



NEWS RELEASE

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First Nations of the Maa-nulth Treaty

Nations of the Maa-nulth Treaty Celebrate the Maa-nulth Treaty Taking Effect

April 1, 2011 – While fireworks exploded over their treaty settlement lands in Hitattsoo at 12:01 am, Yuuluʔilʔath (Ucluelet) President, Chuck McCarthy signed the laws that will provide a foundation for the newly self-governing Nation. At the same time, in Anacla, Huu-ay-aht Chief Councillor Robert Dennis and Tyee Ha'wiltʔ Nuchkoa (Derek Peters) signed their Nation's laws in the presence of their the Huu-ay-aht Ha'wiltʔ (Hereditary Chiefs) and community members watching with tears of joy.

In the Toquaht Nation's chambers, drumming set the tone for the first official meeting of the Toquaht Government which was filmed for archives and viewing on their website. The Uchucklesaht Tribe legislature met for the first time in a ceremony that gathered their people in celebration at Port Alberni. Meanwhile, Ka:'yu:'k't'h'/Che:k'tles7et'h' youth and elders stood together in prayer to commence the Nation's first legislative meeting in Houpsitas (Kyuquot) and elders burned pages of the Indian Act to acknowledge the transition into self government – each Nation in celebration of this historic day, the Effective Date of the Maa-nulth Treaty.

Citizens and leadership of the five First Nations will gather in Port Alberni on Saturday April 2, to jointly celebrate this historic achievement. Mary Polak, British Columbia's Minister of Aboriginal Relations and Reconciliation will be joining the celebrations along with representatives of other Nuuchah-nulth First Nations and First Nations in British Columbia including the Nisga'a and Tsawwassen whose modern-day treaties are already in effect in B.C.

The Maa-nulth Treaty, which took effect at 12:01 am today, is the first modern treaty on Vancouver Island and the second treaty negotiated under the British Columbia Treaty Commission process. It is the first multi-First Nation treaty under the process and results in the establishment of new governing structures for each of the five First Nations.

“Today our Government enacted 15 laws lead by our first official Legislative Speaker, Tom Mexsis Happynook,” said Huu-ay-aht Chief Councillor, Robert Dennis. “With our new laws in place, we can now move forward to build our Nation with a solid foundation.”

“On Nu-u-waas-sus (Our Day) we look forward to meeting the challenges of self-government with both fear and excitement,” said Ka:'yu:'k't'h'/Che:k'tles7et'h' Legislative Chief, Therese Smith. “Our treaty has fast-tracked our path to independence and self-reliance in the aftermath of the

residential school era and Indian and Northern Affairs Canada (INAC). We no longer look to or are controlled by INAC, we are now fully accountable to ourselves, for our own destiny”.

“As I carry the torch over the line I truly thank my predecessors for their guidance – my father, Deets-kee-sup, Grand Chief Bert Mack (88 years old) and my late grandfather Chief Cecil Mack,” said Wii-tsuts-koom, Toquaht Tyee Ha’wilth, Anne Mack.”

“Our nations have waited a long time for this historic day and it has arrived” said Uchucklesaht Chief Councillor, Charlie Cootes. “Our exciting journey into re-introducing and exercising our inherent right to own our way of government for the people and accountability to our people is a refreshing and welcoming reality that we have strived for.”

“The treaty process was a long journey for our people and it feels good knowing that we are in charge of our future” said Yuułuʔiłʔatḥ President, Chuck McCarthy. “We will have positive impacts and influences over our ha-houlthee and Yuułuʔiłʔatḥ will thrive from economic benefits that are generated off of our lands. This is our new beginning.”

“Effective today, the First Nations of the Maa-nulth Treaty become self governing Nations with the social and economic tools to directly support their families and communities,” said Mary Polak, Minister of Aboriginal Relations and Reconciliation. “I congratulate the members of the Huu-ay-aht, Ka:’yu:’k’t’h’/Che:k’tles7et’h’, Toquaht, Uchucklesaht and Yuułuʔiłʔatḥ Nations. Each of these Nations have their own unique history and culture, yet they chose to come together to achieve this treaty.”

