

Natural Resources and Environment

The Maa-nulth Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and the Maa-nulth First Nations. The five Maa-nulth First Nations are Ucluelet First Nation, Huu-ay-aht First Nations, Toquaht Nation, Ka:yu:k't'h'/Che:k'tles7et'h' First Nations, and Uchucklesaht Tribe, all located on the west coast of Vancouver Island.

The Maa-nulth First Nations represent about 2,000 people. Maa-nulth means “villages along the coast” in the Nuuchah-nulth language.

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

The negotiation of a Final Agreement marks Stage Five of the six-stage British Columbia treaty process, and is the conclusion of substantive treaty negotiations. Once ratified by all parties, the Final Agreement will become a treaty through legislation.

It will be a constitutionally-protected legal agreement which creates mutually binding obligations and commitments.

RESOURCE RIGHTS AND JURISDICTION

The Final Agreement sets out each Maa-nulth First Nation’s rights to harvest natural resources on its treaty settlement lands, known as its Maa-nulth First Nation Lands. In some cases, these harvesting rights may be exercised in several geographic areas off Maa-nulth First Nation Lands, designated as the Domestic Fishing Area, Migratory Bird Harvest Area and Wildlife Harvest Area, and in provincial parks and protected areas as described in the Final Agreement.

Further, each Maa-nulth First Nation government will be able to make laws to manage natural resources on the applicable Maa-nulth First Nation’s lands and regulate Maa-nulth First Nation harvesters throughout the designated harvest areas. Federal, provincial and Maa-nulth laws will apply, and the Final Agreement clearly sets out which law will prevail if there is a conflict.

WILDLIFE AND MIGRATORY BIRDS

Under the treaty, each Maa-nulth First Nation will have

the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within the Maa-nulth First Nation Areas¹. This right is limited by measures necessary for conservation, public health or public safety.

Federal and provincial laws will apply on Maa-nulth First Nation Lands and throughout the Maa-nulth First Nation Areas. Each Maa-nulth First Nation’s laws with respect to harvesting wildlife and migratory birds will apply to the Maa-nulth-aht (those people who are enrolled in and will benefit from the

treaty). Federal and provincial laws on the use and possession of firearms will apply.

