

# Stopper Islands Management Agreement

## - Term Sheet -

December 9, 2006



## **STOPPER ISLANDS MANAGEMENT AGREEMENT**

### **- TERM SHEET -**

#### **Status of Term Sheet**

1. The purpose of this Term Sheet is to set out the main terms and conditions to be included in a Stopper Islands Management Agreement (the "Agreement") to be negotiated between the Toquaht Nation ("Toquaht") and Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Aboriginal Relations and Reconciliation and the Minister of Agriculture and Land ("the Province") (collectively the "Parties").
2. Except where otherwise set out in this Term Sheet, the term "Stopper Islands" refers to the two islands comprising provincial Crown land and totaling approximately 205 hectares, and does not include the adjacent islands and islets. (Refer to the attached map.)
3. This Term Sheet is not intended to create legally binding obligations and is not an exhaustive list of all matters or provisions that the Parties may negotiate and include in the Agreement.
4. The negotiators for the Parties acknowledge that they will require approval from their respective principals prior to proceeding to complete the Agreement in accordance with this Term Sheet. In the case of the Provincial representatives, this will require approval in principle from the above noted Ministers. Subject to obtaining any necessary approvals, it is the intention of the Parties to execute the Agreement as soon as practicable prior to ratification of the Maa-nulth First Nations Final Agreement by the Maa-nulth First Nations. The Agreement will come into force and effect on the Effective Date of the Maa-nulth First Nations Final Agreement.
5. The negotiators for the Parties agree that this Term Sheet satisfies the following requirement in the August 4, 2006, Letter of Understanding signed by the Chief Negotiators for the Maa-nulth First Nations, Canada, and British Columbia: "Agreement between the Toquaht First Nation and British Columbia on a proposal to be recommended to their respective principals to address Toquaht First Nation's interest in the protection of the Stopper Islands."

#### **Objectives of the Agreement**

6. The Agreement will set out that the objective of the Parties regarding the Stopper Islands are the following:
  - a) protect the Toquaht's cultural, spiritual, and heritage values on the Stopper Islands;
  - b) protect the natural values of the Stopper Islands;
  - c) permit the continued pursuit of Toquaht traditional activities on the Stopper Islands consistent with the Maa-nulth First Nations Final Agreement, and promote Toquaht's connection to the Stopper Islands;



- d) provide for continued use and recreation opportunities on the Stopper Islands for British Columbians; and
- e) identify appropriate commercial, recreation and other uses of the Stopper Islands; and
- f) ensure due process for British Columbians to have their interests fairly considered in the management of the Stopper Islands.

### **Management Agreement**

- 7. The Agreement will provide that the Ministry of Agriculture and Lands will invite an application from Toquaht for a Head Lease under the *Land Act* for the Stopper Islands.
- 8. The Agreement will address the following:
  - a) terms and reservations consistent with protecting the natural, cultural, spiritual and heritage values of the Stopper Islands, appropriate for the proposed Head Lease;
  - b) appropriate commercial, recreation and other uses of the Stopper Islands;
  - c) duration, termination and renewal opportunities of the proposed Head Lease;
  - d) rent fees pursuant to the proposed Head Lease;
  - e) revenue-sharing arrangement regarding any sub-tenures issued by Toquaht pursuant to the proposed Head Lease, consistent with provincial practices;
  - f) preparation of a management plan for the Stopper Islands that will guide Toquaht's administration of the proposed Head Lease;
  - g) process for considering the interests of other British Columbians who have an interest in the Stopper Islands, in the management plan and any management decisions;
  - h) process for approving a management plan initially developed and any subsequent management plans;
  - i) Toquaht's management structure to administer the Head Lease;
  - j) resolving any potential conflicts between the management plan, the Head Lease and any plans, zoning or by-laws of the applicable regional district;
  - k) resolving any disputes regarding the interpretation or application of the Agreement, the proposed Head Lease, or the Management Plan; and
  - l) any other matter the Parties agree to.
- 9. During the negotiation of the Agreement, the Parties will consider the inclusion of the foreshore adjacent to the Stopper Islands, and any appropriate terms or reservations on the foreshore areas, in the proposed Head Lease.
- 10. If a Head Lease is issued to Toquaht, Toquaht would be entitled to issue and manage sub-tenures on the Stopper Islands in accordance with the terms and reservations of the proposed Head Lease and the Agreement.
- 11. The Agreement will set out that Ministerial authority will not be fettered by either the Agreement or the negotiations regarding the terms or issuance of a proposed Head Lease to Toquaht.


12. The Agreement will set out that the Toquaht's management structure, administration, and activities associated with the proposed Head Lease will be self-financing.
13. The Agreement will include a process for consultation with the Toquaht regarding potential tenure applications on the nearshore adjacent to the Stopper Islands.

#### **Other Protective Measures**

16. The Ministry of Aboriginal Relations and Reconciliation commits to work with:
  - a) the Ministry of Energy, Mines and Petroleum Resources towards establishing a mineral reserve on Stopper Islands under the *Mineral Tenure Act* preventing the registration of mineral title on Stopper Islands; and
  - b) the Ministry of Forests and Range towards including the Stopper Islands in a Probationary Community Forest Agreement to be issued to Toquaht.


