

HUU-AY-AHT FIRST NATIONS



RESOURCE HARVESTING ACT

OFFICIAL CONSOLIDATION
Current to December 18, 2014

The HUU-ay-aht Legislature enacts this law to effectively and efficiently manage the sustainable harvesting of HUU-ay-aht natural resources.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Resource Harvesting Act* passed Third Reading in the Legislature on:

April 1, 2011


Chief Councillor Robert Dennis Sr.

Certified True Copy

I certify that the *Resource Harvesting Act* is enacted as law on:

April 1, 2011


Ta'yii Hawilth Derek Peters

I certify that the *Resource Harvesting Act* came into force on:

April 1, 2011


Law Clerk Connie Waddell

RESOURCE HARVESTING ACT

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PREAMBLE

We, the people of Huu-ay-aht First Nations, have occupied, benefited from and governed our Ha'houlthee (traditional territories), lands, waters and resources since time immemorial. The traditional territories of the Huu-ay-aht have in the past provided the resources necessary to sustain us and we honour our connection to the lands, waters and resources of our traditional territories which provide for our physical and spiritual needs.

The Huu-ay-aht acknowledge that all life forms are *Hish-uk-sa-wak* (interconnected) and that all humanity must have *Isaak* (respect for the earth and all life forms on it). *Isaak* and *Hish-uk-sa-wak* are important to the management of fish, wildlife and migratory birds and their habitat as well as to the management of aquatic plant life and land based plant life and we affirm that all should be recognized as intrinsically valuable.

Through our inherent right to self-government, and our responsibility given by *Naas* (the creator) to look after our traditional territories, the Huu-ay-aht have continuously taken steps to preserve and protect our lands. We assert that resource harvesting requires an effective management system that enhances our Treaty harvesting rights and contributes to the conservation of natural resources and protection of habitat. The Huu-ay-aht also recognize the need for an effective role for Huu-ay-aht treaty participants in all aspects of natural resources management.

It is the desire of the Huu-ay-aht that our traditional territories continue to provide the resources necessary to sustain the Huu-ay-aht, preserve our traditional ways and culture, encourage self-sufficiency and security through economic development and growth and provide a home for future generations.

The Huu-ay-aht adopt this Act based on these values.

The Legislature enacts as follows:

PART 1 – INTRODUCTORY PROVISIONS

Short title

- 1 This Act may be cited as the *Resource Harvesting Act*.

Executive Council oversight

- 2 The member of the Executive Council holding the lands and natural resources portfolio is responsible for the Executive Council oversight of this Act.

Application

- 3 This Act applies to all treaty harvesting rights and Huu-ay-aht commercial fisheries, including a Huu-ay-aht allocation authorized by a commercial fishing licence issued in accordance with the Maa-nulth Harvest Agreement.

Definitions

- 4 In this Act:
- “**aboriginal people**” includes the Indian, Inuit and Métis peoples of Canada;
 - “**another authorized person**” includes Executive Council, a person authorized in writing by Executive Council, or another person authorized under Huu-ay-aht legislation;
 - “**director**” means the Director of Lands and Natural Resources as defined in the *Community Planning and Development Act*;
 - “**federal protected area**” means a national marine conservation area or a national park;
 - “**federal protected area harvesting permit**” means the “Maa-nulth Permit” for the Huu-ay-aht contemplated in and issued in accordance with 23.6.4, 23.6.5 and 23.7.2 of Chapter 23 Federal Parks and Protected Areas of the Treaty;
 - “**federal protected area management plan**” means the management plan contemplated in 23.6.6 of Chapter 23 Federal Parks and Protected Areas of the Treaty;
 - “**fishing**” means fishing for, catching or attempting to catch fish by any method, and includes harvesting aquatic plants;
 - “**fishing vessel**” means any vessel used, outfitted or designed for the purpose of fishing or processing or transporting fish or aquatic plants;
 - “**harvest**” or “**harvesting**” includes picking, collecting, fishing, gathering and hunting, as applicable;
 - “**harvest plan**” means any of the fishing plan, Maa-nulth Harvest Agreement, Maa-nulth harvest document, migratory bird agreement, wildlife harvest plan, federal protected area harvesting permit, federal protected area management plan or provincial protected area gathering plan, as applicable in the circumstances;
 - “**hunting**” means shooting at, trapping (including constructing deadfall traps), attracting, searching for, chasing, pursuing, following after or on the trail of, stalking or lying in wait for wildlife or migratory birds, or attempting to do any of those things, whether or not the wildlife or migratory bird is then or subsequently

wounded, killed or captured,

- (a) with intention to capture the wildlife or migratory bird, or
- (b) while in possession of a firearm or other harvesting implements or equipment, including traps or snares;

“hunting season” means the period from April 1 in any year to March 31 of the following year;

“inter-tidal bivalve harvest area” means the prescribed “Inter-tidal Bivalve Harvest Area” or if no area is prescribed, the “Inter-tidal Bivalve Harvest Area” shown in Appendix P Part 1 Plan 4 of the Treaty;

“Huu-ay-aht allocation” means

- (a) in respect of a designated wildlife species,
 - (i) a defined harvest quantity or quota, or
 - (ii) a harvest quantity or quota determined by the use of a formula, for the Huu-ay-aht, and
- (b) in respect of fish and aquatic plants,
 - (i) a defined harvest quantity or quota,
 - (ii) a harvest quantity determined by the use of a formula,
 - (iii) a defined harvest area, or
 - (iv) any other definition of quantity or opportunity as the parties to the Treaty may agree for the Huu-ay-aht;

“Huu-ay-aht commercial fishing documentation” means documentation issued under this Act identifying a person who is authorized by the Huu-ay-aht to harvest fish and aquatic plants in accordance with a licence issued by the minister as contemplated in the harvest agreement or in accordance with any other Huu-ay-aht commercial fishing licence and which may authorize the transport of such harvest;

“Huu-ay-aht commercial fishing licence” means a commercial fishing licence, other than a licence issued by the minister as contemplated in the Maa-nulth Harvest Agreement but including any other commercial fishing licence issued as part of an aboriginal commercial fisheries program, issued by the minister under federal law to

- (a) the Huu-ay-aht,
- (b) a Huu-ay-aht corporation, or
- (c) any person who is designated by regulation as a purchaser on behalf of the Huu-ay-aht;

“Huu-ay-aht fisheries” means

- (a) the harvesting of fish or aquatic plants in accordance with the right to harvest fish and aquatic plants, and
- (b) the harvesting of fish under
 - (i) a Huu-ay-aht allocation authorized by a commercial fishing licence issued in accordance with the Maa-nulth Harvest Agreement, or
 - (ii) any other Huu-ay-aht commercial fishing licence;

“Huu-ay-aht fishing documentation” means documentation issued under this Act identifying an individual who is authorized by the Huu-ay-aht to exercise the right

to harvest fish and aquatic plants under the Treaty and which may authorize the transport of such harvest;