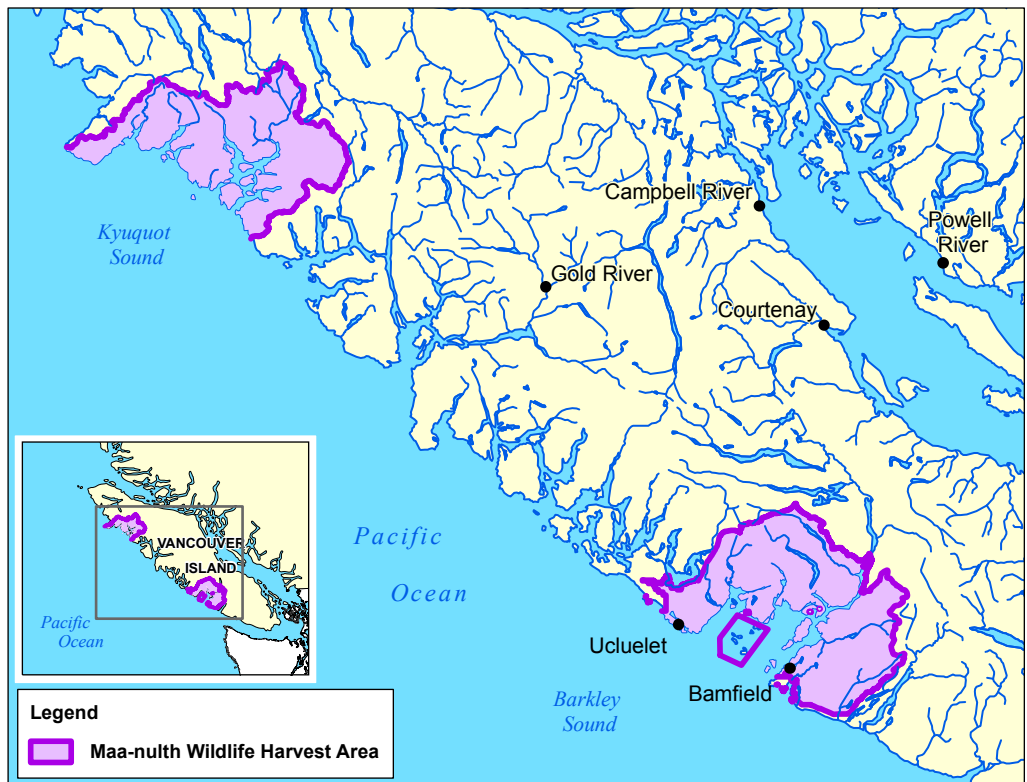
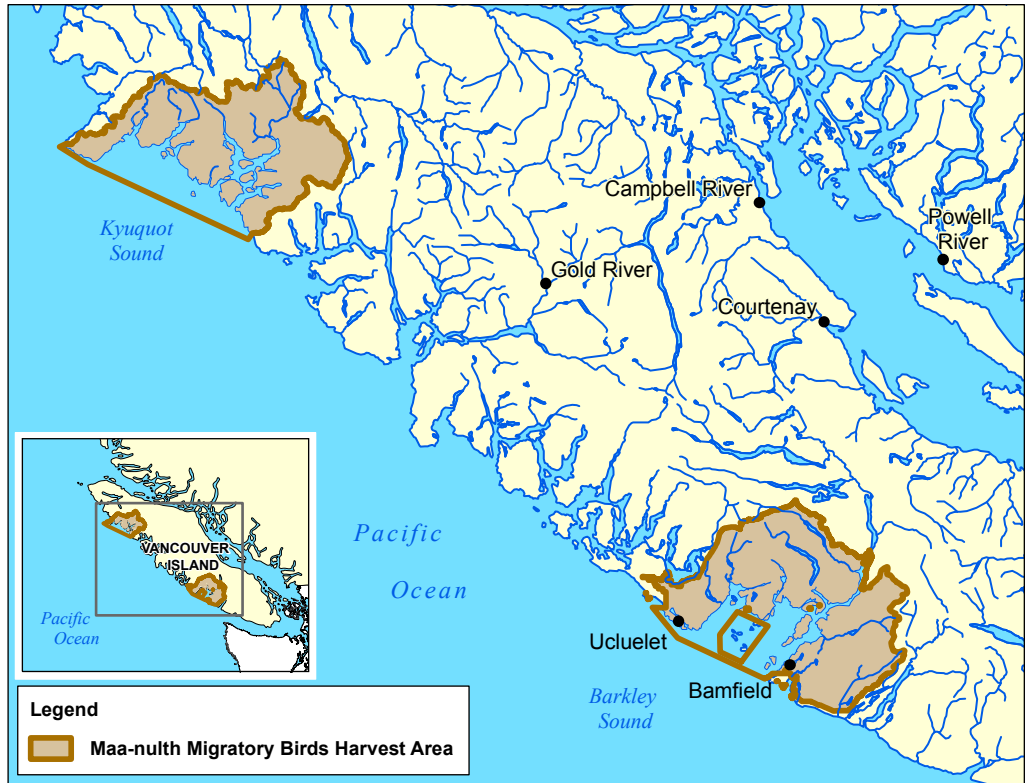
Each Maa-nulth First Nation government will be able to make laws to regulate the harvest of wildlife and migratory birds by the Maa-nulth-aht of the applicable Maa-nulth First Nation. Maa-nulth First Nation harvesters will be required to carry a permit issued by the respective Maa-nulth First Nation government. The Final Agreement provides reasonable access for non-members to hunt on Maa-nulth First Nation Lands in

¹ For the purposes of harvesting wildlife and migratory birds, this area does not include land owned by Canada.

accordance with federal, provincial and Maa-nulth laws.

If it is necessary to address a conservation risk to a specific wildlife or migratory bird species, the treaty will allow the Minister responsible to designate that species. Once a species is designated, the total allowable harvest for that species is also established by the Minister. For a designated wildlife species, each Maa-nulth First Nation and British Columbia will negotiate the harvest level for that Maa-nulth First Nation, with the Minister taking into account harvesting by non-Aboriginal people. In the case of a designated migratory bird species, each Maa-nulth First Nation's harvest level will be determined by the federal Minister, taking into account, among other things, the Maa-nulth First Nations' harvesting rights and the interests of non-Aboriginal third parties.

Each Maa-nulth First Nation will develop a wildlife harvest plan for designated species, or other species proposed by that Maa-nulth First Nation



and British Columbia. The harvest plan will set out how the Maa-nulth First Nation will conduct its harvest, including how many of each species will be harvested, when the harvest will take place, and how the harvest will be monitored. The plan will be submitted for approval of the provincial Minister responsible for wildlife. Unless Maa-nulth First Nation laws or the approved harvest plan state otherwise, Maa-nulth First Nation hunters may harvest throughout the year.

Maa-nulth-aht will be able to trade and barter wildlife, wildlife parts, migratory birds and migratory bird parts among themselves and with other Aboriginal people of Canada resident in British Columbia. Trade and barter does not include sale.

