



THE FIRST NATIONS OF MAA-NULTH TREATY SOCIETY

Huu-ay-aht First Nation | Ka:'yu:'k't'h'/Chek'tles7et'h' First Nations

Toquaht Nation | Uchucklesaht Tribe | Ucluelet First Nation



LANDS – Our Past

- Maa-nulth First Nations occupied the lands and waters of our traditional territories (Ha-houlthee) since time immemorial
- Hereditary Chiefs (Ha-wiih) were the caretakers for the lands, waters and resources of their Ha-houlthee; worked on advice from numerous “specialists”



LANDS – Our Past

- Our complex system of government sustained us for thousands of years
- The Ha-houlthee of each Maa-nulth First Nation is recognized and shown on maps as part of the Treaty
- The Treaty identifies the rights we have throughout our entire Ha-houlthee



LANDS – Our Present Situation

- Our small allocations of Indian Reserve Lands are governed entirely by the *Indian Act*
- Reserves are owned by Her Majesty the Queen (not us!)
- We are entitled to “use and occupy” Reserve lands according to the rules of the *Indian Act*



LANDS – Our Present Situation

- Minister of Indian Affairs has the final say about everything to do with Reserve Lands
 - Housing, capital works
 - Leasing or permits
 - Timber, sand and gravel
 - Economic development (or lack thereof)
- *Indian Act* severely restricts how we can use our own land
- “Land management” by INAC is close to non-existent



Indian Reserves vs. Ha-houlthee

First Nation	Indian Reserves (hectares)	Ha-houlthee ("Maa-nulth Area")	Reserves as % of Ha-houlthee
Huu-ay-aht First Nations	1,077	78,550	1.4%
<u>Ka:'yu:'k't'h'</u> / <u>Che:k:tl̓es7et'h'</u> First Nations	379	149,208	0.27%
Toquaht Nation	196	38,223	0.005%
Uchucklesaht Tribe	233	48,599	0.005%
Ucluelet First Nation	199	45,176	0.004%
TOTAL	2,084	359,756	0.006%



LANDS – Treaty Negotiations

- Each First Nation selected a variety of lands throughout their Ha-houlthee for cultural, social or economic reasons and for strategic reasons such as commercial recreation opportunities, representativeness of Ha-houlthee, road access points, access to fisheries or resources
- These lands, many times the size of existing Reserve Lands, will become Treaty Lands owned by each Maa-nulth First Nation



LANDS – Treaty Negotiations

- Indian Reserve lands and the additional lands selected will become Treaty Lands owned in “fee-simple” by each Maa-nulth First Nation
- Treaty Lands will not be owned by the Crown
- The character of the “fee simple” interest in Maa-nulth Lands is different from fee simple ownership elsewhere in BC



LANDS – “Fee Simple **Plus**”

- The “fee simple” title in Treaty Lands differs from other fee simple in BC:
 - We have **law-making authority** and are the governing body over our own lands
 - We will **own the subsurface resources** under the land
 - **Expropriation is limited** and can only be done in accordance with the treaty; expropriated lands must be replaced and/or compensated
 - Treaty Lands and Maa-nulth rights to land are **protected by the section 35 of the Canadian Constitution**



LANDS – “Treaty Lands”

- The “fee simple” title in Treaty Lands is protected in our own Constitution
- Membership must approve of any alienation of land
- We will have the ability to raise title in the provincial system which will add value to lands and will enhance the ability to raise capital



OUR FUTURE - Governing our lands again

	Under the Indian Act	Under Treaty
Land Ownership	Queen owns land	Maa-nulth own land – “fee simple plus”
Land Registration	INAC	Ability to raise title in BC system
Expropriation	Yes	Limited expropriation
Sub Surface Ownership	None	Yes
Land Management	None	Yes
Law Making	None	Yes
Economic Development	Limited	Yes
Protection of Land Base	None	Certainty in Constitution
Submerged Lands	None	Say in protection
Watershed Lands	None	Say in protection



LANDS – “Pre-approved additions”

- Each First Nation has also identified “pre-approved” parcels of lands
- If purchased within a 15-year period, these automatically become Treaty Lands with no further approval or negotiation is required
- First Nations can purchase other lands and apply to have them added to Treaty Lands in future if desired



