 1 Table 4 of the ROA. IHA boundaries are reviewed and may be amended annually by decision of the MWG.

The ROA outlines a number of ways that engagement with Maa-nulth First Nations occurs, including regular Technical Advisory Group meetings, an annual Management Working Group meeting, the submission of a BC annual report to the MWG indicating the status of land use, fish and wildlife values and indicators relevant to Treaty harvesting, and engagement for natural resource use applications in IHAs. This engagement provides opportunities for relationship-building and data exchange to assist the Province and Maa-nulth First Nations in evaluating the impacts of provincial decision-making on Crown land and to ensure the reasonable opportunity of Maa-nulth First Nations to exercise Treaty harvesting rights.

Food Security

Treaty talks have often included discussions on a tripartite level around food security. A key area of concern for all Maa-nulth First Nations is changing locations and declining populations of elk and deer. This remains a matter that is being addressed collaboratively through extensive talks between the Maa-nulth First Nations and BC.

During the reporting period, the populations of deer and elk decreased within the Maa-nulth area. This may be attributed to habitat, disease, unregulated harvest, predation and weather/winter severity.

In the Nahmint Valley, the population of elk has decreased to a level that no longer supports a sustainable elk harvest. Accordingly, Yuułuꞑiꞑath and Uchucklesaht Nations agreed to forgo harvest of elk in the Nahmint Valley until such time as populations recover.

Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations has access to three herds in their territory, and they struggle to get a harvestable surplus each year.

Huu-ay-aht First Nations has access to the Klanawa elk population with a harvestable allocation of one elk per year during the reporting period.

Maa-nulth First Nations and BC, through the Maa-nulth Wildlife Committee, are developing a collaborative wildlife plan aimed to improve a shared understanding of population dynamics as they relate to food security. While looking at possible causes for herd decline, the Maa-nulth Wildlife Committee is also developing a Nahmint Elk Herd Recovery Plan.

Through the efforts of the Maa-nulth First Nations at the Maa-nulth Wildlife Council, a five-year Maa-nulth Wildlife Harvest Plan was developed and approved by the Minister of Forests, Lands, Natural Resource Operations and Rural Development. Some success has been achieved through this plan in relocating elk from Northern Vancouver Island to Sarita/Pachena population unit and the Clemens Creek area (Henderson population unit), in Huu-ay-aht and Uchucklesaht territories respectively. Both herds are being monitored and appear to be increasing as expected. Although this is exciting news, it will still be many years before these herds are stable and large enough to support a harvest and add to Maa-nulth food security.

For reasons as stated above, populations of deer have also declined over time and have reached a multi-decade low density. Maa-nulth and BC are working together to better understand the potential causes of these population declines.

Federal Parks and Protected Areas

Four of the five Maa-nulth First Nations have federal parks in their traditional territories. In those respective areas of the Pacific Rim National Park Reserve (PRNPR), each of the Maa-nulth First Nations have the right to carry out Renewable Resource Harvesting Activities (RRHA). These RRHAs are limited by measures necessary for conservation, public health or public safety.

Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations do not have federal parks in their traditional territories.

Renewable Resource Harvesting Activities

In 2017-2018, after seven years of discussions and negotiations, Maa-nulth-Pacific Rim National Park Reserve Harvesting Permits and procedures were agreed to along with maps delineating hunting and trapping areas. Included is special attention to notification of intent to harvest while respecting public health and safety interests around trail systems and public areas, buildings, and during certain times of the year.

In 2019, Maa-nulth and Parks Canada developed a Pacific Rim National Park Reserve Harvesting Brochure as an informative document to set out the how Maa-nulth rights can be exercised in their RRHA.

Through documentation and designation by their individual Maa-nulth First Nations, the path is now clear for Maa-nulth harvesters to exercise their RRHA within the PRNPR.

Cooperative Management

A cooperative management board with Huu-ay-aht was established that includes a signed terms of reference. Management boards with Yuułuꞑiꞑath and Toquaht are also meeting frequently for ongoing park management and operational decision making, but no formal terms of reference are in place.

Maa-nulth First Nations are consulted or engaged regarding research, protection, identification, interpretation and presentation of areas within PRNPR which have heritage values. Consultation with Yuułuꞑiꞑath continues with regard to the ʔapsčiik t’ašii (Upscheek Tashee) multi-use path. Yuułuꞑiꞑath has been involved throughout the conceptualization, design and construction phases of the project to identify key areas which have heritage values.

Maa-nulth First Nations have a role in the identification, protection, interpretation and presentation of Maa-nulth artifacts and heritage. The Kwisitis Visitor Centre retrofit project included consultation with Yuułuꞑiꞑath, Toquaht, Uchucklesaht, and Huu-ay-aht to identify key interpretation themes, presentation of narratives, and guidance on how MFN artifacts are displayed. The proponents of the Stories of Canada Project consulted with Yuułuꞑiꞑath and Huu-ay-aht to create cultural place markers and/or cultural content development and the creation of trilingual place name signs within/or adjacent to the PRNPR.



Lands and Natural Resources

Huu-ay-aht continues to play a lead role in the development of the Pachena Cultural Centre. This project is to create a place where visitors, including the many that hike the West Coast Trail, can learn about Maa-nulth First Nations’ heritage.

Traditional ecological knowledge is being considered in an increasing number of projects, particularly in the management of the PRNPR. Projects such as Wild About Wolves, Sand Dune restoration, Seabird Rocks, as well as the Southern Resident Killer Whale recovery program actively rely on knowledge from the Maa-nulth First Nations, helping to guide the park’s management and feed into any future management plans.

