

Times Colonist article re HUU-ay-aht vote

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Island band poised to vote on treaty

Deal would hand more than 8,000 hectares of land to Bamfield-area First Nation

Judith Lavoie
Times Colonist

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A landmark vote to be held Saturday by the HUU-ay-aht First Nation could make the Bamfield-area band one of the B.C. Treaty Commission's first success stories.

The HUU-ay-aht is the first of five Maa-Nulth First Nations on the west coast of Vancouver Island to vote on a wide-ranging treaty that negotiators hope will bring economic prosperity, jobs and independence.

If the treaty is ratified, the HUU-ay-aht would get 8,258 hectares of land -- almost eight times the 1,077 hectares of reserve land they now have.

Altogether, the five bands would receive 24,459 hectares, some of it in Pacific Rim National Park -- that land would likely be jointly managed. Most of the land is provincial Crown property and includes areas around Ucluelet with major tourism potential.

The treaty includes \$62.6 million, from the provincial and federal governments, to be paid out over the next 10 years; lump-sum payments of \$46.1 million; program funding of \$9.5 million annually; \$11.1 million for special projects such as sewage treatment and purchase of commercial fishing licences; and about \$1.2 million annually from resource revenue sharing.

Hopes are running high that 351 registered HUU-ay-aht voters, from the 615-member band, will overwhelmingly approve the treaty, said Chief Robert Dennis. "This is a made-in-HUU-ay-aht treaty."

Chief negotiator Tom Happynook said he is "ecstatic" about the final agreement. "I can't wait until Sunday when we count the vote and sever our ties with the Indian Act, that archaic piece of legislation that ties our people up and doesn't allow them to do the things we need to do," he said. "This is going to produce a whole new way of life for our members."

The Treaty Commission has been in talks for 15 years, spending almost \$1 billion without a single finalized treaty to show for it. In March, the Lheidli T'enneh band near Prince George defeated a treaty that the commission expected to be its first success.

The Tsawwassen band votes today on whether to accept a \$120-million, 200-hectare treaty settlement. The Tsawwassen and HUU-ay-aht votes are seen as gauges of whether the process will ever work.

The four remaining Maa-Nulth bands -- the Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht Nation, Uchucklesaht Tribe and Ucluelet First Nation -- will vote on the treaty this fall.

All appear enthusiastic, but if one nation rejects the treaty, there are provisions for the other bands to continue on the treaty course, Happynook said.

The biggest hitch to the Maa-Nulth treaty could come this morning when a petition from the Tseshaht band, based in Port Alberni, goes to B.C. Supreme Court in Vancouver.

The Tseshaht want to delay Saturday's vote because of overlapping land claims around the Broken Islands Group, said Chief Les Sam.

The bands previously signed a protocol on overlapping claims and the Maa-Nulth is breaching that agreement, Sam said. "It gives them veto powers in some of our traditional territory," he said.

But Happynook said the vote will go ahead, despite the court challenge.

"They can't stop it now," he said.

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WHALE HUNT IN PACT

The controversial right to hunt whales is part of the Maa-Nulth treaty agreement. "We wanted to make sure our aboriginal right to hunt whales was not lost, but was captured in the treaty," Huu-ay-aht chief negotiator Tom Happynook said yesterday.

But the traditional right to hunt grey and sei whales will not be exercised for 25 years. During that time, the First Nation will receive funding to do whale research, he said.

"Once the money starts flowing for the research -- and it's not very much -- we will come up with a research plan," he said. "We'll maybe try and figure out why all the grey whales are dying from starvation."

Happynook, who is also a hereditary Nuu-chah-nulth whaling chief, supported the Makah nation of Washington state when it held whale hunts in 1998 and 1999.

The Makah and Nuu-chah-nulth have the same cultural roots and claim the right to hunt whales for food and spiritual reasons.

-- Judith Lavoie

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