Treaty Lands

First Nation	Indian Reserves (hectares)	Add'l Lands (hectares)	Treaty Lands (hectares) X larger than IR	“Pre-Approved Additions” (hectares)	Total Potential Treaty Lands (hectares) x larger than IR
Huu-ay-aht First Nations	1,077	7,181	8,258 7.7 times	2,296	10,544 9.8 times
Ka:'yu:'k't'h'/Che:k:tl es7et'h'	379	5,920	6,299 16.6 times	252	6,551 17.3 times
Toquaht Nation	196	1,293	1,489 7.6 times	721	2,210 11.3 times
Uchucklesaht Tribe	233	2,834	3,067 13.2 times	448	3,515 15.1 times
Ucluelet First Nation	199	5,147	5,346 26.9 times	216	5,562 27.9 times
TOTAL	2,084	22,375	24,459 11.7 times	3,933	28,382 13.6 times



Role in our Traditional Territories

- Chapter 6 of the Treaty (“Role Outside Treaty Lands”) identifies our continued role throughout our entire ha-houlthee including:
 - Economic
 - Governance
 - Cultural



Role in our Traditional Territories

- Economic:
 - Participate in/benefit from provincial benefits-sharing programs
 - Resource revenue payments
 - Commercial fishing opportunities
 - Commercial recreation tenures
 - Shellfish aquaculture tenures
 - Ability to purchase additional lands and apply to add to Treaty Land



Role in our Traditional Territories

- Governance:
 - Control of foreshore areas fronting Treaty Lands
 - Seat on Regional District (each Nation)
 - Role in planning and management boards (e.g. fish, wildlife, provincial and federal parks, environmental assessments)
 - Adoption and child protection of Maa-nulth children resident in BC
 - Role in provision of K-12 education



Role in our Traditional Territories

- Cultural:

- Renewable resource harvesting: plants, wildlife, birds, fish, including in parks (and trade and barter)
- Protection of key historic/cultural sites and ability to apply names in our language to places and geographic features in our Ha-houlthee
- Agreements specific to each First Nation (e.g. Diana Island, Stopper Islands, T'iitsk'in Paawats, Power River Watershed)