Research, Protection, Use and Management of Special Marine Areas

Maa-nulth First Nations have a large role in the research, protection, use, and management of special marine areas in PRNPR. For example, Yuułuʔiłʔatḥ, Toquaht and Huu-ay-aht have and continue to be engaged in the development of the implementation of the southern resident killer whale recovery plan.

Employment, Training and Economic Opportunities

Employment and training opportunities were identified through collaboration with the Maa-nulth First Nations. The West Coast Trail Guardian contract with Huu-ay-aht provides employment and capacity building opportunities for the Nation. Elders and experts from Yuułuʔiłʔatḥ, Toquaht and Huu-ay-aht are contracted through the Nations to present during the H̓aahuupa Series in the region. Yuułuʔiłʔatḥ economic growth opportunities have been provided with a License of Occupation for the Kwisitis Visitor Centre. Another example is the Boardwalk Rehabilitation Project with Huu-ay-aht. Third Party Sales agreements with Yuułuʔiłʔatḥ, Toquaht and Huu-ay-aht have been put in place for park use fees while there is also an agreement in place with Yuułuʔiłʔatḥ for merchandising. Another economic growth opportunity provided was the “Doing Business with the Federal Government” workshop that was held for Yuułuʔiłʔatḥ, Toquaht, Uchucklesaht and Huu-ay-aht to support building capacity within the Nations.

Programs and Services

The Treaty enables Canada and BC to enter into First Nations Fiscal Financing Agreements (FFAs) with each of the Maa-nulth First Nations on the Effective Date of the Treaty. The FFA sets out agreed-upon programs and services including health, social development, local programs and services education, and governance funding.

In accordance with section 18.1.2 of the Treaty, the FFAs are renewed every eight years or other periods as may be agreed. These agreements set out the existing government programs the Parties agree are to be delivered by the Maa-nulth First Nations' governments instead of by federal or provincial departments.

The federal funding under the FFA for programs and services is provided in the form of a grant, which permits each Maa-nulth First Nation full flexibility in determining where it directs its fiscal resources provided that mandatory requirements are met (e.g. nursing services, immunizations, etc.). Each Maa-nulth First Nation may customize programs for its community's needs and reallocate funding between programs.

The First Nation accepts responsibility for the delivery of the services as well as for programs and services funded by Canada and BC on a one-time or time-limited basis.

Each Maa-nulth First Nation remains eligible to participate in, apply for, or benefit from other federal and provincial programs not incorporated in the FFA on the same basis as other eligible applicants.

New FFAs were negotiated in 2018 and 2019 to replace the FFAs signed in 2011. These new FFAs were negotiated in conjunction with *Canada's Collaborative Self-Government Fiscal Policy* discussions and included provision for incorporation of elements of that policy as they come into effect.

Capital Funding Projects

Health Capital

The Ka:'yu:'k't'h'/Che:k'tles7et'h' Health Centre was built in 2015, but funding from Canada was delayed, putting the Nation under significant financial distress and creating challenges for the Nation, including stalled progress on other activities.

The Implementation Committee monitored and advocated for resolution of this situation and communicated the hardship it created on the community over the course of six years while the Nation waited for funding issues to be resolved. Payment to Ka:'yu:'k't'h'/Che: k'tles7et'h' was ultimately made in February 2017.

Yuulu?il?ath Government reported plans to complete renovations to its health centre. However, after the FNHA completed inspections, Yuulu?il?ath Government was advised that because they are a Treaty Nation, they were not eligible for funding. At question is the interpretation of portion of capital contribution in the Treaty-related funding and the eligibility of Maa-nulth First Nations to participate in government of Canada Programs or services under Sec1.9.3 of the Treaty. The Nation continues to investigate ways to update their health centre.

Education Capital

Several Maa-nulth First Nations need to address issues related to their school facilities. The FFA states each Maa-nulth First Nation “is responsible for new physical works construction on its lands.” Working through the Tripartite Implementation Committee, in 2017, Maa-nulth Nations received information from Indigenous Services Canada outlining the process to apply for education capital funding and confirmation that they are eligible to apply for funding as are other non-treaty First Nations.

Own-source Revenue

On the Effective Date of the Treaty, each Maa-nulth First Nation entered a 20-year Own Source Revenue Agreement (OSRA) with Canada and British Columbia. The OSRA calculates the contribution that each Maa-nulth First Nation will make from its own-source revenue towards the cost of agreed-upon programs and services in the FFA that offset federal funding. As part of the transition to self-government, it was agreed that the Maa-nulth First Nations contributions for the first five years will be zero, after which contribution rates increase gradually over the next 15 years. The intent of the OSRAs is to decrease reliance on financial transfers from Canada and British Columbia as the Maa-nulth First Nations become more self-sufficient over time.

A moratorium on Canada’s own source revenue policy was in place from April 2017 to March 2020, which has since been superseded by the interim fiscal capacity methodology co-developed with self-governing Indigenous governments under *Canada’s Collaborative Self-Government Fiscal Policy*. The reduction of federal transfer payments in respect of an Indigenous Government’s own-source revenue capacity is suspended while this work is being developed.

Taxation

The transitional tax exemption under the Treaty for Maa-nulth-aht in respect of transaction taxes expired on May 1, 2019.