FOREST RESOURCES

Each Maa-nulth First Nation will own all forest and range resources on its Maa-nulth First Nation Lands. Each Maa-nulth First Nation government may make laws in respect of the management of forest and range practices on its Maa-nulth First Nation Lands provided those laws include standards that meet or exceed

standards set by federal and provincial laws. Federal and provincial laws will prevail in the event of a conflict.

Each Maa-nulth First Nation is responsible for the control of insects, diseases, invasive plants and animals on its Maa-nulth First Nation Lands which may affect the health of forest resources on those lands.

Provincial law in respect of the protection of resources from wildfire and for wildfire prevention and control applies to Maa-nulth First Nation Lands. On the effective date of the treaty, the Maa-nulth Wildfire Suppression Agreements for each Maa-nulth First Nation will come into effect. These agreements will set out how the costs associated with wildfire control will be shared by the parties.

PLANT AND BARK GATHERING IN PROVINCIAL PARKS AND PROTECTED AREAS

Each Maa-nulth First Nation has the right to gather plants and the bark of timber for food, social and ceremonial purposes in provincial parks and protected areas that are wholly

or partly within its Maa-nulth First Nation Area. This right is subject to measures necessary for conservation, public health or public safety. A Maa-nulth First Nation may be required to submit a gathering plan in respect of the exercise of this right to the provincial Minister. Maa-nulth-aht who gather plants and bark of timber under this right will be required to carry documentation issued by the appropriate Maa-nulth First Nation government.

RENEWABLE RESOURCE HARVESTING IN NATIONAL PARKS AND NATIONAL MARINE CONSERVATION AREAS

Where a national park or a national marine conservation area lies within a Maa-nulth First Nation Area, that Maa-nulth First Nation also has the right to gather traditional foods for food, social and ceremonial purposes, gather plants and timber resources for medicinal, ceremonial or artistic purposes, trap fur-bearing land mammals and hunt birds and land mammals for food, social and ceremonial purposes within that national park or national marine conservation area.

Consistent with other provisions in the Final Agreement, a treaty-defined right to access renewable resources may be limited by necessary conservation, public health or public safety measures.

WATER

On the effective date of the treaty, British Columbia will establish water reservations under the *Water Act* for each Maa-nulth First Nation for domestic, agricultural and industrial uses: Huu-ay-aht First Nations – 75,000 cubic decametres of water per year; Ka:yu:k't'h'/Che:k'les7et'h' First Nations – 50,000 cubic decametres of water per year; Toquaht Nation – 15,000 cubic decametres of water per year; Uchucklesaht Tribe – 50,000 cubic decametres of water per year; Ucluelet First Nation – 57,000 cubic decametres of water per year.

In addition to these water reservations, British Columbia will establish water reservations of the unrecorded water of specific streams, to enable each Maa-nulth First Nation to investigate the suitability of those streams for hydro power purposes.

Huu-ay-aht First Nations:

for five years after the effective date of the treaty, for the Sarita River

Ka:'yu:'k't'h'/Che:k'les7et'h' First Nations:

for five years after the effective date of the treaty, for the Tahsis River

Toquaht Nation:

for two years after the effective date of the treaty, for Draw Creek

Uchucklesaht Tribe:

for two years after the effective date of the treaty, for Handy Creek; for five years after the effective date of the treaty, for Uchuck Creek

Ucluelet First Nation:

for two years after the effective date of the treaty, for Nahmint River

Each Maa-nulth First Nation may apply for water licences in accordance with provincial law. Water licences existing on Maa-nulth First Nation Lands as of the effective date of the treaty will continue.

With respect to groundwater, if British Columbia brings into force provincial law regulating the volume of groundwater under Maa-nulth First Nation Lands which may be extracted and used, British Columbia will negotiate with the applicable Maa-nulth First Nation the volume of groundwater which may be extracted for domestic, agricultural and industrial purposes by that Maa-nulth First Nation.

PLANNING AND MANAGEMENT OF MAA-NULTH FIRST NATION LANDS

The Final Agreement sets out that each Maa-nulth First Nation will have the right to participate in any provincially developed public planning process with respect to any provincial park or protected area within its Maa-nulth First Nation Area. Further, the Final Agreement does not prevent a Maa-nulth First Nation from participating in developments on shared decision making or any provincial programs, policies or initiatives that British Columbia makes generally available as it continues to develop a new relationship with First Nations in the province.

ENVIRONMENT

Federal and provincial laws on environmental protection will continue to apply after the treaty comes into effect. Each Maa-nulth First Nation government will be able to make laws concerning environmental protection on its Maa-nulth First Nation Lands. Federal and provincial laws will prevail in the event of a conflict.

Each Maa-nulth First Nation will be able to participate in environmental assessment processes regarding its Maa-nulth First Nation Lands.

If you would like more information about the Maa-nulth Final Agreement, contact:


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