“Huu-ay-aht harvesting documentation” means Huu-ay-aht fishing documentation, Huu-ay-aht hunting documentation or Huu-ay-aht park harvesting documentation, as applicable;

“Huu-ay-aht hunting documentation” means documentation issued under this Act identifying an individual who is authorized by the Huu-ay-aht to exercise the right to harvest wildlife or to exercise the right to harvest migratory birds under the Treaty;

“Huu-ay-aht individual” means an individual who is eligible to be enrolled as a Treaty participant of the Huu-ay-aht in accordance with Chapter 26 Eligibility and Enrolment of the Treaty;

“Huu-ay-aht park harvesting documentation” means documentation issued under this Act identifying an individual who is authorized by the Huu-ay-aht to exercise the right to harvest renewable resources or the right to gather plants;

“Huu-ay-aht treaty participant” means a Huu-ay-aht treaty participant as defined in the *Citizenship and Treaty Enrolment Act*;

“manager” means an individual appointed under section 27;

“migratory bird agreement” means an agreement contemplated in section 12.1.8 of Chapter 12 Migratory Birds of the Treaty;

“provincial protected area gathering plan” means one or more of

- (a) the “Gathering Plan” described in section 24.6.7 of Chapter 24 Provincial Protected Areas of the Treaty and approved as contemplated in section 24.6.8 of Chapter 24 Provincial Protected Areas of the Treaty, or
- (b) an applicable “Provincial Protected Area management plan” contemplated in section 24.6.9 of Chapter 24 Provincial Protected Areas of the Treaty;

“renewable resources” means

- (a) traditional foods gathered for domestic purposes other than fish and aquatic plants,
- (b) plants and timber resources used for medicinal, ceremonial or artistic purposes,
- (c) fur-bearing land mammals, and
- (d) birds and land mammals hunted for domestic purposes;

“resource management officer” means an officer appointed under section 31 (1);

“right to gather plants” means the right of the Huu-ay-aht to gather plants and the boughs, burls and roots of timber described in Part 24.6.0 of Chapter 24 Provincial Protected Areas of the Treaty;

“right to harvest fish and aquatic plants” means the right of the Huu-ay-aht to harvest fish and aquatic plants referred to in section 10.1.1 of Chapter 10 Fisheries of the Treaty;

“right to harvest migratory birds” means the right of the Huu-ay-aht to harvest migratory birds described in section 12.1.1 of Chapter 12 Migratory Birds of the Treaty;

“**right to harvest renewable resources**” means the right of the Huu-ay-aht to harvest renewable resources referred to in 23.1.1 of Chapter 23 Federal Parks and Protected Areas of the Treaty;

“**right to harvest wildlife**” means the right of the Huu-ay-aht to harvest wildlife described in Part 11.1.0 of Chapter 11 Wildlife of the Treaty;

“**treaty harvesting right**” means any one or more of

- (a) the right to harvest fish and aquatic plants,
- (b) the right to harvest wildlife,
- (c) the right to harvest migratory birds;
- (d) the right to harvest renewable resources, and
- (e) the right to gather plants.

Purposes of this Act

- 5 The purpose of this Act is to establish a comprehensive regime for the management of natural resources in Huu-ay-aht territory, including the conservation, protection and recovery of species at risk or a species for which there is a conservation concern, in a manner that implements provisions of the Treaty respecting fish, wildlife and migratory birds and their habitat and the rights of Huu-ay-aht treaty participants in relation to fish, wildlife and migratory birds and their habitat.

Values

- 6 To fulfill its purpose, this Act is intended to uphold the following values:
 - (a) fish, wildlife and migratory birds and their habitat should be managed as one, since humans, animals and plants in Huu-ay-aht territory are all interconnected;
 - (b) to be managed as one, the management of fish, wildlife and migratory birds and their habitat should include research, education, regulation, conservation, protection, restoration and revitalization;
 - (c) Huu-ay-aht treaty participants are traditional and current users of fish, wildlife and migratory birds and their rights under the Treaty in relation to fish, wildlife and migratory birds and their habitat, which flow from that use, should be given full force and effect;
 - (d) the management of fish, wildlife and migratory birds and their habitat and the exercise of harvesting rights should be governed by the conservation principles set out in section 7;
 - (e) the precautionary principle should govern decision making under this Act;
 - (f) the guiding principles and concepts of ii-saak and Hish-uk-tsawak are important to the management of fish, wildlife and migratory birds and their habitat and are an integral part of this Act;
 - (g) all fish, wildlife and migratory birds and their habitat and all aquatic plant life and land based plant life should be recognized as intrinsically valuable and worth more than just the benefits derived from harvesting and commercial activities;
 - (h) the biological diversity and abundance of plant and animal species in Huu-ay-aht territory should be restored to historical levels and thereafter maintained and utilized in a sustainable manner;

- (i) the management of fish, wildlife and migratory birds and their habitat should provide optimum protection to the natural resource economy;
- (j) no species native to Huu-ay-aht territory should be allowed to become extinct in the Huu-ay-aht territory as a consequence of human activities;
- (k) the department of lands and natural resources, as the main instrument of natural resources management in the Huu-ay-aht territory, should be enabled and empowered to fulfill its responsibilities and uphold the Huu-ay-aht principles of resource management values and conservation principles;
- (l) natural resources management should be an effective system that complements Huu-ay-aht harvesting rights and priorities, recognizes Huu-ay-aht systems of natural resources management that contribute to the conservation of natural resources and protection of habitat, and recognizes the need for an effective role for Huu-ay-aht treaty participants in all aspects of natural resources management;
- (m) Huu-ay-aht public bodies and Huu-ay-aht business enterprises have an important role in the management of natural resources;
- (n) the Huu-ay-aht government, which retains ultimate responsibility for natural resources management on Huu-ay-aht lands, should be enabled and empowered to fulfill its responsibilities and uphold the Huu-ay-aht principles of resource management values and conservation principles.

Conservation principles

7 The following conservation principles apply under this Act:

- (a) the acknowledgement that all life forms are interconnected (Hish-uk-tsawak);
- (b) that all humanity must have respect for the earth and all life forms on it (iisaak);
- (c) that Huu-ay-aht has the responsibility given by Naas (the creator) to look after the Huu-ay-aht Hahoulthee;
- (d) the maintenance of the natural balance of ecological systems;
- (e) the protection of habitat;
- (f) the maintenance of vital, healthy, fish, wildlife and migratory birds populations capable of sustaining harvesting;
- (g) the restoration and revitalization of depleted populations of aquatic plants, fish, plants, shellfish, wildlife and migratory birds and their habitat;
- (h) that humanity must only take from the earth that which it needs.