Tax Agreements

Provincial Sales Tax

Each of the five Maa-nulth First Nations successfully concluded a Provincial Sales Tax Revenue Sharing Agreement (PSTRSA) with BC in November 2019. Under a PSTRSA, BC shares 50 percent of the PST revenues estimated to be paid by a Maa-nulth First Nation’s citizen, resident on its lands. Each Maa-nulth First Nation has discretion to allocate this revenue as it sees fit. While the agreements were concluded in November, revenue was retroactive to May, when the Treaty transitional tax exemption for Maa-nulth-aht in respect of transaction taxes expired.

First Nations Goods and Services Tax

Each of the five Maa-nulth First Nations has concluded a First Nations Goods and Services Tax (FNGST) administration agreement with Canada and enacted their own FNGST within their lands. Under these agreements Canada agrees to collect and administer the FNGST free-of-charge for each Nation. The FNGST is fully harmonized with the federal Goods and Services Tax (GST) and, where it applies, it effectively replaces the federal GST.

This means that instead of Maa-nulth citizens and others being liable to federal GST on Treaty Settlement Lands, this money now goes to the Nations. The FNGST is an additional source of revenue for the Maa-nulth First Nations, and each Nation has discretion to spend these revenues as they choose. Discussions under the Collaborative Fiscal Policy Development Process regarding potential improvements to tax agreements and arrangements between the federal government and self-governing Indigenous governments, including in respect of FNGST, are ongoing.

Tax Treatment Agreement Amendments

The Maa-nulth First Nations Tax Treatment Agreement (TTA) is a tripartite agreement between Canada, BC and the Maa-nulth First Nations. The Maa-nulth First Nations wrote to Canada in June 2019 to indicate their interest in proceeding with a set of amendments to TTA to:

- 1. Introduce a new income tax exemption for Maa-nulth First Nations’ citizens on amounts received from a registered pension plan relating to contributions that were made on the basis of employment income that was exempt from tax under section 87 of the Indian Act, or a similar exemption from tax, and
- 2. Remove the geographic restrictions associated with the eligibility for the self-government refund of the federal GST under the TTA.

The Maa-nulth First Nations are currently working with Canada and BC on an amending agreement to incorporate these changes, as well as proposed changes by Canada to:

- 1. Expand the permitted investments of a Maa-nulth Settlement Trust to include investments in limited partnerships, and



Financial

2. Expand the permitted contributions to a Maa-nulth Settlement Trust to include payments to a Maa-nulth First Nation by Canada as reimbursement of negotiation loan repayments.

BC has also proposed to remove the geographic restriction on Provincial Sales Tax and Motor Fuel Tax refunds for government functions.

The parties commenced engagement on amendments in December 2019.

Real Property Taxation

In 2017, Huu-ay-aht First Nations enacted their first annual rate regulation under their Real Property Tax Act, effectively commencing property taxation on Huu-ay-aht First Nations Lands, joining the other Maa-nulth First Nations.

Between 2015 and 2017, BC and each of the Maa-nulth First Nations executed amendments to their respective Real Property Tax Coordination Agreement. In 2019, BC proposed a further amendment. Both sets of amendments provide the Maa-nulth First Nations with greater flexibility in setting property tax rates.

Engagement on Treaty Taxation Interests

In conjunction with the Ministry of Indigenous Relations and Reconciliation's engagement on treaty transformation and the collaborative fiscal process, the Minister of Finance committed to start engagement with the Alliance of BC Modern Treaty Nations (ABCMTN) in without prejudice exploratory discussions on their treaty taxation interests. Each of the Maa-nulth First Nations participates in the ABCMTN, an alliance of Modern Treaty Nations in British Columbia (Tsawwassen First Nation, the five First Nations of the Maa-nulth Treaty, Tla'amin Nation and the Nisga'a Nation which joined in November 2019). This engagement began in September 2019.

Treaty Negotiation Loan Repayment and Forgiveness

In Budget 2018, the federal government announced it would no longer require Indigenous governments to repay negotiation loans used to fund comprehensive claims negotiations. Instead, the federal government vowed to move from a loan-based system to non-repayable grants for those wishing to negotiate treaties. This decision was welcomed by the Maa-nulth Nations as Treaty Loan Repayment had been a longstanding issue for them.

Due to the advocacy of Self-Governing Indigenous Governments (SGIGs), including the Maa-nulth, the federal Budget 2019 contained a promise to forgive all outstanding comprehensive claim negotiation loans and to reimburse Indigenous governments that have already repaid these loans. Canada set aside funding of \$1.4 billion over seven years, starting in 2018-2019, to give effect to this promise.

The Maa-nulth First Nations were required to repay loans totaling approximately \$19.2 million to negotiate the Maa-nulth First Nations Treaty. Canada has now written to each of the Maa-nulth First Nations to confirm its intention to repay the amounts already paid by the Nations to commence immediately and to forgive any outstanding amounts.

Pooled Borrowing

One of the major hurdles to overcome for self-governing Indigenous governments to participate in the pooled borrowing regime offered under the First Nations Fiscal Management Act, S.C. 2005, c. 9 (FNFMA) is the interaction of self-governing legislative context with the pooled borrowing regime under the FNFMA. One issue in particular has been the so-called “paramountcy issue” – the fact that the lawmaking authority of the Maa-nulth First Nations in relation to their own financial administration is paramount over federal and provincial laws. This is an issue because the regime needs to remove uncertainty and ensure that investor safeguards will prevail in the event that they conflict with a law enacted by a borrowing member.

The Maa-nulth First Nations have been a leading partner in the multi-party working group established to explore the “paramountcy issue” and support the implementation of regulations that

would permit self-governing Indigenous governments to join and borrow under the FNFMA. The working group also explored other related policy issues and discussed the need for modifications to provincial treaty tax agreements and legislation.

