

**ISLAND CORRIDOR FOUNDATION
DECLARATION ON
ABORIGINAL RIGHTS AND TITLE ALONG THE RAIL CORRIDOR**

The Island Corridor Foundation (ICF) is a constructive partnership between the First Nations and Regional Districts whose territories and areas encompass the length of the Corridor and the Foundation holds the lands for all members of First Nations and citizens of Vancouver Island for their collective benefit. This corridor runs from Victoria to Courtenay and Parksville to Port Alberni. (hereinafter referred to as the Corridor).

The ICF has been a strong collaboration between First Nations and Regional Districts from its inception and was driven by First Nations and Local Governments alike in order to preserve the Corridor from being sold and rail being discontinued on Vancouver Island.

The ICF recognizes and acknowledges the aboriginal title and rights of First Nations along the corridor in which the ICF holds a fee simple interest and strongly urges the governments of Canada and BC to justly and equitably settle with the affected First Nations with respect to that title.

The courts within Canada in cases such as Delgamuukw and Tsilhqot'in have recognized that aboriginal title exists within BC. The ICF acknowledges that aboriginal title issues must be resolved with the appropriate governments and any remedies with respect to the ICF corridor lies with those governments.

The ICF recognizes that in 1884 by way of land grant, the Governments of Canada and British Columbia gave the lands within the Corridor to the E & N Railway for the purposes of building the railway on Vancouver Island. This action privatized these lands without any consideration of aboriginal title of First Nations. These lands were sold to the Canadian Pacific Railway (CPR) in 1905 and CPR in 1999 sold the line from Parksville to Port Alberni to Rail America. In 2006, CPR and Rail America donated the Corridor to the ICF.

The ICF recognizes that the history of the lands within the Corridor has had a very negative and long lasting effect upon the First Nations whose territories were impacted.

At the invitation of First Nations, ICF commits to those First Nations that they will work proactively with First Nations and governments to assist in finding appropriate remedies and settlements that will facilitate a timely and fair resolution to the issue of aboriginal title along the Corridor.

The ICF acknowledges that the First Nations who are involved in and are a part of ICF have done so in order to transform a negative past into a positive future for their communities and derive opportunities and benefits from the partnership. ICF and First Nations also recognize that by being a part of the ICF they are full partners in the management and development of the Corridor that the ICF holds on their behalf and other residents of Vancouver Island.

The Island Corridor Foundation declares that the First Nations who are a part of and working with the ICF, do so without prejudice to their aboriginal title, rights and other interests to these lands.

The ICF shall continue to work with First Nations along the Corridor to find solutions to any impacts to the rights and interests of First Nation and work to minimize any negative affects in relation to the operations of the rail and other initiatives within the corridor.

The ICF was formed as a full partnership with First Nations and commits to always work with First Nations as full partners and that all the efforts of the Foundation shall be to bring to bring economic, social, cultural, environmental benefits to all.

Upon the request of a specific First Nation whose territory encompasses the corridor, the ICF will draw up a Relationship Protocol that sets out the relationship with the First Nation, reaffirms this declaration, and sets up processes to deal with specific interests of the First Nation with respect to the use of the corridor.

The ICF will work with the First Nations territories and will not be involved in any territorial disputes but will honour any boundary agreements set out by the Nations themselves.

SIGNED BY THE DIRECTORS OF THE ISLAND CORRIDOR FOUNDATION TO STRENGTHEN, PROMOTE AND ENCOURAGE POSITIVE RELATIONSHIPS AND UNDERSTANDING WITH FIRST NATIONS ALONG THE CORRIDOR

Dated: May 2010