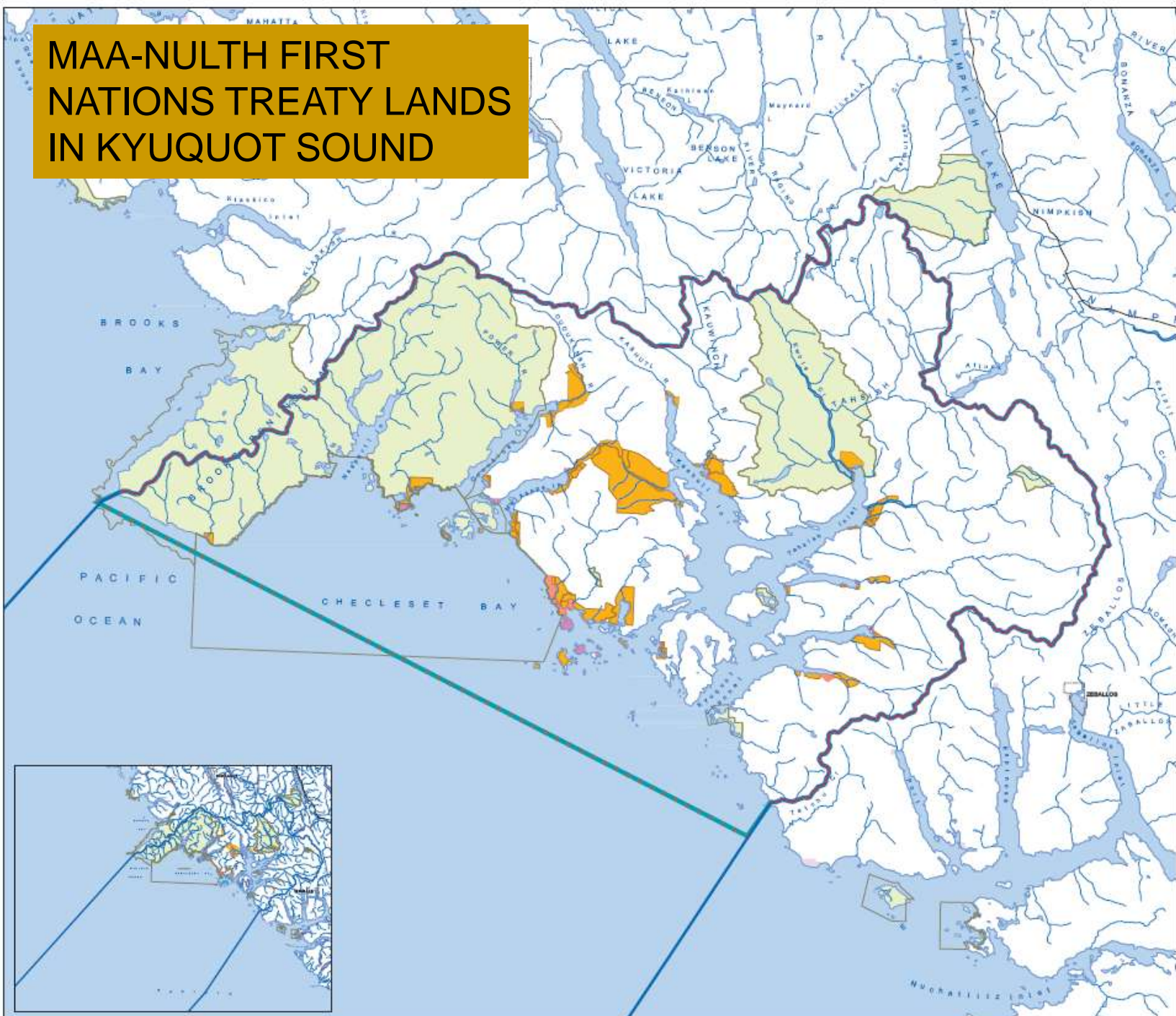
Role in our Traditional Territories

- Cultural – General:

- All Maa-nulth First Nations have assured long term supply of cedar and cypress in Ha-houlthee for domestic and cultural uses such as:
 - Regalia, clothing
 - Bark, branches, roots for artisan and cultural uses purposes
 - Canoes/poles, house posts, etc.
- Access is throughout all of Ha-houlthee of the First Nation's Ha'wiih

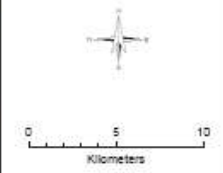


MAA-NULTH FIRST NATIONS TREATY LANDS IN KYUQUOT SOUND



- Legend**
- Maa-nulth First Nation Area - Kyuquot Sound
 - Maa-nulth First Nation Lands
 - Maa-nulth Indian Reserves that will become Treaty Settlement Lands
 - Maa-nulth Migratory Bird Harvest Area
 - Maa-nulth Wildlife Harvest Area
 - Maa-nulth Domestic Fishing Area
 - Potential Additions
 - Indian Reserves of Non-Maa-nulth First Nation
 - Protected Areas (Provincial)

ALL TREATY LANDS ARE DOCUMENTED FROM THE ANTIQUITY AND PRESENT USE AND SHOULD BE USED AS A GUIDE ONLY. THIS MAP IS NOT TO BE USED FOR OFFICIAL DOCUMENT PURPOSES OR FOR ANY OTHER LEGAL OR POLITICAL PURPOSES. CONTACT THE MAA-NULTH FIRST NATION FOR MORE INFORMATION. THIS MAP IS NOT TO BE USED FOR ILLUSTRATION PURPOSES ONLY.



OUR FUTURE – Lands Summary

- Exclusive ownership and control over Treaty Lands
- Participation in all of our territories
- Law-making authority in respect of Treaty Land:
 - Land management/protection of land base and subsurface resources
 - Environment and parks
 - Forestry and natural resources
 - Taxation
 - Culture as it relates to land



Getting Ready – transition period

- Between ratification (assume October 2007) and Effective Date (assume 2009 or 2010) each First Nation will need to prepare to take on and govern our own lands again
 - Land laws (land use and individual rights, tax, zoning, registration, expropriation etc)
 - Land management (land use planning, regulations and policies etc)
 - Land administration (surveys, maps, infrastructure, registry, tax system, etc)





Thank you

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