On November 22, 2016 the Maa-nulth First Nations presented a “manner and form” proposal to reduce the risks associated with the paramountcy issue. From this point into 2017, the working group developed the wording for the Adaptation Regulations in addition to drafting instructions to the Department of Justice. In late 2019, Canada provided a public consultation version of the regulations to continue work towards finalization of the Adaptation Regulations.

SUMMARY OF FINANCIAL POSITION OF MAA-NULTH FIRST NATIONS

As at	HFN		KCFN	
	Mar 31 2020	Mar 31 2015	Mar 31 2020	Mar 31 2015
Financial Assets	\$,000	\$,000	\$,000	\$,000
Current Assets	\$ 10,585	\$ 3,794	\$ 19,291	\$ 1,358
Long Term Assets	55,234	21,199	2,534	9,449
TOTAL ASSETS	\$ 65,819	\$ 24,993	\$ 21,825	\$ 10,807
Liabilities				
Current Liabilities	\$ 3,643	\$ 1,674	\$ 4,919	\$ 21,609
Long Term Liabilities	7,272	4,509	8,904	6,555
TOTAL LIABILITIES	\$ 10,915	\$ 6,183	\$ 13,823	\$ 8,724
NET FINANCIAL ASSETS	\$ 54,904	\$ 18,809	\$ 8,002	\$ 2,084
NON-FINANCIAL ASSETS	26,679	17,337	11,038	9,677
ACCUMULATED SURPLUS	\$ 81,583	\$ 36,146	\$ 19,040	\$ 11,761

TN		UT		YFN	
Mar 31 2020	Mar 31 2015	Mar 31 2020	Mar 31 2015	Mar 31 2020	Mar 31 2015
\$,000	\$,000	\$,000	\$,000	\$,000	\$,000
\$ 4,643	\$ 1,310	\$ 5,632	\$ 436	\$ 13,119	\$ 1,946
14,334	8,036	13,473	14,854	41,626	29,355
\$ 18,977	\$ 9,346	\$ 19,105	\$ 15,290	\$ 54,745	\$ 31,301
\$ 3,021	\$ 908	\$ 2,340	\$ 301	\$ 3,464	\$ 618
427	1,504	9,381	1,674	7,509	13,660
\$ 3,448	\$ 2,412	\$ 11,721	\$ 1,975	\$ 10,973	\$ 14,278
\$ 15,529	\$ 6,934	\$ 7,384	\$ 13,315	\$ 43,772	\$ 17,023
11,471	4,432	16,492	4,053	18,433	20,428
\$ 27,000	\$ 11,366	\$ 23,876	\$ 17,368	\$ 62,205	\$ 37,451

STATEMENT OF REVEUE AND EXPENSES OF
MAA-NULTH FIRST NATIONS

For the 5 years ended 2020 & 4 years ended 2015	HFN		KCFN	
	Mar 31 2020	Mar 31 2015	Mar 31 2020	Mar 31 2015
REVENUE	\$,000	\$,000	\$,000	\$,000
Canada and BC	\$ 57,444	\$ 41,477	\$ 45,859	\$ 40,925
Other	61,169	18,812	18,385	20,053
TOTAL REVENUE	\$ 118,613	\$ 60,289	\$ 64,244	\$ 60,978
EXPENSES AND ADJUSTMENTS				
TOTAL EXPENSES	\$ 75,146	\$ 23,519	\$ 57,063	\$ 46,881
SURPLUS FOR PERIOD	\$ 43,467	\$ 36,770	\$ 7,181	\$ 14,097

TN		UT		YFN	
Mar 31 2020	Mar 31 2015	Mar 31 2020	Mar 31 2015	Mar 31 2020	Mar 31 2015
\$,000	\$,000	\$,000	\$,000	\$,000	\$,000
\$ 23,033	\$ 15,664	\$ 19,559	\$ 17,553	\$ 48,832	\$ 42,321
16,203	3,768	13,582	4,795	17,728	18,660
\$ 39,236	\$ 19,432	\$ 33,141	\$ 22,348	\$ 66,560	\$ 60,981
\$ 19,863	\$ 9,126	\$ 21,118	\$ 10,850	\$ 41,530	\$ 34,513
\$ 19,373	\$ 10,306	\$ 12,023	\$ 11,498	\$ 25,030	\$ 26,468



PAYMENTS BY BRITISH COLUMBIA TO MAA-NULTH FIRST NATIONS
5 years 2016 to 2020

Nation	Year ended	Resource Revenue	FFA
Huu-ay-aht			
	2016	\$ 213,508	\$ 41,822
	2017	108,081	41,822
	2018	109,290	41,822
	2019	110,591	41,822
	2020	165,671	44,336
KCFN			
	2016	89,783	34,980
	2017	91,596	34,980
	2018	92,621	34,980
	2019	93,724	34,980
	2020	140,651	37,083
Toquaht			
	2016	21,692	14,118
	2017	30,662	14,118
	2018	22,285	14,118
	2019	93,724	14,118
	2020	33,810	14,967
Uchucklesaht			
	2016	30,055	17,763
	2017	116,510	17,763
	2018	92,621	17,763
	2019	110,593	17,763
	2020	46,658	18,831
Yuułuʔiłʔatḥ			
	2016	114,204	41,317
	2017	22,039	41,317
	2018	109,291	41,317
	2019	31,374	41,317
	2020	178,519	43,801
ALL NATIONS			
	2016	469,242	150,000
	2017	368,888	150,000
	2018	426,108	150,000
	2019	440,006	150,000
	2020	56,5311	159,017
TOTAL		\$ 2,269,555	\$ 759,017