PART 2 – COMPLIANCE, DOCUMENTING, SUSPENSION AND REVOCATION

Compliance

8 A person may only

- (a) exercise a treaty harvesting right,
- (b) sell, trade or barter anything harvested under a treaty harvesting right, including the inedible byproducts, including down, of migratory birds,
- (c) exchange regalia or traditional or artistic objects made from or containing

- (i) renewable resources or parts of renewable resources harvested under the right to harvest renewable resources, or
 - (ii) plants or the boughs, burls and roots of timber or their parts harvested under the right to gather plants, or
- (d) transport any
- (i) fish or aquatic plants,
 - (ii) renewable resources or parts of renewable resources harvested under the right to harvest renewable resources, or
 - (iii) plants or the boughs, burls and roots of timber or their parts harvested under the right to gather plants, and
- (e) conduct any fishing operations under Huu-ay-aht commercial fishing documentation
- in accordance with the applicable provisions under
- (f) the Treaty,
 - (g) this Act and the regulations,
 - (h) the applicable harvest plan,
 - (i) any conditions or restrictions contained in the Huu-ay-aht harvesting documentation held by that person issued in accordance with this Act,
 - (j) any conditions or restrictions contained in the Huu-ay-aht commercial fishing documentation held by that person issued in accordance with this Act, and
 - (k) any order made, or a direction given, by the director.

Fishing documentation required

- 9** (1) An individual may only exercise the right to harvest fish and aquatic plants if the person is in possession of valid Huu-ay-aht fishing documentation issued in the name of that person.
- (2) A person may only fish under a commercial fishing licence issued to the Huu-ay-aht under the Maa-nulth Harvest Agreement or under any other Huu-ay-aht commercial fishing licence if the person is in possession of valid Huu-ay-aht commercial fishing documentation issued in the name of that person.
- (3) A Huu-ay-aht treaty participant may only transport fish or aquatic plants harvested under the right to harvest fish and aquatic plants outside of British Columbia if the person is in possession of valid authorization issued under this Act in the name of that Huu-ay-aht treaty participant permitting that Huu-ay-aht treaty participant to transport fish or aquatic plants harvested under the right to harvest fish and aquatic plants outside of British Columbia.
- (4) A person who is not a Huu-ay-aht treaty participant may only transport fish or aquatic plants harvested under the right to harvest fish and aquatic plants if the person is in possession of valid authorization issued under this Act in the name of that person permitting that person to transport fish or aquatic plants harvested under the right to harvest fish and aquatic plants.

Hunting documentation required

- 10** (1) An individual of the prescribed age or older may only exercise the right to harvest wildlife or the right to harvest migratory birds if the person is in possession of

valid Huu-ay-aht hunting documentation issued in the name of that individual.

- (2) An individual who is under the prescribed age may only exercise the right to harvest wildlife or the right to harvest migratory birds if that individual
 - (a) is in possession of valid Huu-ay-aht hunting documentation issued in the name of that individual, and
 - (b) is accompanied by another individual who is of the prescribed age or older and is in possession of
 - (i) valid Huu-ay-aht hunting documentation issued in the name of that individual, or
 - (ii) valid documentation to hunt issued in the name of that individual under federal law or provincial law.

Park harvesting documentation required

- 11** (1) An individual may only exercise the right to harvest renewable resources in federal protected areas if the individual is in possession of valid Huu-ay-aht park harvesting documentation issued in the name of that individual.
- (2) An individual may only exercise the right to gather plants in a provincial protected area if the individual is in possession of valid Huu-ay-aht park harvesting documentation issued in the name of that individual.

Right to documentation

- 12** (1) Except in circumstances, if any, prescribed by regulation and subject to this Act, every Huu-ay-aht treaty participant is entitled to be issued Huu-ay-aht harvesting documentation in his or her name.
- (2) A person who is not a Huu-ay-aht treaty participant is not entitled to be issued Huu-ay-aht harvesting documentation.
- (3) Despite subsection (2), a person who is not a Huu-ay-aht treaty participant may be issued
 - (a) Huu-ay-aht fishing documentation in accordance with sections 10.1.47 to 10.1.50 of Chapter 10 Fisheries of the Treaty if that person is
 - (i) an agent or contractor of the Huu-ay-aht, or
 - (ii) an individual designated by the director, or
 - (b) Huu-ay-aht hunting documentation to exercise the right to harvest wildlife in accordance with section 11.1.14 to 11.1.24 of Chapter 11 Wildlife of the Treaty if that person is
 - (i) an acknowledged member or citizen of a First Nation, and
 - (ii) the Huu-ay-aht has entered into an agreement contemplated in section 11.1.14 of Chapter 11 Wildlife of the Treaty with that First Nation,in circumstances prescribed by regulation of the Executive Council.

Issuance of documentation

- 13** (1) A person may apply to the director for Huu-ay-aht harvesting documentation or Huu-ay-aht commercial fishing documentation by submitting to the director
 - (a) an application in the form and with the content prescribed by regulation,
 - (b) the prescribed application fee, and

- (c) any prescribed supporting documentation.
- (2) On receipt of an application under subsection (1) and if satisfied that the relevant requirements of this Act and the regulations have been met, the director may issue to the applicant the documentation for which the applicant has applied.
- (3) The director may attach conditions to any documentation issued in accordance with this section.
- (4) If an applicant under this section applies for more than one type of Huu-ay-aht harvesting documentation under subsection (1), the director may issue the documentation as combined documentation or as separate documentation, as the director considers appropriate in the circumstances.

Documentation requirements

- 14** Documentation provided in accordance with section 13 must
- (a) be written in English and, at the discretion of the director, may also be in the Nuu-chah-nulth language,
 - (b) include the name and address of the person to whom the documentation is issued, and
 - (c) all other prescribed information.

Obligation to produce documentation

- 15**
- (1) In this section, “**enforcement officer**” means a peace officer or another person authorized by the Executive Director to enforce federal law, provincial law or Huu-ay-aht law in relation to fish, aquatic plants, wildlife, migratory birds, renewable resources, federal protected areas, and provincial protected areas.
 - (2) An enforcement officer who believes on reasonable grounds that a person is or has been harvesting or is likely to begin harvesting under a treaty harvesting right may request that person to produce for inspection by the enforcement officer valid documentation issued under this Act authorizing the harvesting by that person.
 - (3) If asked for identification by the person to whom the request is made, the enforcement officer must show appropriate identification confirming his or her credentials as an enforcement officer.
 - (4) At the request of an enforcement officer made in accordance with subsection (2) but subject to subsection (3), the person to whom the request is made must produce to the enforcement officer for his or her inspection valid documentation issued under this Act to and in the name of that person authorizing the harvesting by that person.

