

# Treaty takes effect for five Vancouver Island native bands

BY JULIA PRINSELAAR, WESTERLY NEWS MARCH 31, 2011



breaking news

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The first modern-day treaty on Vancouver Island comes into effect April 1, signifying the end of the Indian Act for five Maa-nulth First Nations and their lands around Barkley Sound and Kyuquot Sound.

"It's exciting. We don't see many successes in the treaty process," said MLA Scott Fraser, official opposition critic of the provincial Ministry of Aboriginal Relations and Reconciliation.

"The work will just begin. A new form of governance, being able to get out from under the yoke of the Indian Act," he said.

For Chuck McCarthy, chief councilor of Yuu-cluth-aht (Ucluelet) First Nation (YFN), autonomy and self-governance among his people has been long anticipated.

"This has [been] many generations in the making," said McCarthy.

"Now we as an official government will have autonomy to be a self-governing, self-determining, and self-reliant peoples."

The five Maa-nulth First Nations -- Huu-ay-aht, Ka:yu:'k't'h'/Che:k'tles7et'h', Uchucklesaht, Toquaht and Yuu-cluth-aht -- are finalizing individual laws, strategizing economic development projects and planning individual celebrations as well as a joint celebration in Port Alberni on April 2 with representatives from the provincial government and the B.C. Treaty Commission.

Collectively the 2,143 band members of the Maa-nulth nations will receive federal capital transfers of \$73.1 million to be paid out over ten years, revenue sharing of about \$1-million annually for 25 years and a land package of approximately 24,498 hectares, including 22,342 hectares of former provincial Crown land, 2,064 hectares of former Indian reserve land and 92 hectares of private land purchased

from willing sellers.

The cost will be shared by the provincial and federal governments.

As part of the negotiation process YFN has eight municipal lots within the District of Ucluelet boundaries.

Some of those lots have existing structures and others remain undeveloped.

"At this time we have no initial plans in place for them," said McCarthy.

#### TSESHAHT SIGNS ACCORD WITH MAA-NULTH

The Tseshaht First Nation signed an accord with the Maa-nulth First Nations to recognize the hahuuthli, or traditional territory, of the Tseshaht First Nation.

Tseshaht territory is located within the mapping boundary of the Maa-nulth treaty.

"Tseshaht is right in the middle," said Les Sam, chief councilor of Tseshaht First Nation.

"There was never any recognition of Tseshaht existing within the boundaries of the Maa-nulth treaty. We're just protecting our chiefs' hahuuthli."

Sam says the accord could pave the way for joint economic development with Maa-nulth members.

"I wouldn't rule that out," he said.

"I would say [the accord] has cleared a path for the Tseshaht First Nation to stand beside our brothers and sisters of Maa-nulth and celebrate," he added.

Tseshaht and the First Nations of the Maa-nulth Treaty signed the accord in Port Alberni March 30.

#### MAA-NULTH GOVERNANCE

The Maa-nulth Final Agreement treaty will operate within the framework of the Constitution of Canada and the Canadian Charter of Rights and Freedoms, with each nation having its own democratic government and financial administration.

It also defines each Maa-nulth First Nation's rights to resources such as wildlife, fish, timber and sub-surface minerals.

With the exception of determining Indian status, after a transition period the Indian Act will no longer apply to the people of and land within the Maa-nulth First Nations.

"For our people we are relieved the Indian Act will be gone, and we finally now have the choice to determine our future," said McCarthy.

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## TAXATION

The Indian Act tax exemption for Maa-nulth First Nation members will be phased out after eight years for sale taxes and 12 years for other taxes, including income tax.

British Columbia will share half of provincial and sales tax revenue collected from Maa-nulth members on their lands after the phase out of the tax exemption. The province will share all property taxes collected from its residents.

The five Maa-nulth First Nations are members of the Nuu-chah-nulth Tribal Council (NTC) and began treaty negotiations with the provincial and federal governments in 1994 as part of the NTC treaty table.

It is the second modern-day treaty negotiated under the umbrella of the B.C. Treaty Commission, after Tsawwassen First Nation.

## HISTORY

The NTC treaty table reached a draft Agreement in Principle (AIP) in March 2001. Six of the 12 First Nations did not approve the agreement, while the other six approved.

Five of those six approving nations joined to form the Maa-nulth First Nations and continued negotiations with the provincial and federal governments to sign an AIP in October 2003.

On December 9, 2006 the third Final Agreement was jointly initialed by representatives of the Maa-nulth First Nations and the Canadian government. It was subsequently ratified by Maa-nulth First Nations members in 2007 and received Royal Assent on November 29, 2007.

On June 18, 2009 the federal government gave Royal Assent to the Maa-nulth First Nations treaty, marking one of the final steps toward a final agreement before coming into effect on April 1, 2011.