

## **CHAPTER 23**

### **FEDERAL PARKS AND PROTECTED AREAS**

#### **23.1.0 GENERAL**

- 23.1.1 The applicable Maa-nulth First Nation has a right to carry out Renewable Resource Harvesting Activities in the Renewable Resource Harvesting Area of that Maa-nulth First Nation.
- 23.1.2 Each Maa-nulth First Nation Renewable Resource Harvesting Right is limited by measures necessary for conservation, public health or public safety.
- 23.1.3 A Maa-nulth First Nation may not Dispose of its Maa-nulth First Nation Renewable Resource Harvesting Right.
- 23.1.4 A Maa-nulth First Nation Renewable Resource Harvesting Right may be exercised by every Maa-nulth-aht of that Maa-nulth First Nation except as otherwise provided under a Maa-nulth First Nation Law of the applicable Maa-nulth First Nation Government.
- 23.1.5 Subject to 23.1.6, no Maa-nulth-aht is required to have any federal licence or pay any fee or royalty to Canada relating to the exercise of a Maa-nulth First Nation Renewable Resource Harvesting Right.
- 23.1.6 Nothing in this Agreement affects Canada's ability to require any Maa-nulth-aht to obtain licences or permits for the use and possession of firearms under Federal Law on the same basis as other aboriginal people of Canada.
- 23.1.7 This Agreement does not alter Federal Law or Provincial Law in respect of property in the renewable resources harvested under a Maa-nulth First Nation Renewable Resource Harvesting Right.
- 23.1.8 The Minister retains authority for the management, administration and control of National Parks and National Marine Conservation Areas, or any other protected areas that are owned by Canada and administered under the jurisdiction of the Parks Canada Agency.

#### **23.2.0 TRADE AND BARTER AND SALE**

- 23.2.1 Each Maa-nulth First Nation has the right to Trade and Barter among themselves, or with other aboriginal people of Canada resident in British Columbia any renewable resources harvested under a Maa-nulth First Nation Renewable Resource Harvesting Right.
- 23.2.2 A Maa-nulth First Nation right to Trade and Barter in accordance with 23.2.1 may be exercised by a Maa-nulth-aht of that Maa-nulth First Nation except as otherwise provided in a Maa-nulth First Nation Law of the applicable Maa-nulth First Nation Government made under 23.4.1d.
- 23.2.3 A Maa-nulth First Nation may not Dispose of its right to Trade and Barter described in 23.2.1.

23.2.4 Renewable resources harvested by a Maa-nulth First Nation or its Maa-nulth-aht under the Maa-nulth First Nation Renewable Resource Harvesting Right of that Maa-nulth First Nation may not be sold, except for:

- a. fur-bearing land mammals, or
- b. renewable resources that are used for the making of traditional crafts and artistic objects.

23.2.5 For greater certainty, the use, taking or cutting of selected Timber Resources from any National Park or National Marine Conservation Area is not permitted for sale or commercial use, or for use as construction material.

### **23.3.0 TRANSPORT AND EXPORT**

23.3.1 Any transport or export of renewable resources harvested under a Maa-nulth First Nation Renewable Resource Harvesting Right will be in accordance with Federal Law or Provincial Law.

### **23.4.0 LAW-MAKING**

23.4.1 Each Maa-nulth First Nation Government may make laws in respect of the applicable Maa-nulth First Nation Renewable Resource Harvesting Right for:

- a. the distribution of harvested renewable resources among the Maa-nulth-aht of the applicable Maa-nulth First Nation;
- b. designating the Maa-nulth-aht of that Maa-nulth First Nation who may carry out Renewable Resource Harvesting Activities;
- c. documenting the Maa-nulth-aht of that Maa-nulth First Nation who have been designated as harvesters; and
- d. the Trade and Barter of renewable resources harvested by the Maa-nulth-aht of that Maa-nulth First Nation.

23.4.2 Maa-nulth First Nation Law under 23.4.1 prevails to the extent of a Conflict with Federal Law or Provincial Law.

### **23.5.0 DOCUMENTATION AND ENFORCEMENT**

23.5.1 A Maa-nulth First Nation Government will issue documentation to the Maa-nulth-aht of the applicable Maa-nulth First Nation who harvest renewable resources under the Maa-nulth First Nation Renewable Resource Harvesting Right of that Maa-nulth First Nation.

23.5.2 A Maa-nulth-aht who harvests renewable resources under a Maa-nulth First Nation Renewable Resource Harvesting Right is required to carry documentation issued by the Maa-nulth First Nation Government of the applicable Maa-nulth First Nation and to produce that documentation on the request of an authorized individual.