PAYMENTS BY CANADA TO THE MAA-NULTH FIRST NATIONS
5 years 2016 to 2020

Nation	Year ended Mar 31	Capital Transfer	FFA Block Funding	Resource Revenue	Time-limited Payments	Collaborative Process Funding Support	Total Pmts by Canada
Huu-ay-aht - 0063							
	2015 - 2016	\$ 2,603,455	\$ 2,802,589	\$ 213,508	\$ 445,372		\$ 6,064,924
	2016 - 2017	2,603,455	2,895,634	108,081	445,372		6,052,542
	2017 - 2018	2,603,455	2,991,770	109,291	445,372		6,149,888
	2018 - 2019	2,603,455	3,091,096	110,593	445,372	2,050,693	8,301,209
	2019 - 2020	2,603,455	6,797,967	165,671	0	3,184,590	12,751,683
KCFN - 0638							
	2015 - 2016	2,206,368	3,732,002	89,783	372,511		6,400,664
	2016 - 2017	2,206,368	3,855,904	91,596	372,511		6,526,379
	2017 - 2018	2,206,368	3,983,920	92,621	372,511		6,655,420
	2018 - 2019	2,206,368	4,116,187	93,724	372,511	1,551,870	8,340,660
	2019 - 2020	2,206,368	7,837,265	140,651	0	3,184,590	13,368,874
Toquaht - 0666							
	2015 - 2016	482,724	970,247	21,602	150,342		1,624,915
	2016 - 2017	482,724	1,002,458	22,038	150,342		1,657,562
	2017 - 2018	482,724	1,035,740	22,285	150,342		1,691,091
	2018 - 2019	482,724	1,070,127	22,551	150,342	1,597,319	3,323,063
	2019 - 2020	482,724	4,736,819	33,810	0	2,233,285	7,486,638
Uchucklesaht - 0667							
	2015 - 2016	678,629	1,533,144	30,055	189,162		2,430,990
	2016 - 2017	678,629	1,577,764	30,662	189,162		2,476,217
	2017 - 2018	678,629	1,623,866	31,005	189,162		2,522,662
	2018 - 2019	678,629	1,671,498	31,375	189,162	1,517,528	4,088,192
	2019 - 2020	678,629	4,988,021	46,658	0	2,233,285	7,946,593
Yuułuʔiłʔatḥ - 0668							
	2015 - 2016	2,654,352	3,632,075	114,204	439,997		6,840,628
	2016 - 2017	2,654,352	3,752,659	116,510	439,997		6,963,518
	2017 - 2018	2,654,352	3,877,248	117,813	439,997		7,089,410
	2018 - 2019	2,654,352	4,005,972	119,217	439,997	1,465,134	8,684,672
	2019 - 2020	2,654,352	7,441,790	178,519	0	3,184,590	13,459,251
ALL NATIONS							
	2015 - 2016	8,625,528	12,670,057	\$ 469,152	1,597,384		23,362,121
	2016 - 2017	8,625,528	13,084,419	368,887	1,597,384		23,676,218
	2017 - 2018	8,625,528	13,512,544	373,015	1,597,384		24,108,471
	2018 - 2019	8,625,528	13,954,880	377,460	1,597,384	8,182,544	32,737,796
	2019 - 2020	8,625,528	31,801,862	565,309	0	14,020,340	55,013,039
TOTAL		\$ 43,127,640	\$ 85,023,762	\$ 2,153,823	\$ 6,389,536	\$ 22,202,884	\$ 158,897,645



Payments by Maa-nulth Nations to Canada

Nation	Treaty Loan Repayments		
	2012 to 2015	2016 to 2020	TOTAL
Huu-ay-aht	\$ 2,184,896	\$ 2,731,120	\$ 4,916,016
KCFN	1,785,484	2,231,855	4,017,339
Toquaht	837,052	867,670	1,704,722
Uchucklesaht	1,024,828	1,083,630	2,108,458
Yuułuʔiłʔatḥ	2,040,700	2,550,875	4,591,575
TOTAL	\$ 7,872,960	\$ 9,465,150	\$ 17,338,110

Note: These numbers reflect the payments made by the Nations under the terms of the Final Agreement. The Government of Canada has subsequently reviewed and ammended it's policy on Treaty Loan Repayment.

The payments made by the Nations will be refunded in partial reimbursements over five years starting in 2020/21

Collaborative Work with Other Government

The success of the Treaty requires close collaboration among the Treaty partners. There are many initiatives that are outside of the work of the Implementation Committee itself that have had a significant impact on implementation of the Treaty. Some of these initiatives that support the intent of the Treaty and help achieve the Maa-nulth First Nations goals are included in this report for that reason.

Canada's Collaborative Self-Government Fiscal Policy

Since early 2016, the Maa-nulth First Nations have been actively engaging alongside other SGIGs to build a new fiscal relationship with Canada. This work has culminated in a new *Canada's Collaborative Self-Government Fiscal Policy* framework for how Canada fiscally supports SGIGs.

The policy represents a whole new way of establishing funding levels for SGIGs determined through fiscal modeling built upon actual evidence-based costs to operate an Indigenous government, implement Treaty responsibilities, and provide comparable levels of programs and services to citizens. Going forward, support will be based more on “need” and less on a “negotiated” amount.

