

MAA-NULTH BANDS SIDE AGREEMENT SUMMARY

TOQUAHT BAND: COMMERCIAL RECREATION OPPORTUNITIES MEMORANDUM OF UNDERSTANDING

Purpose

The Commercial Recreation Opportunities Memorandum of MOU (“MOU”) sets out the Province’s commitment to the Toquaht Band to provide it an opportunity to participate in economic opportunities related to commercial recreation. Commercial recreation opportunities include such activities as nature viewing, river rafting, sea kayaking, heli-hiking and back-country skiing, among other outdoor recreational activities on a fee-for-service basis. The intent of the MOU is to stimulate aboriginal tourism in the region through these commercial recreation opportunities.

How the Agreement Works

- The parties to the MOU are the Toquaht Band and the Province (Ministry of Tourism, Sport and the Arts).
- On the effective date of the Final Agreement the Province will apply to the Ministry of Agriculture and Lands for Crown lands to be conditionally withdrawn from disposition under section 17 of the *Land Act* for the purpose of future aboriginal tourism activities (“Designated Sites”) and the Toquaht Band will have 15 years from the date of the MOU to make an application to the Province for commercial recreation tenures over the Designated Sites.
- The Designated Sites include 12 commercial recreation sites each less than 3 hectares in size and combined 11.86 hectares in total; however, the Toquaht Band may make an application for tenure over an area larger than the Designated Sites.
- A designation under Section 17 of the *Land Act* means that the Province may not dispose of any rights in the Designated Sites for the term of the MOU, but it may issue licences or permits to applicants over a Designated Site if the purpose of the licence or permit is compatible with the Toquaht Band’s commercial recreation purposes.
- If any of the Designated Sites are required for regional infrastructure the Province may amend or cancel a Designated Site, but it must make reasonable attempts to secure and designate a comparable replacement site in consultation with the Toquaht Band.
- The Designated Sites are to be used for intensive uses, which means that the sites are to be used only as staging areas or for the erection of structures for dispersed

commercial recreation operations rather than for extensive uses such as hiking, trail riding, nature viewing, rafting, skiing, etc.

- The Toquaht Band will not be required to pay any fee or rent related to the designation of the Crown lands as Designated Sites, but it will be responsible for any application fee or rent related to any commercial recreation tenure subsequently applied for.
- The Province will continue to manage the Designated Sites.
- The Province's duty to consult the Toquaht Band and, where appropriate, accommodate the Toquaht Band's interests related to Section 35 rights continues under the MOU.