---

Federal Parks and Protected Areas

---

23.5.3 Documentation issued by a Maa-nulth First Nation Government in accordance with 23.5.1 will:

- a. be in the English language, which version is authoritative, and, at the discretion of the applicable Maa-nulth Government, in the Nuu-chah-nulth language;
- b. include the name and address of the Maa-nulth-aht; and
- c. meet any requirements described in a Maa-nulth Permit or Federal Law.

**23.6.0 CO-OPERATION IN RENEWABLE RESOURCE HARVESTING**

23.6.1 Each year or as otherwise agreed, Canada and each applicable Maa-nulth First Nation will meet to discuss and develop terms and conditions upon which the Maa-nulth First Nation Renewable Resource Harvesting Right of that Maa-nulth First Nation may be exercised and will make reasonable efforts to reach consensus on the terms and conditions in accordance with 23.6.2.

23.6.2 In developing the terms and conditions referred to in 23.6.1, Canada and that Maa-nulth First Nation will take into account:

- a. the conservation and ecological integrity requirements and availability of the renewable resources to which the terms and conditions would relate;
- b. the Maa-nulth First Nation's preferences, if any, in respect of methods, timing, frequency and locations for harvesting;
- c. the use of that National Park or National Marine Conservation Area for the benefit and enjoyment of all Canadians;
- d. any other authorized uses of that National Park or National Marine Conservation Area;
- e. opportunities for similar harvesting activities outside that National Park or National Marine Conservation Area as otherwise provided in this Agreement;
- f. use of the harvested renewable resources for making traditional handicrafts or artistic objects for sale;
- g. requirements for management of that National Park or National Marine Conservation Area;
- h. renewable resource harvesting activities, if any, by other aboriginal people; and
- i. any other matters Canada and the Maa-nulth First Nation consider appropriate.

23.6.3 Before the development of the terms and conditions referred to in 23.6.1, each applicable Maa-nulth First Nation will Consult with overlapping First Nations who may carry out harvesting activities in the Renewable Resource Harvesting Area of that Maa-nulth First Nation. Recommendations developed as a result of such Consultation may be included in the terms and conditions developed in accordance with 23.6.1 and will be considered by the Minister in developing the terms and conditions, if any, set out in a Maa-nulth Permit for that Maa-nulth First Nation issued in accordance with 23.6.4 or 23.6.5.

- 23.6.4 Where Canada and the Maa-nulth First Nation agree on terms and conditions in accordance with 23.6.1, the Minister will, upon receipt and consideration of those terms and conditions, issue a Maa-nulth Permit to that Maa-nulth First Nation setting out terms and conditions, if any, of the Renewable Resource Harvesting Activities within the applicable Renewable Resource Harvesting Area.
- 23.6.5 Where Canada and the Maa-nulth First Nation do not agree on terms and conditions in accordance with 23.6.1, the Minister:
- a. may make the decision or take the action, including issuing a Maa-nulth Permit, that the Minister considers necessary, and
  - b. will advise the Maa-nulth First Nation of the circumstances and the decision made or action taken.
- 23.6.6 Harvesting under a Maa-nulth First Nation Renewable Resource Harvesting Right will be in accordance with the applicable Maa-nulth Permit and the management plan for the applicable National Park or National Marine Conservation Area.
- 23.6.7 Each Maa-nulth First Nation will provide to the Minister, upon request, information concerning the activities of its Maa-nulth-aht related to the exercise of its Maa-nulth First Nation Renewable Resource Harvesting Right.
- 23.6.8 Canada will Consult with each applicable Maa-nulth First Nation concerning any proposed amendment to Federal Law that is reasonably expected to affect the Maa-nulth First Nation Renewable Resource Harvesting Right of that Maa-nulth First Nation.
- 23.6.9 The Minister may, after Consultation with each applicable Maa-nulth First Nation, close areas in any National Park or National Marine Conservation Area to any Renewable Resource Harvesting Activities for purposes of park or marine conservation area management.
- 23.7.0 CONSERVATION MEASURES**
- 23.7.1 Where, in the opinion of Canada, conservation measures are needed within a Renewable Resource Harvesting Area, and those measures are likely to affect the Maa-nulth First Nation Renewable Resource Harvesting Right of a Maa-nulth First Nation, Canada will Consult with that Maa-nulth First Nation regarding such conservation measures.
- 23.7.2 After the Consultation contemplated by 23.7.1, the Minister may amend and re-issue a Maa-nulth Permit to the extent required to bring into effect the conservation measures.
- 23.8.0 PACIFIC RIM NATIONAL PARK**
- 23.8.1 On or after the Effective Date, Canada may establish as part of Pacific Rim National Park those portions of Pacific Rim National Park Reserve lying within the Maa-nulth First Nation Areas, subject to resolution of any overlaps with other First Nations.