Documentation, suspension and revocation

- 16**
- (1) If the director believes that a person who is the holder of Huu-ay-aht harvesting documentation has contravened or repeatedly contravened
 - (a) section 8, or
 - (b) which ever of section 9, 10 or 11 is applicable to the particular Huu-ay-aht harvesting documentation,the director must deliver in accordance with Huu-ay-aht law and section 17, a notice to the Huu-ay-aht harvesting documentation holder of the director's intention to suspend the Huu-ay-aht harvesting documentation for the period

specified in the notice or, in the case of a repeated contravention, to revoke the HUU-ay-aht harvesting documentation.

- (2) After providing an opportunity for the person referred to in this section to be heard as contemplated in section 17, the director, for any cause he or she considers sufficient, may suspend the person's HUU-ay-aht harvesting documentation or, in the case of a repeated contravention, to revoke the HUU-ay-aht harvesting documentation.
- (3) On notice of a suspension or revocation under subsection (1), the person must within 5 working days deliver the HUU-ay-aht harvesting documentation to the director.
- (4) After considering any response as contemplated in section 17, if the director does not suspend or revoke the person's HUU-ay-aht harvesting documentation, that documentation must promptly be returned by the director to that person.
- (5) Promptly after the expiry of the period of suspension of HUU-ay-aht harvesting documentation suspended under this section, the director must return the HUU-ay-aht harvesting documentation to its holder or issue replacement HUU-ay-aht harvesting documentation to its holder.
- (6) The director must not issue any HUU-ay-aht harvesting documentation under this Act to a person who has had HUU-ay-aht harvesting documentation revoked under this section for a period of time prescribed by regulation commencing on the date of that revocation.

Notice of documentation suspension or revocation

- 17** A notice under section 16 must
- (a) set out the reasons for the intended suspension, and
 - (b) state that the person who is the holder of the HUU-ay-aht harvesting documentation is entitled to make representations as to why the HUU-ay-aht harvesting documentation should not be suspended and may do so by giving the director a response within 15 days after the earlier of
 - (i) the date the holder was personally served with the notice, and
 - (ii) 5 days after the date the notice was sent by registered mail.

Prohibition against harvesting during documentation suspension

- 18** A person whose HUU-ay-aht harvesting documentation is suspended or revoked must not exercise the applicable treaty harvesting right associated with the suspended or revoked HUU-ay-aht harvesting documentation during the period of
- (a) the suspension, or
 - (b) immediately upon the revocation and thereafter.

PART 3 – SALE AND TRANSPORT

Sale of fish or aquatic plants

- 19** (1) A person may transport fish or aquatic plants harvested in Huu-ay-aht fisheries both within the domestic fishing area and outside the domestic fishing area, but must not sell fish or aquatic plants harvested under the right to harvest fish and aquatic plants unless authorized to do so under this Act.
- (2) A person who is in possession of valid Huu-ay-aht commercial fishing documentation issued in that person's name may transport and sell fish or aquatic plants harvested only in accordance with
- (a) the Huu-ay-aht commercial fishing documentation, and
 - (b) a licence issued by the minister as contemplated in the Maa-nulth Harvest Agreement, or
 - (c) any other Huu-ay-aht commercial fishing licence.
- (3) Transport and sale of fish or aquatic plants authorized under subsection (2) is subject to any applicable restrictions in any of the following:
- (a) the Maa-nulth Harvest Agreement;
 - (b) any Huu-ay-aht commercial fishing documentation;
 - (c) a licence issued by the minister as contemplated in the Maa-nulth Harvest Agreement;
 - (d) the Huu-ay-aht commercial fishing licence;
 - (e) the regulations.
- (4) An agent or contractor of the Huu-ay-aht who
- (a) is in possession of valid Huu-ay-aht commercial fishing documentation, and
 - (b) is permitted under a contract with the Huu-ay-aht to sell fish or aquatic plants on its behalf
- may transport and sell fish or aquatic plants harvested in accordance with that documentation.
- (5) Transport and sale of fish or aquatic plants authorized under subsection (4)
- (a) must be consistent with the conditions of the agent's or contractor's contract with the Huu-ay-aht, and
 - (b) is subject to any applicable restrictions in any of the following:
 - (i) the Maa-nulth Harvest Agreement;
 - (ii) any Huu-ay-aht commercial fishing documentation;
 - (iii) a licence issued by the minister as contemplated in the Maa-nulth Harvest Agreement;
 - (iv) a Huu-ay-aht commercial fishing licence;
 - (v) the regulations.
- (6) Either
- (a) the Huu-ay-aht, or
 - (b) a Huu-ay-aht business enterprise, authorized by regulation,
- may transport and sell fish or aquatic plants harvested in accordance with Huu-ay-aht commercial fishing documentation.

- (7) Transport and sale of fish or aquatic plants authorized under subsection (6) is subject to any applicable restrictions in any of the following:
- (a) the Maa-nulth Harvest Agreement;
 - (b) a Huu-ay-aht commercial fishing documentation;
 - (c) a licence issued by the minister as contemplated in the Maa-nulth Harvest Agreement;
 - (d) a Huu-ay-aht commercial fishing licence;
 - (e) the regulations.

Sale of wildlife

- 20** (1) A person may only sell wildlife or wildlife parts, including meat and furs, harvested under the right to harvest wildlife if
- (a) permitted by and in accordance with federal law or provincial law, and
 - (b) that person has first been issued documentation to do so by the director.
- (2) The director may issue documentation to a Huu-ay-aht treaty participant to sell wildlife and wildlife parts, including meat and furs, harvested under the Huu-ay-aht right to harvest wildlife in the prescribed manner and form.

Sale of migratory birds

- 21** (1) A person may only sell migratory birds harvested under the right to harvest migratory birds if
- (a) permitted by and in accordance with federal law or provincial law, and
 - (b) that person has first been issued documentation to do so by the director.
- (2) A person may only sell inedible byproducts, including down, of migratory birds harvested under the right to harvest migratory birds if that person has first been issued documentation to do so by the director.
- (3) The director may issue documentation to a Huu-ay-aht treaty participant to sell migratory birds and inedible byproducts, including down, of migratory birds harvested under the right to harvest migratory birds, in the prescribed manner and form.

Transport of plants and other renewable resources

- 22** The Huu-ay-aht First Nation and every Huu-ay-aht treaty participant may transport plants or the boughs, burls and roots of timber or renewable resources harvested under
- (a) the right to harvest renewable resources, or
 - (b) the right to gather plants,
- but such transport must be in accordance with federal law and provincial law.

PART 4 – TRADE AND BARTER**Trade and barter of fish or aquatic plants**

- 23** (1) The Huu-ay-aht and every Huu-ay-aht treaty participant may trade or barter fish or aquatic plants harvested under the right to harvest fish and aquatic plants if the trade or barter is between

- (a) a Huu-ay-aht treaty participant and another Huu-ay-aht treaty participant ,
 - (b) a Huu-ay-aht treaty participant and the Huu-ay-aht, or
 - (c) either
 - (i) the Huu-ay-aht, or
 - (ii) a Huu-ay-aht treaty participant and aboriginal people.
- (2) A Huu-ay-aht treaty participant may only trade or barter the fish or aquatic plants referred to in subsection (1) as permitted under subsection (1) (a), (b) or (c).
- (3) A person who, for the purpose of trade or barter, transports fish or aquatic plants harvested under the right to harvest fish and aquatic plants must ensure that those fish or aquatic plants are prescribed as being fish or aquatic plants that are available for trade or barter.