Cabinet approved *Canada's Collaborative Self-Government Fiscal Policy* and is now official federal government policy. There is still a lot of work to do to fully complete the remaining policy annexes; however, finalization of the policy framework was a crucial step forward. The contributions of the Maa-nulth First Nations team to the collaborative fiscal policy development process have been very important to helping achieve the landmark advances made in the new policy.

Ongoing Policy Work at Federal Collaborative Process

Despite the significant policy gains reflected in the recent FFAs that took effect April 1, 2019, there remains further policy development that Indigenous Governments and Canada continue to work through.

The strong participation of the Maa-nulth First Nations in the Collaborative Fiscal Policy Development Process has helped ensure that the unique circumstances and needs of the Nations are considered within the developed fiscal models.

Further details and information on the policy can be found at: www.rcaanc-cirnac.gc.ca/eng/1566482924303/1566482963919

COLLABORATIVE
WORK WITH OTHER
GOVERNMENT



Collaborative Work with Other Government

Government-to-Government Agreement (bi-lateral – BC/Maa-nulth First Nations)

BC and the five Maa-nulth First Nations are strengthening and affirming their Treaty partnership through a new Government-to-Government Agreement (G2G Agreement). The G2G Agreement aimed at establishing a process through which bilateral issues could be addressed. BC and Maa-nulth First Nations signed the G2G Agreement in January of 2018.

The G2G Agreement commits the parties to an annual Leadership Forum for Maa-nulth leadership and BC cabinet ministers. It provides for regular meetings of senior management to discuss, prioritize and collaborate on topics of mutual interest, including land, resource management, and treaty implementation issues. The Leadership Forum is co-chaired by the Minister of Indigenous Relations and Reconciliation and the head of government of each First Nation on a rotating basis.

The agreement supports improved coordination of natural resource development and land management across Treaty land and adjacent Crown lands. It will also address issues where provincial jurisdiction applies on Treaty land, such as environmental protection, highways, wildlife or foreshore marine areas. It allows the Parties to explore new economic development opportunities and to address issues related to health, education and social development.

To date, the Maa-nulth First Nations and BC have held two government-to-government (G2G) Leadership Forums, the first one in Victoria at the Legislature in February 2019 and the second in Yuułuʔiłʔatḥ territory in November 2019.

As co-chair of the first round of government-to-government discussions, Toquaht Nation taayii ḥaʔwɪł Anne Mack said: *“This is an important agreement which will facilitate the implementation of our Treaty and help guide us in implementing our Nations’ strategies for moving forward by developing and sustaining a government-to-government relationship with BC, an essential step in reconciliation.”*

The first G2G Leadership Forum included representatives from elected and hereditary leadership of each Maa-nulth First Nation, and provincial representation from the BC Ministries of Indigenous Relations, Forests, Lands and Natural Resource Operations & Rural Development, and Environment and Climate Change Strategy.

The second G2G Leadership Forum included representatives from elected and hereditary leadership of each Maa-nulth Nation, as well as provincial representatives from the BC Ministries of Forests, Lands, and Natural Resource Operations and Rural Development; Indigenous Relations and Reconciliation, (then named) Energy, Mines, and Petroleum Resources, Agriculture Food, and Fisheries, Environment and Climate Change Strategy, and Finance.

The atmosphere of these forums was collaborative and important business was conducted in a manner that fosters an improved, ongoing, and respectful relationship. The forums have helped to keep lines of communication open between parties and step toward building a stronger relationship built on trust.

Common themes expressed included the desire to work together to ensure the best interest of the Maa-nulth First Nations and the importance of building relationships.

Closing Socio-economic Gaps

In Federal Budget 2018, and as an outcome of discussions between Canada and SGIGs through the Collaborative Fiscal Policy Development Process, the federal government committed \$189.2 million of funding to address gaps in socioeconomic outcomes for SGIG citizens. These funds were intended to support the preparation of gaps assessments and action plans in the areas of infrastructure, housing, and socio-economic well-being. Funds were also set aside to support data governance and management and to meet immediate governance and administrative needs of SGIGs.

The \$189.2 million was allocated amongst SGIGs according to an agreed-upon formula and flowed to each of the Maa-nulth First Nations through their respective FFAs. Each Nation has developed a gap closing action plan to close gaps in housing, infrastructure, and/or social well-being in Maa-nulth communities. The plans developed by the Maa-nulth First Nations include:

- **A gathering house project** for Toquaht citizens living away from home where intensive programming can be delivered focusing on language, culture, youth, and family wellness. Toquaht plans to build a lodge and hold annual camp-outs on Toquaht lands to help citizens who live away from home reconnect with the land, culture, and community.
- **A multi-asset rehabilitation project and socio-economic programming** for Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens, which will include repairs to water infrastructure, power lines, the medical centre, and the community dock, as well as an assessment of rotting beams in the Kindergarten building. For socioeconomic gaps, Ka:'yu:'k't'h'/Che:k'tles7et'h' is proposing a family program, Warrior Program, and a women's way program to address multi-generational effects of trauma and to use language and culture as a way of healing.
- **A holistic and all-encompassing plan for child and family wellness** for Huu-ay-aht citizens, including implementation of a series of comprehensive preventive and intervention programs and initiatives that are aimed at improving outcomes for Huu-ay- aht citizens at all stages of their lives.
- **A gap-closing housing project** in the Uchucklesaht village of Ehthlateese, which will address critical needs in the areas of housing and associated housing infrastructure.
- **A broad-based plan to support current and future generations of Yuułu?ił?ath citizens** through an updated Housing Stock Conditions Survey and planned repairs and renovations to homes in Hitacu, an updated Physical Development Plan and upgrades to sewage/water lines to allow for more housing lots in the community, a new mental health centre, and additional supports for socioeconomic gap closing, including hiring a wellness worker, supporting post-secondary and trades education and expanding on-the-land programs.

