

## MAA-NULTH FIRST NATIONS SIDE AGREEMENT SUMMARY

### UCLUELET FIRST NATION: COMMERCIAL RECREATION OPPORTUNITIES MEMORANDUM OF UNDERSTANDING

#### **Purpose**

The Commercial Recreation Opportunities Memorandum of MOU (“MOU”) sets out the Province’s commitment to the Ucluelet First Nation (“UFN”) 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 UFN 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Final Agreement the Province will apply to the Ministry of Agriculture and Lands for Crown lands to be conditionally withdrawn from disposition under section 17 of the *Land Act* for the purpose of future aboriginal tourism activities (“Designated Site”) and the UFN will have 15 years from the date of the MOU to make an application to the Province for commercial recreation tenures over the Designated Site.
- The Designated Site includes one 0.444 hectare commercial recreation; however, UFN may make an application for tenure over an area larger than the Designated Site.
- A designation under Section 17 of the *Land Act* means that the Province may not dispose of any rights in the Designated Site 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 UFN’s commercial recreation purposes.
- If the Designated Site is 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 UFN.
- The Designated Site is to be used for intensive uses, which means that the site is to be used only as a staging area 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 UFN will not be required to pay any fee or rent related to the designation of the Crown lands as a Designated Site, 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 Site.
- The Province's duty to consult the UFN and, where appropriate, accommodate UFN interests related to Section 35 rights continues under the MOU.