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Mowachaht/Muchalaht First Nation

50 YEARS AND COUNTING

The Council of Chiefs for the Mowachaht/Muchalaht First Nation are tired of watching their natural resources trucked illegally across their reserve and are taking steps to end the unfair and discriminatory practice.

Ever since Highway 28 was built across Ahaminaquus Indian Reserve Number 12 over 50 years ago, it has been in trespass. The land has never been legally transferred to the Province and the First Nation has not been paid a cent for the use of the road.

The Mowachaht/Muchalaht First Nation ("MMFN") will begin restricting access to the portion of the highway that trespasses upon Ahaminaquus Indian Reserve Number 12. This act is in response to Western Forest Products Inc.'s ("WFP") continued and repeated trespass on MMFN IR # 12, and the Province's failure to fairly compensate MMFN for the ongoing trespass.

This section of Highway 28 is a road that crosses MMFN reserve #12 and it is used extensively by WFP to bring the fiber to the WFP log sort; and much of this fiber is offloaded onto barges destined for Asia.

MMFN has the right to control use and access to its reserve lands. The legal basis for this is section 18(1) of the *Indian Act*, which states that "reserves are held by Her Majesty for the **use and benefit** of the respective band for which they were set apart." Trespassing upon a reserve or part of a reserve is an offence under sections 30 and 31 of the *Indian Act*. Since MMFN never approved or consented to WFP's use of the road that cross MMFN's IR#12, WFP's continued use of the road constitutes an act of trespass.

MMFN has worked in good faith for some time to establish an agreement with Western Forest Products for the use of the road. However, WFP continues to avoid taking responsibility for its ongoing trespass. MMFN has seen no benefit and has received no compensation from WFP for this unauthorized use of the reserve lands at any time, and the road has been in trespass since the late 1960's.

Mowachaht/Muchalaht First Nation is a remote Indigenous community with little economic opportunity within its territory and is entitled to be compensated for the commercial exploitation of their lands. WFP is a corporate entity that achieves significant economic gains from its operations on MMFN territory and its continued trespass on lands reserved for MMFN.

Chief Mike Maquinna says, of the present situation:

"Imagine that you had a multi-national company trespass with impunity across your lands, without ever having a license to do so, in furtherance of its own enrichment, and with no benefit to you. This is the reality MMFN lives every day.

As one of the Hereditary Chiefs of our Nation I have always wanted our people to be successful, have good lives and provide for their families. The Chiefs' responsibility includes managing the resources within our Traditional Territory and to ensure our jurisdiction over our reserve lands is respected.

It is disheartening that Western Forest Products has logged within our Traditional Territory for so many years without recognizing that we are the keepers of our land. It is with a heavy heart that our Nation feels it must act to ensure that if WFP wants to continue to go through our communities with logs then they must fairly compensate us. If not, their use of our reserves constitutes trespass and we will not allow this.

MMFN wants all users and visitors in its territory to understand that this highway remains an illegal crossing, and until the situation is resolved, asks that no further commercial activity take place across IR 12.

Respectfully,
The Council of Chiefs
Mowachaht/Muchalaht First Nation

For further information please contact Dorothy Hunt, Lands Manager
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