The treaty provides the First Nations of the Maa-nulth Treaty with payments, settlements and other funds to help build their future. These include a capital transfer of \$73.1 million (in 2006 dollars) and 24,550 hectares of treaty settlement land.

The Maa-nulth Treaty will operate within the framework of the Constitution of Canada. Within that framework, the First Nations of the Maa-nulth Treaty have the constitutional authority to make laws in many areas of jurisdiction that are traditionally federal, provincial and municipal in nature. Overall, the five First Nations will today have passed in excess of 110 enactments that provide an immediate basis for the substantive exercise of their self-government authorities. The laws will be publicly available and will be on-line within 2 weeks.

Powers in the First Nation laws include matters related to the preservation of the culture of the First Nations, management of land, the exercise of treaty rights, financial administration and accountability and the operation of the First Nations’ governments. With the exception of determining Indian status, the *Indian Act* no longer applies to Maa-nulth First Nations members. In addition, Maa-nulth First Nations members who are Canadian citizens or permanent residents of Canada will continue to be entitled to all the rights and benefits of other Canadian citizens or permanent residents.

The Maa-nulth Treaty and related agreements present each of the First Nations with modern governance tools, coupled with funds, to generate increased economic vitality. It also makes each of the five First Nations equal partners in government-to-government relationships with Canada and British Columbia, and provides for strong and workable interactions with these partners. It also confers rights, benefits and obligations regarding self-government, land and other resources throughout their traditional territories, covering approximately 359,756 hectares. Each of the five First Nations will also become a member of their respective Regional District within the next 10 years.

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Backgrounder - The Maa-nulth Treaty

Laws of the Five Nations

As of today, Governments of each of the five First Nations of the Maa-nulth Treaty have passed in excess of 110 enactments in accordance with the self-government authority as provided for in the Maa-nulth Treaty. Each of the five First Nations has worked diligently to create a legal regime on the understanding that their Nations would be governed by the rule of law. The legal infrastructure being put in place within each First Nation provides legal certainty in relation to diverse matters such as lands and land use, the functions of government, elections, financial administration and accountability, ethical standards and environment protection.

Each of the five First Nations is required to have their own registry of laws. Laws for each of the Nations will be available electronically within 2 weeks online at www.maanulth.ca.

Profile of the First Nations of the Maa-nulth Treaty

- The five (5) Nuu-chah-nulth First Nations of the Maa-nulth Treaty on Vancouver Island, British Columbia include: the Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe, and the Yuuʔuʔiʔath (Ucluelet).
- Maa-nulth means "villages along the coast" in the Nuu-chah-nulth language.
- The combined population of the five (5) First Nations of the Maa-nulth Treaty is approximately 2500 people, many of whom live near Bamfield, Port Alberni, Ucluelet, Campbell River and in Kyuquot Sound.

Key Components of the Maa-Nulth Final Agreement

Land

- The Final Agreement land package consists of approximately 24,550 hectares of treaty settlement land for the five Maa-nulth First Nations. This includes approximately 2,084 hectares of former Indian reserve and 22,375 hectares of former provincial Crown land.
- Treaty settlement land will be held in fee simple by the Maa-nulth First Nations.
- Fee-simple ownership gives each Nation the flexibility to manage its lands and generate long-term economic benefits.
- Federal and provincial laws, as well as Maa-nulth First Nations laws, will apply to Maa-nulth First Nation Lands.

Financial Components

- A capital transfer of approximately \$73.1 million (in 2006 dollars) will be provided to the five Maa-nulth First Nations over 10 years, less any outstanding negotiation loans.
- Annual resource revenue payments of \$600,000 to \$1.8 million (in 2006 dollars) will be paid over a 25 year period depending on actual provincial stumpage revenues. Huu-ay-aht First Nations will receive an additional \$900,000 (in 2006 dollars) paid over five years.

- \$10.5 million per year for five Maa-nulth First Nations in ongoing funding for programs and services, and incremental implementation and governance activities
- In addition to the payments described above, Maa-nulth First Nations will receive time-limited funding of \$47.9 million to support implementation and transition activities.