Trade and barter of wildlife and migratory birds

- 24** (1) In this section, “**wildlife or migratory birds**” means
- (a) wildlife and wildlife parts, including meat and furs, harvested under the right to harvest wildlife, and
 - (b) migratory birds and the inedible byproducts of migratory birds, including down, harvested under the right to harvest migratory birds.
- (2) The Huu-ay-aht and every Huu-ay-aht treaty participant may trade and barter wildlife or migratory birds if the trade or barter is between
- (a) a Huu-ay-aht treaty participant and another Huu-ay-aht treaty participant ,
 - (b) a Huu-ay-aht treaty participant and Huu-ay-aht, or
 - (c) either
 - (i) the Huu-ay-aht, or
 - (ii) a Huu-ay-aht treaty participant and aboriginal people resident in British Columbia.
- (3) A Huu-ay-aht treaty participant may only trade or barter the wildlife or migratory birds contemplated in subsection (2) as permitted under that subsection.
- (4) A person who, for the purpose of trade or barter, transports any wildlife or migratory birds
- (a) must first ensure that the wildlife or migratory birds are prescribed as being wildlife or migratory birds that are available for trade or barter, and
 - (b) may only transport the wildlife or migratory birds if they are so prescribed.

Trade or barter of renewable resources

- 25** (1) In this section, “**plants and renewable resources**” means
- (a) renewable resources harvested under the right to harvest renewable resources, and
 - (b) plants and the boughs, burls and roots of timber harvested under the right to gather plants.
- (2) The Huu-ay-aht and every Huu-ay-aht treaty participant may trade and barter plants and renewable resources if the trade or barter is between

- (a) a Huu-ay-aht treaty participant and another Huu-ay-aht treaty participant ,
 - (b) a Huu-ay-aht treaty participant and Huu-ay-aht, or
 - (c) either
 - (i) the Huu-ay-aht, or
 - (ii) a Huu-ay-aht treaty participant and aboriginal people resident in British Columbia.
- (3) A Huu-ay-aht treaty participant may only trade or barter the plants and renewable resources contemplated in subsection (2) as permitted under that subsection.
- (4) A person who, for the purpose of trade or barter, transports any plants and renewable resources
- (a) must first ensure that the plants and renewable resources are prescribed as being plants and renewable resources that are available for trade or barter, and
 - (b) may only transport the plants and renewable resources if they are so prescribed

Exchange of regalia or traditional or artistic objects made from plants

- 26** (1) In this section, “**plants and renewable resources**” means
- (a) renewable resources harvested under the right to harvest renewable resources, and
 - (b) plants and the boughs, burls and roots of timber harvested under the right to gather plants.
- (2) The Huu-ay-aht and every Huu-ay-aht treaty participant may exchange regalia or traditional or artistic objects made from plants and renewable resources,
- (a) in the case of Huu-ay-aht, with Huu-ay-aht treaty participants or one or more other Nuu-chah-nulth individuals, or
 - (b) in the case of Huu-ay-aht treaty participants, with one or more other Nuu-chah-nulth individuals.
- (3) A Huu-ay-aht treaty participant may only exchange the regalia or traditional or artistic objects described in subsection (2) as permitted under that subsection and in accordance with Huu-ay-aht law.

PART 5 – ADMINISTRATION AND MANAGEMENT

Director’s authority

- 27** (1) The director will administer and enforce this Act and the regulations.
- (2) The director may delegate in writing, with or without conditions, any power, authority or responsibility under this Act to another public officer.
- (3) The Executive Director must not delegate the power to delegate under subsection (2).
- (4) Despite the delegation of any duties or powers under subsection (2) the director remains responsible for ensuring that the duties are performed properly and the powers are exercised appropriately.

Director's responsibilities

- 28** The director is responsible for
- (a) managing Huu-ay-aht fisheries, including, for certainty, fishing under
 - (i) the right to harvest fish and aquatic plants,
 - (ii) a Huu-ay-aht allocation authorized by a commercial fishing licence issued in accordance with the Maa-nulth Harvest Agreement, and
 - (iii) any other Huu-ay-aht commercial fishing licence,
 - (b) managing all harvesting carried out under any treaty harvesting right,
 - (c) exercising the director's authority, and
 - (d) carrying out the director's responsibilities in a manner consistent with
 - (i) the Treaty,
 - (ii) this Act,
 - (iii) the regulations,
 - (iv) any applicable harvest plan, and
 - (v) policies adopted by the director.

Director's administrative duties and powers

- 29** The director
- (a) may issue
 - (i) Huu-ay-aht fishing documentation,
 - (ii) Huu-ay-aht commercial fishing documentation,
 - (iii) Huu-ay-aht hunting documentation, and
 - (iv) Huu-ay-aht park harvesting documentation,
 - (b) must direct the annual accounting of fish harvesting required by the Treaty,
 - (c) may propose enhancement initiatives, including seeking recommendations of the joint fisheries committee or wildlife council and the approval of the Executive Council and the minister concerning those enhancement initiatives,
 - (d) must carry out enhancement initiatives approved by the Executive Council and the minister,
 - (e) must direct studies or other activities approved by the Executive Council,
 - (f) must oversee the process of the development and implementation of any harvest plans, and
 - (g) may establish a hunter training program for Huu-ay-aht treaty participants .

Necessary actions after consulting Executive Council

- 30** (1) The director may, by order after consultation with the Executive Council, take any action that is reasonably necessary for the purpose of carrying out the director's responsibilities including
- (a) opening or closing any areas or locations for harvesting all or any species of fish, aquatic plants, wildlife or migratory birds harvested under a treaty harvesting right,
 - (b) increasing or decreasing size or weight restrictions of any species of fish,

- aquatic plants, wildlife or migratory birds harvested under a treaty harvesting right,
- (c) permitting or prohibiting the harvesting or sale of any species of fish, aquatic plants, wildlife or migratory birds harvested under a treaty harvesting right,
 - (d) cooperating with federal and provincial officials to fulfill the HUU-AY-AHT obligations under the Treaty in accordance with any agreements reached between the HUU-AY-AHT and British Columbia or Canada,
 - (e) enforcing the provisions of this Act and the Treaty in relation to harvesting under a treaty harvesting right.
- (2) The director may make any order that is reasonably necessary prohibiting any person from harvesting, transporting, selling or engaging in trade or barter of anything harvested under a treaty harvesting right until the person satisfies the director that the person has the right to do so.