Federal Parks and Protected Areas

---

**23.9.0 NATIONAL PARKS AND NATIONAL MARINE CONSERVATION AREAS**

- 23.9.1 Canada will Consult with each Maa-nulth First Nation before the establishment of any new National Park or National Marine Conservation Area within its Maa-nulth First Nation Area.
- 23.9.2 Except for Pacific Rim National Park Reserve, no part of a National Park or National Marine Conservation Area that lies within a Maa-nulth First Nation Area will be removed from that National Park or National Marine Conservation Area without the consent of the applicable Maa-nulth First Nation.
- 23.9.3 If Canada conducts studies in relation to enlarging a National Park or National Marine Conservation Area within a Maa-nulth First Nation Area, the applicable Maa-nulth First Nation will be invited to participate in the design and conduct of the studies and will be provided with the results.
- 23.9.4 Where a National Park or National Marine Conservation Area is wholly or partially within the Maa-nulth First Nation Areas, every Maa-nulth-aht has access, without a fee being charged for entrance to and within that National Park or National Marine Conservation Area, but Canada may charge fees in relation to visitor facilities and services.

**23.10.0 CO-OPERATION IN PLANNING AND MANAGEMENT**

- 23.10.1 Where a National Park or National Marine Conservation Area is wholly or partially within a Maa-nulth First Nation Area, Canada will Consult with the applicable Maa-nulth First Nation regarding that Maa-nulth First Nation's:
- a. role in the interim planning and management planning of that National Park or National Marine Conservation Area;
  - b. role in research, protection, identification, interpretation and presentation of any area in that National Park or National Marine Conservation Area which has heritage value to a Maa-nulth First Nation, other aboriginal people, or other Canadians and may include a traditional use site, archaeological site, burial site or sacred site that is of significance to that Maa-nulth First Nation;
  - c. role in the identification, protection, interpretation and presentation of Maa-nulth First Nation Artifacts within or related to that National Park or National Marine Conservation Area;
  - d. role in the interpretation and presentation of Maa-nulth First Nation heritage, where applicable, including Nuu-chah-nulth language use in signage and interpretation, within or related to that National Park or National Marine Conservation Area;
  - e. traditional ecological knowledge being considered in the natural history and management of that National Park or National Marine Conservation Area;
  - f. role in research, protection, use and management of special marine areas within that National Park or National Marine Conservation Area; and

- g. interests in economic, employment and training opportunities in or associated with that National Park or National Marine Conservation Area.
- 23.10.2 At the request of the Maa-nulth First Nation Consulted with in accordance with 23.10.1, Canada and that Maa-nulth First Nation will make reasonable efforts to enter into an agreement regarding arrangements for cooperation in the planning and management of the applicable National Park or National Marine Conservation Area in order to provide advice to the Minister regarding the matters identified in 23.10.1.
- 23.10.3 An agreement made in accordance with 23.10.2 will take the place of the Consultation contemplated by 23.10.1 for the term of the agreement.
- 23.10.4 An agreement made in accordance with 23.10.2 may provide for an advisory structure and include:
  - a. representation in the advisory structure;
  - b. procedures for the advisory structure, including a consensus seeking approach and a dispute resolution process;
  - c. procedures related to cooperation in renewable resource harvesting and cultural activities;
  - d. procedures for the advisory structure to interact with the Joint Fisheries Committee on matters, including recommendations to the Minister, relating to the harvest of Fish and Aquatic Plants in a National Park or National Marine Conservation Area that is wholly or partially within the Domestic Fishing Area; and
  - e. any other matters as agreed by Canada and the Maa-nulth First Nation.
- 23.10.5 Canada and the applicable Maa-nulth First Nations will enter into an agreement in respect of Pacific Rim National Park Reserve in accordance with 23.10.2, which will come into effect on the Effective Date.
- 23.10.6 Where any National Park or National Marine Conservation Area is wholly or partially within two or more Maa-nulth First Nation Areas, the applicable Maa-nulth First Nations will make reasonable efforts to jointly participate in the processes contemplated by 23.10.1 and 23.10.7.
- 23.10.7 Where any National Park or National Marine Conservation Area is wholly or partially within a Maa-nulth First Nation Area and that of any other aboriginal group who has expressed that it has a historical relationship to the region encompassing the National Park or National Marine Conservation Area, Canada and the applicable Maa-nulth First Nations agree to make reasonable efforts to cooperate with the other aboriginal group in the process of planning and management of any such National Park or National Marine Conservation Area.