Wildlife and Migratory Birds

- The First Nations of the Maa-nulth Treaty will have the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within specified areas, subject to conservation, public health and public safety.
- The federal and provincial ministers will retain authority, within their respective jurisdictions, to manage wildlife and migratory birds and their habitats.
- Each Maa-nulth First Nation will manage designation and documentation of Maa-nulth First Nation hunters.

Fish

- The Maa-nulth First Nations will have the right to harvest fish and aquatic plants for food, social and ceremonial purposes, subject to conservation, public health and public safety.
- The Final Agreement provides for Maa-nulth First Nations allocations of salmon, halibut, rockfish, sablefish, groundfish, herring and inter-tidal bivalves for food, social and ceremonial purposes.
- The Final Agreement leaves some species of fish and aquatic plants non-allocated, such as prawn and crab. A process has been set out in the Final Agreement to establish allocations at the request of the Maa-nulth First Nations, Canada or British Columbia.
- Maa-nulth commercial fishing will be fully integrated within the general commercial fishery on the west coast of Vancouver Island. Resources will be available for the Maa-nulth First Nations to obtain access to the commercial fishery. Commercial licences issued to Maa-nulth will be fished according to comparable terms and conditions as for other commercial fishers.
- Canada and British Columbia retain authority to manage and conserve fish, aquatic plants and fish habitat, according to their respective jurisdictions. Each Maa-nulth First Nation government will have law-making authority with respect to the internal regulation of their fisheries, including who can participate in the harvest of fish and how the harvest will be distributed.
- Canada and the Maa-nulth First Nations will establish a Joint Fisheries Committee (JFC) to undertake cooperative planning for Maa-nulth First Nation fishing, fisheries management activities and other fisheries-related matters. The committee may make recommendations to the Minister of Fisheries and Oceans on these matters.

Culture and Heritage

- Each Maa-nulth First Nation can make laws to preserve, promote and develop culture and language, conserve and protect heritage resources on its lands, and deal with archaeological materials, sites and ancient human remains.

Governance

- With the exception of determining Indian status and a transition period for phasing out the *Indian Act* tax exemption, the *Indian Act* will no longer apply to Maa-nulth First Nation Lands or members. Instead, constitutionally-protected self-government provisions will enable the Maa-nulth First Nations to make their own decisions on matters related to the preservation of their culture, the exercise of their treaty rights and the operation of their governments.
- The Final Agreement requires each Maa-nulth First Nation to have a constitution that provides for government that is democratically and financially accountable to its members.

Taxation

- The Maa-nulth First Nations governments will have the ability to levy direct taxes on their members within treaty settlement lands, known as the Maa-nulth First Nation Lands.
- The tax exemptions for transaction taxes and other taxes under section 87 of the *Indian Act* will be phased out after eight and 12 years respectively.

Local Government Relations

- Each Maa-nulth First Nation will become a member of their local Regional District and appoint a director to sit on the Regional District board.
- Huu-ay-aht, Toquaht, Uchucklesaht, and Yuułuʔiłʔatḥ (Ucluelet) will become members of the Alberni-Clayoquot Regional District. Ka:'yu:'k't'h'/Che:k'tles7et'h' will become members of the Strathcona Regional District.
- As members of these Regional Districts, the Maa-nulth First Nations will have the same functions, powers, duties and obligations as other municipal members.
- The Maa-nulth First Nations may enter into service contracts with neighbouring local governments for the delivery of community services.

Implementation

Canada, British Columbia and the Maa-nulth First Nations have prepared an Implementation Plan that identifies the obligations arising from this Agreement, the activities to be undertaken to fulfill those obligations, the responsible Party and the time frames for completion of those activities.

[The Maa-nulth Final Agreement is available online at:](http://www.maanulth.ca/downloads/treaty/2010_maa-nulth_final_agreement_english.pdf)
http://www.maanulth.ca/downloads/treaty/2010_maa-nulth_final_agreement_english.pdf