Appointment and authority of resource management officers

- 31**
- (1) For the purposes of this Act, the director may designate individuals, or individuals in a class of individuals, as resource management officers.
 - (2) The director may limit and define, in any manner the director considers appropriate, the powers that resource management officers may exercise under this or any other HUU-AY-AHT legislation.
 - (3) The director may assign responsibilities to resource management officers, including
 - (a) ensuring that any person who is harvesting under a treaty harvesting right in HUU-AY-AHT territory is properly documented and authorized to carry out that activity,
 - (b) ensuring that any harvesting under a treaty harvesting right that takes place in HUU-AY-AHT territory is in compliance with this Act and regulations, the applicable harvest plan and the Treaty,
 - (c) the monitoring of harvesting activities, including the verification of what is harvested under a treaty harvesting right or harvested under HUU-AY-AHT commercial fishing documentation,
 - (d) the examination and measurement of fishing or hunting gear, the recording of scientific data and observations and the taking of samples,
 - (e) the monitoring of the landing of fish and the verification of the species and the size or weight of fish caught and retained, and
 - (f) conducting biological examination and sampling of what is harvested under a treaty harvesting right.
 - (4) The director must provide each resource management officer with a document in the form approved by the director
 - (a) certifying the resource management officer's designation, and
 - (b) if the resource management officer's powers are limited under subsection (2), specifying the powers that the he or she may exercise.
 - (5) On entering any place as permitted under this Act, the regulations, or any other HUU-AY-AHT legislation, a resource management officer, on request, must show the certificate of designation to the person in charge of the place.

PART 6 – HARVESTING OPPORTUNITIES

Regulations respecting harvesting opportunities

- 32** (1) In addition to the authority provided under section 50, the Executive Council may by regulation
- (a) provide for the distribution among Huu-ay-aht treaty participants of harvesting opportunities under the treaty harvesting rights and under the Maa-nulth Harvest Agreement, and
 - (b) specify
 - (i) particular individuals or classes of individuals that may harvest fish and aquatic plants, and
 - (ii) particular vessels or classes of vessels to be used for that harvest by those individuals or classes of individuals under Huu-ay-aht commercial fishing documentation.
- (2) In a regulation under this section, the Executive Council must take into account
- (a) the collective interests of the Huu-ay-aht,
 - (b) what may be available for harvest by the Huu-ay-aht under a treaty harvesting right,
 - (c) the estimated requirements for what is harvested under a treaty harvesting right for both
 - (i) Huu-ay-aht treaty participants who are ordinarily resident on Huu-ay-aht lands, and
 - (ii) Huu-ay-aht treaty participants who are not ordinarily resident on Huu-ay-aht lands,
 - (d) available information about the annual harvest of what is harvested under a treaty harvesting right by Huu-ay-aht treaty participants, and
 - (e) any other matter the Executive Council considers to be relevant.

Advisory committee

- 33** (1) The Executive Council may appoint a committee of persons responsible for providing advice and recommendations to the Executive Council regarding harvesting under a treaty harvesting right or harvesting under Huu-ay-aht commercial fishing documentation.
- (2) A committee appointed under subsection (1) must include the director and at least one member of the Executive Council and may include other persons who are not members of the Executive Council.

Director's responsibilities respecting harvesting opportunities

- 34** The director, taking into account sections 6 and 7, must manage the methods, timing and locations of harvesting under a treaty harvesting right, the applicable harvest plan and a Huu-ay-aht commercial fishing licence in a way that, to the extent practicable,
- (a) provides fair and reasonable opportunities for Huu-ay-aht treaty participants to harvest
 - (i) fish and aquatic plants at locations within the domestic fishing area or inter-tidal bivalve harvest area,

- (ii) at locations within the wildlife harvest area,
 - (A) wildlife of any designated wildlife species, and
 - (B) migratory birds in any designated migratory bird population,
 - (iii) renewable resources at locations within federal protected areas, and
 - (iv) plants and the boughs, burls and roots of timber in provincial protected areas within Huu-ay-aht territory, and
- (b) achieves the distribution of harvesting opportunities provided for by the Executive Council under section 32.

Allocation of salmon

- 35** (1) The Executive Council may from time to time, subject to federal law and provincial law, by written direction to the director determine for each year or portion of a year
- (a) the portion of that year's harvest under Huu-ay-aht commercial fishing documentation that is to be used for food, social or ceremonial purposes,
 - (b) the portion of that year's harvest under Huu-ay-aht commercial fishing documentation that is to be available for sale, and
 - (c) the percentage of the portion described in paragraph (b) that may be harvested and sold on behalf of Huu-ay-aht.
- (2) The director must manage the methods, timing and locations of harvesting in Huu-ay-aht fisheries in a way that, to the extent it is practicable to do so, achieves the apportionment of each year's Huu-ay-aht fish allocations as determined by the Executive Council under subsection (1).

Agreements with other governments

- 36** (1) The Executive Council may negotiate agreements that are necessary or advisable for the purposes of this Act, including
- (a) with the other Maa-nulth First Nations respecting
 - (i) the joint fisheries committee,
 - (ii) allocation of harvests under their joint right to harvest fish and aquatic plants,
 - (iii) allocation of licences issued under the Maa-nulth Harvest Agreement,
 - (iv) stock assessment activities,
 - (v) ocean management,
 - (vi) enhancement initiatives, and
 - (vii) joint monitoring or enforcement of fisheries related matters,
 - (b) with the minister
 - (i) to adjust the species composition of the harvest under Huu-ay-aht fisheries in any given year,
 - (ii) in relation to harvesting outside the domestic fishing area,
 - (iii) in relation to new emerging commercial fisheries as contemplated in 10.2.5 and 10.2.6 of Chapter 10 Fisheries of the Treaty,
 - (iv) in relation to the harvest of surplus fish in any given year, and
 - (v) in relation to the harvest of fish by the Huu-ay-aht that result from

- enhancement initiatives,
- (c) with Canada or British Columbia in relation to
 - (i) the enforcement of federal, provincial or Huu-ay-aht laws in relation to fisheries, wildlife, migratory birds, federal protected areas and provincial protected areas,
 - (ii) Huu-ay-aht fish allocations of other fish species or aquatic plants,
 - (iii) consultations by either or both of those governments with, and advice to them by, the Huu-ay-aht government on matters affecting Huu-ay-aht in relation to a federal protected area or provincial protected area that is in or partly in Huu-ay-aht territory,
 - (iv) developing cooperative working relationships in relation to fisheries and wildlife management,
 - (v) developing cooperative working relationships in relation to co-management of provincial protected areas wholly or partially within Huu-ay-aht territory, and (vi) harvesting, conserving and managing wildlife and migratory birds,
 - (d) with British Columbia in relation to
 - (i) Huu-ay-aht contributions to any provincial fund dedicated to
 - (A) conservation of fish, wildlife and migratory birds, or
 - (B) habitat protection, or
 - (ii) the development of cooperative working relationships in Huu-ay-aht territory,
 - (e) with Canada in relation to access to migratory birds and their conservation and harvesting by Huu-ay-aht treaty participants on land owned or in use by a federal department or agency.
- (2) An agreement negotiated under subsection (1) must be ratified by the Legislature for it to be a valid and binding agreement on the Huu-ay-aht.