Alliance BC Modern Treaty Nations (“Alliance”)

In July 2018, the Maa-nulth First Nations, Tsawwassen First Nation, and Tla'amin Nation formed the Alliance of BC Modern Treaty Nations. In November 2019, Nisga'a Nation joined the Alliance, bringing the total number of participating Nations to eight. The Alliance's purpose is to serve as a venue for collaboration among BC Modern Treaty Nations in areas of mutual interest related to Treaty implementation in British Columbia. The Maa-nulth First Nations have continued to work closely with the other Alliance Nations on common implementation priorities and issues, including government-to-government relations, enforcement matters, and fiscal relations with BC.

British Columbia’s Role in the Fiscal Financing Agreement (FFA) Negotiations

In 2019, each of the Maa-nulth First Nations renewed their respective FFAs. Canada provided increased federal funding contributions under each of the Nations' FFAs. BC's funding under the renewed FFA included a new inflation adjustor to its existing annual funding amounts. BC included new FFA language that commits BC to work collaboratively with Maa-nulth and other Modern Treaty Nations to develop new BC-based fiscal policies contemplated under their treaties.

The Nations and their Alliance partners have initiated development of concept papers to identify funding and structural issues to help focus the fiscal policy development. The new provincial process is called the Collaborative Fiscal Policy Process. This policy will be based on provisions under each of the Maa-nulth First Nations FFAs, the Province of British Columbia's Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and the United Nations Declaration on the Rights of Indigenous Peoples. Any additional new funding or commitments resulting from the process will be negotiated separately with each Maa-nulth First Nation and included in each existing FFA and potentially any future FFAs.





Collaborative Work with Other Government

Maa-nulth Response to COVID-19

At the end of the reporting period, the world faced a significant challenge—a global pandemic. By March 2020, Maa-nulth First Nations along with the rest of the world were beginning to realize the severity of the situation. The dangers associated with the COVID-19 pandemic were already being felt in the Maa-nulth communities. Leaders were faced with difficult decisions.

Since all of the Maa-nulth communities are remote, handling the pandemic became a top priority for all five Nations. The Nations got creative during the pandemic and increased access to culture, food and health packages, and offered COVID funding in order to cover the struggles during the pandemic.

Toquaht Nation enacted an Emergency Preparedness Act in March 2020, and then declared a State of Emergency on Toquaht lands at the end of March 2020. This was followed by an Executive Order restricting access to Toquaht lands to permanent residents of Macoah.

Huu-ay-aht First Nations decided to close its offices to all but essential workers in mid-March 2020. Following this, the Nation closed its territory to all visitors to limit the impact on its village of Anacla. The elected and hereditary leaders worked together to keep citizens safe, while supplying them with food to ensure they did not have to be in harm’s way by travelling to a larger centre. By the end of March, students had computers to do their homeschooling and citizens were being called weekly to see how they were doing and monitor the needs of the Nation, putting new funding sources from the federal government to work.

The Uchucklesaht Tribe Government’s Department of Lands and Resources was active from the onset of the COVID-19 pandemic. The Nation activated their emergency program immediately, and the COVID-19 response plan was created and implemented to assist with managing and directing the appropriate response to protect all Uchucklesaht citizens. Funding applications were expedited and all funds that were received began to assist with the response.

The village of Ehtlateese was immediately closed to outside visitors and signage was put up to inform people of the closure and important symptoms to monitor. Working closely with the Human Services Department, they got packages out to citizens in need, including personal protection equipment, cleaning, and disinfecting supplies and food packages. Laptops were purchased to assist children as schools moved to online. The food fish program got revamped to create a safe process for distribution. They also created a community garden that could offer citizens employment and sustainably grow produce to be distributed to local elders and citizens in need.

Yuulúʔiʔath’s community of hitacu closed in March of 2020 due to the covid 19 pandemic and government staff were placed on a work from home order. Further tactics were followed as outlined by Provincial Health Guidelines. During the reporting period, the community did not experience an outbreak or report any cases of COVID-19. A shift in lifestyle created fear in some, and the pause of cultural support and gathering was hard on the Nation. The community was shut down to non-citizens and residents.

Summary

During the reporting period, all five Maa-nulth First Nations experienced significant growth economically, socially, and culturally. As they approached the 10-year anniversary of implementing the Treaty, the Nations were beginning to see the benefits of the Treaty.

This did not come without challenges, but the Nations have proven to be resilient. Through a strengthening relationship with BC and Canada, many obstacles were overcome, and progress made. This report has outlined both the successes and challenges.

The pandemic has changed a lot of things for the Maa-nulth First Nations. Plans that were in place had to be adjusted as they looked forward to an indefinite period of uncertainty. Many of the Nations had to consider how putting their economic ventures on hold would impact their communities and citizens. The Nations remain focused on taking advantage of the opportunities the Treaty offers them, while dealing with a pandemic no one expected. Planning for the future is now more uncertain than it has been in decades, but the Maa-nulth First Nations continue to work toward a bright future for their citizens and communities. Adjustments will have to be made, but by taking advantage of the COVID support programs and relying on their known and lived resilience as a people, they are confident the future remains bright.