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

#### **TOQUAHT NATION**

  
\_\_\_\_\_  
Bert Mack  
Hereditary Chief

Dec. 9/06  
Date

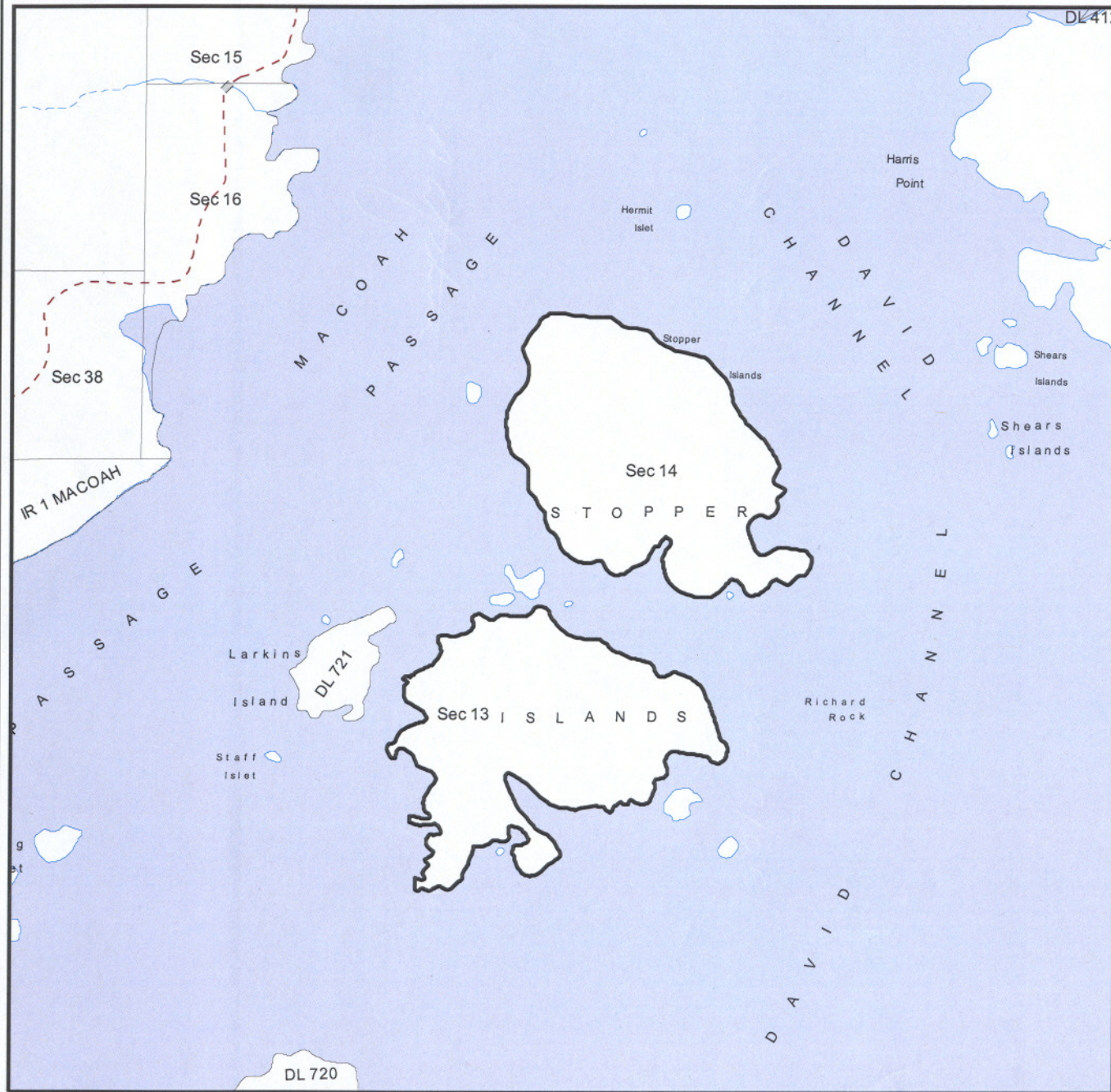
#### **BRITISH COLUMBIA**

  
\_\_\_\_\_  
Mark Lofthouse  
Chief Provincial Negotiator

Dec. 9/06  
Date

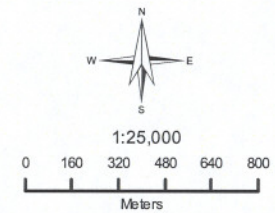


# Stopper Islands



## Legend

Stopper Islands



## Key Map



Produced by: Integrated Land Management Bureau  
 File Pathname: Nu-u-chah-nulth\ArcGisProjects\Maa-nulth\for\_mempr\_nsr  
 Idiana\_20060914.mxd  
 Projection/Datum: Albers Equal Area Coni/NAD83  
 Date Created/Revised: December 08, 2006  
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