Agreements with First Nations

- 37** (1) The Executive Council may, in consultation with the Ha'wiih Advisory Council, negotiate agreements that are necessary or advisable with First Nations, other than another Maa-nulth First Nation, or other aboriginal people
- (a) in relation to
 - (i) harvesting fish or aquatic plants in the domestic fishing area,
 - (ii) the harvesting of wildlife in the wildlife harvest area under the right to harvest wildlife by the members of that First Nation or other aboriginal people in accordance with a wildlife sharing agreement,
 - (iii) the harvesting, conservation and management of fish, wildlife, migratory birds, renewable resources, plants and the boughs, burls and roots of timber, or
 - (iv) a Huu-ay-aht allocation of a designated wildlife species or of a designated migratory bird population, or
 - (b) for the purposes of managing habitat critical for the conservation of fish, wildlife, migratory birds, threatened and endangered species.

- (2) An agreement negotiated under subsection (1) must be ratified by the Legislature for it to be a valid and binding agreement on the HUU-AY-AHT.

Request for species designation

- 38** The Executive Council may
- (a) request a review by the minister of the HUU-AY-AHT allocation of a designated species identified by the Executive Council in making the request,
 - (b) request that any species of wildlife or migratory bird be designated under the Treaty, and
 - (c) propose any HUU-AY-AHT allocation of a designated wildlife species or designated migratory bird population.

Treaty harvesting rights outside HUU-AY-AHT Territory

- 39** (1) The Executive Council may negotiate protocol agreements with neighbouring MAA-NULTH First Nations regarding the allocation of wildlife harvesting opportunities for HUU-AY-AHT treaty participants in locations outside of HUU-AY-AHT territory so that HUU-AY-AHT treaty participants may exercise the HUU-AY-AHT right to harvest wildlife in those locations.
- (2) A protocol agreement negotiated under subsection (1) must be ratified by the Legislature for it to be a valid and binding agreement on the HUU-AY-AHT.

PART 7 – JOINT MANAGEMENT

Representation on joint fisheries committee

- 40** (1) The Executive Council must, by resolution, appoint one individual to act as the HUU-AY-AHT representative on the joint fisheries committee.
- (2) The Executive Council may assign additional individuals to participate in meetings of the joint fisheries committee in order to support or assist the HUU-AY-AHT representative to the joint fisheries committee.
- (3) The Executive Council may, by resolution, appoint an alternate HUU-AY-AHT treaty participant to represent the HUU-AY-AHT on the joint fisheries committee if the HUU-AY-AHT representative appointed under subsection (1) is unable to attend a meeting of the joint fisheries committee.
- (4) Any HUU-AY-AHT representative to the joint fisheries committee must represent the HUU-AY-AHT in accordance with the direction of the Executive Council.

Representation on wildlife council

- 41** (1) The Executive Council must, by resolution, appoint one representative to act as the HUU-AY-AHT representative on the wildlife council.
- (2) The Executive Council may assign additional individuals to participate in meetings of the wildlife council in order to support or assist the HUU-AY-AHT representative to the wildlife council.
- (3) The Executive Council may, by resolution, appoint an alternate HUU-AY-AHT treaty participant to represent the HUU-AY-AHT on the wildlife council if the HUU-AY-AHT representative appointed under subsection (1) is unable to attend a meeting of the wildlife council.

- (4) Any Huu-ay-aht representative to the wildlife council must represent the Huu-ay-aht in accordance with the direction of the Executive Council.

Fish harvest plans

- 42** Each year, before the date specified in the Maa-nulth fisheries operational guidelines, the director must prepare for approval and adoption by the Executive Council recommendations with respect to those matters contemplated in 10.4.29 of Chapter 10 Fisheries of the Treaty to be made on behalf of the Huu-ay-aht to be included in the annual fishing plan for harvesting carried out by designated Huu-ay-aht individuals under the right to harvest fish and aquatic plants.

Wildlife harvest plans

- 43** Each year, before the prescribed date, the director must prepare for approval and adoption by the Executive Council recommendations in relation to those matters contemplated in 11.9.2 and 11.9.3 of Chapter 11 Wildlife of the Treaty to be made on behalf of the Huu-ay-aht to be included in the wildlife harvest plan for harvesting under the right to harvest wildlife.

Delivery of harvest plans

- 44** By the prescribed date, the director must forward
- (a) the recommendations on behalf of the Huu-ay-aht to be included in the proposed annual fishing plan contemplated in section 42, adopted by the Executive Council, to the Maa-nulth Fisheries Committee, and
 - (b) the proposed wildlife harvest plan contemplated in section 43, adopted by the Executive Council, to the wildlife council.

Federal and provincial protected area gathering and management plans

- 45** If the minister requests a federal protected area management plan under 23.6.6 of Chapter 23 Federal Protected Areas of the Treaty or the minister requests a gathering plan in accordance with 24.6.6 of Chapter 24 Provincial Protected Areas of the Treaty,
- (a) the director must prepare a draft plan according to the requirements of the Treaty for consideration by Executive Council, and
 - (b) Executive Council must consider the plan prepared by the director and, if acceptable to Executive Council, approve the plan by resolution and forward that gathering plan to the minister for approval.

PART 8 – OFFENCES AND PENALTIES

Offences and penalties

- 46** (1) A person contravenes this Act if the person does any of the following:
- (a) obstructs a resource management officer in the discharge or performance of a duty or the exercise of a power or authority under this Act;
 - (b) fails or refuses to comply with
 - (i) an order made by the director under section 30, or
 - (ii) a condition of documentation issued under this Act;
 - (c) does not comply with sections 8, 9, 10, 11, 15, 18, 19, 20, 21, 22, 23, 24, 25 or 26.

- (2) A peace officer, the director or a resource management officer may issue one or both of the following to a person under subsection (1):
- (a) a compliance notice under Division 2 of Part 3 of the *Offence and Law Enforcement Act*;
 - (b) a ticket under Division 3 of Part 3 of the *Offence and Law Enforcement Act*.

Offences created by regulation

- 47** (1) Executive Council may, by regulation,
- (a) provide for the issuance of compliance notices or tickets or both for any contraventions of this Act or regulations under this Act, and
 - (b) designate any offence under this Act or a regulation under this Act.
- (2) If the maximum fine prescribed under a regulation referred to in subsection (1) is less than that provided by a provision of this Act, then the regulation prevails.

Repeat contraventions

- 48** The maximum fine to which a person is liable on a second or subsequent contravention or conviction for the same or continuing offence is double the amount set out in section 46 or otherwise prescribed.