Information contained in this publication or product may be reproduced, in part or in whole, and by any means, for personal or public non-commercial purposes, without charge or further permission, unless otherwise specified. You are asked to:

- Exercise due diligence in ensuring the accuracy of the materials reproduced;
- Indicate both the complete title of the materials reproduced, as well as the author organizations; and
- Indicate that the reproduction is a copy of an official work that is jointly published by the governments of Canada, British Columbia, Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe, and Yuułu?it?ath, and that the reproduction has not been produced in affiliation with, or with the endorsement of, these governments.

Commercial reproduction and distribution is prohibited except with written permission from all of the following parties:

- The Government of Canada's copyright administrator, CommunicationsPublications@canada.ca, www.canada.ca/crown-indigenous-relations-northern-affairs
- The Government of British Columbia, www.cio.gov.bc.ca/cio/intellectualproperty/index.page
- Huu-ay-aht First Nations www.huuayaht.org
- Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, www.kyuquotbc.ca
- Toquaht Nation www.toquaht.ca
- Uchucklesaht Tribe Government, www.uchucklesaht.ca
- Yuułu?it?ath Government, www.ufn.ca

Maa-nulth First Nations Final Agreement Annual Report 2015/16 - 2019/20.
PDF: R31-28E-PDF ISSN: 2561-455X

© Government of Canada, represented by Crown Indigenous Relations; Government of British Columbia, represented by the Ministry of Indigenous Relations and Reconciliation; and the respective government of each of the Maa-nulth First Nations

Published under the authority of:



the Maa-nulth First Nations
Port Alberni, British Columbia
www.maannulth.ca
250-724-1802

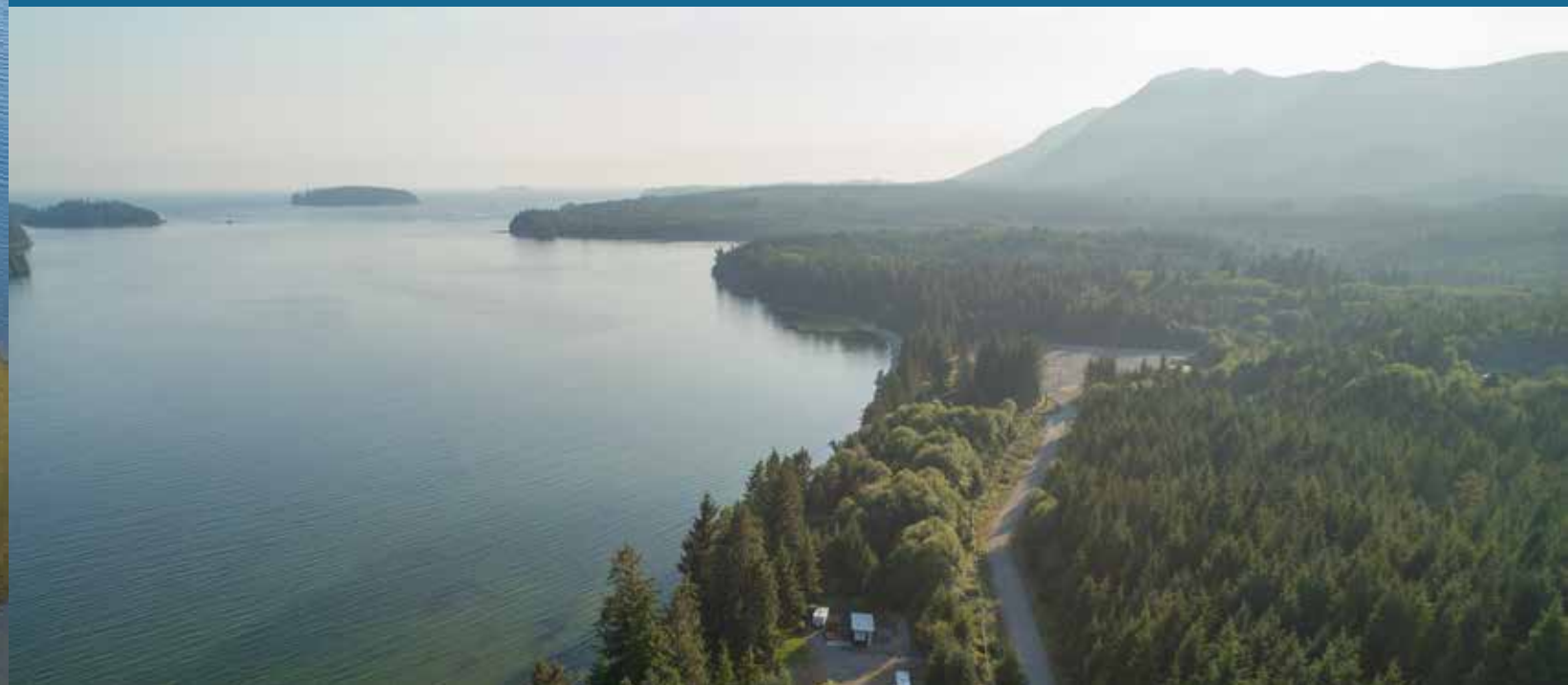


the Province of British Columbia
Victoria, British Columbia
www.gov.bc.ca



Government
of Canada
Gouvernement
du Canada

the Government of Canada
Ottawa, Ontario
www.canada.ca/crown-indigenous-relations-northern-affairs
1-800-567-9604
TTY only 1-866-553-0554



huu ay aht

ANCIENT SPIRIT, MODERN MIND



TOQUAHT NATION



BRITISH
COLUMBIA