Right of review

- 49** Without restricting the right to bring an appeal under Part 3 of the *Tribunal Act* from an administrative decision made under this Act, a person whose application under section 13 for Huu-ay-aht harvesting documentation is refused by the director or whose documentation is suspended or revoked under section 16 by the director may appeal to the Huu-ay-aht Tribunal under Part 3 of the *Tribunal Act*.

PART 9 – GENERAL PROVISIONS

Power to make regulations

- 50** (1) The Executive Council may make regulations it considers necessary or advisable for purposes under this Act.
- (2) For certainty, the powers of the Executive Council under subsection (1) include the power to make regulations
- (a) for any purpose in relation to which regulations are provided for in this Act,
 - (b) prescribing any matter or thing referred to in this Act as prescribed or to be prescribed,
 - (c) respecting the form and content of applications, notices and reports that are required or permitted under this Act,
 - (d) defining words and expressions that are used but not defined in this Act, and
 - (e) generally for the purpose of giving effect to this Act.
- (3) For certainty, the powers of the Executive Council under subsection (1) also include the power to make regulations as follows:
- (a) respecting Huu-ay-aht harvesting documentation and Huu-ay-aht commercial fishing documentation, including regulations
 - (i) prescribing fees for applications for harvesting documentation or

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- Huu- ay-aht commercial fishing documentation or for their issuance,
- (ii) respecting the form and content of
 - (A) applications for harvesting documentation and Huu-ay-aht commercial fishing documentation, and
 - (B) harvesting documentation and Huu-ay-aht commercial fishing documentation,
 - (iii) requiring applicants for harvesting documentation and Huu-ay-aht commercial fishing documentation to provide, at the time of application or before issuance of them, specified information or documentation pertaining to them,
 - (iv) prescribing conditions and restrictions applicable in respect of harvesting documentation and Huu-ay-aht commercial fishing documentation,
 - (v) specifying the terms of harvesting documentation and Huu-ay-aht commercial fishing documentation,
 - (vi) respecting the suspension of harvesting documentation and Huu-ay-aht commercial fishing documentation,
 - (vii) prescribing the procedure for suspending harvesting documentation and Huu-ay-aht commercial fishing documentation and the effect of suspensions,
 - (viii) respecting the issuance of Huu-ay-aht fishing documentation to persons who are not Huu-ay-aht treaty participants, and
 - (ix) respecting the amendment or correction of harvesting documentation or Huu-ay-aht commercial fishing documentation;
- (b) prescribing requirements respecting the methods, timing and locations of
- (i) harvesting in Huu-ay-aht fisheries, and
 - (ii) harvesting of wildlife and migratory birds;
- (c) delegating to the director the discretion to vary the requirements prescribed under paragraph (b) to suit the circumstances of a particular case;
- (d) respecting the distribution among Huu-ay-aht treaty participants of
- (i) fish and aquatic plants harvested under the right to harvest fish and aquatic plants or under the Maa-nulth Harvest Agreement or any other Huu-ay-aht commercial fishing licence, and
 - (ii) wildlife harvested under the right to harvest wildlife;
- (e) the designation of individuals and vessels to harvest
- (i) fish and aquatic plants under the right to harvest fish and aquatic plants or under the Maa-nulth Harvest Agreement, or
 - (ii) wildlife under the right to harvest wildlife;
- (f) the designation of individuals to harvest fish and aquatic plants under
- (i) Huu-ay-aht fishing documentation, or
 - (ii) Maa-nulth harvest documents
- that is issued to the Huu-ay-aht by the minister;
- (g) respecting the documenting of
- (i) individuals and vessels designated by the Huu-ay-aht to harvest fish

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- and aquatic plants under the right to harvest fish and aquatic plants, and
- (ii) Huu-ay-aht treaty participants designated by the Huu-ay-aht to harvest wildlife under the right to harvest wildlife;
- (h) respecting the management of wildlife habitat on Huu-ay-aht lands;
 - (i) respecting how wildlife, including wildlife parts, harvested under the right to harvest wildlife, may be
 - (i) identified as to type, and
 - (ii) transported by a person who is not a Huu-ay-aht treaty participant;
 - (j) respecting
 - (i) the trade or barter of fish, aquatic plants, wildlife, migratory birds, renewable resources, plants and the boughs, burls and roots of timber, and
 - (ii) their identification and the identification of their parts;
 - (k) respecting the sale of
 - (i) fish and aquatic plants harvested under Huu-ay-aht commercial fishing documentation, and
 - (ii) harvested wildlife and migratory birds;
 - (l) respecting the registration of fishing vessels that may be used for harvesting, for the purposes of sale, in Huu-ay-aht fisheries including regulations
 - (i) prescribing fees for registration applications or for the registration of vessels,
 - (ii) respecting the form and content of
 - (A) registration applications, and
 - (B) registrations under this Act,
 - (iii) requiring applicants for registration to provide, at the time of application or before the registrations applied for, specified information or documentation pertaining to the registrations,
 - (iv) prescribing conditions and restrictions applicable in respect of registrations,
 - (v) specifying terms and conditions of registrations,
 - (vi) respecting suspension of registrations,
 - (vii) the procedure for suspending registrations under this Act,
 - (viii) the effect of suspensions, amendment or correction of registrations,
 - (ix) the identification of registered fishing vessels, and
 - (x) the change of ownership of a registered fishing vessel;
 - (m) specifying the type of fishing gear and identification of fishing gear that may be used for harvesting in Huu-ay-aht fisheries;
 - (n) respecting the dumping and wasting of fish;
 - (o) respecting the release of incidental catch;
 - (p) respecting the cleaning of fishing gear and authority to permit the cleaning of fishing gear;

- (q) respecting the carrying out of inspections and examinations of harvesting activities;
- (r) respecting the alteration of aquatic habitat and activities conducted in aquatic habitat;
- (s) prescribing landing and reporting requirements for harvesting fish and requirements related to the identification of harvested fish;
- (t) respecting the designation of landing sites for fish harvested under authority of this Act and permitting the director to make those designations;
- (u) respecting the exchange of regalia or traditional or artistic objects, made from plants and the boughs, burls and roots of timber, harvested under the right to harvest renewable resources or right to gather plants;
- (v) the taxation of, or levies associated with, the sale of fish harvested in HUU-ay-aht fisheries.

No further effect

- 51** Unless otherwise specified in the Treaty or a HUU-ay-aht Act, all motions, resolutions, bylaws, directives, policies, guidelines or other forms of decision that directly or indirectly affect the subject matter of this Act which were approved or passed before Effective Date by the band council of the HUU-ay-aht under the *Indian Act* or the membership of the HUU-ay-aht Indian Band have no further effect after the date on which this Act comes into force.

Commencement

- 52** This Act comes into force on the date of its enactment by the Legislature.