

# **GWAXDLALA/NALAXDLALA (LULL BAY/HOEYA SOUND) IPCA DECLARATION OF THE MAMALILIKULLA FIRST NATION**

## **BACKGROUND**

**From: Mamalilikulla First Nation**

**Date: November 29, 2021**

On November 29th, 2021 the Mamalilikulla First Nation publicly released a Declaration of the Gwaxdlala/Nalaxdlala<sup>1</sup> (Lull Bay/Hoeya Sound) area of Knight Inlet, British Columbia as an Indigenous Protected and Conserved Area (*see map below*).

The Mamalilikulla First Nation holds Aboriginal rights and title over the lands, seas (including seabed) and sky of the IPCA, which is part of its core territory. It has never ceded its rights and title to the provincial or federal governments. The Nation's origin stories and more recent written records include many references to this area and its history of occupation and use.

### **IPCA:**

The 10,416 hectare IPCA includes all three original Mamalilikulla settlements on written record for the Lull/Hoeya area. It includes Indian Reserve proposals that were originally rejected by the 1914-18 McKenna-McBride Commission for lands along the shore of Knight Inlet, and along each side of the Lull River. The Nation continues to participate in legal discussions and processes associated with the rejection of its reserve proposals by the Commission at that time.

### **Marine Component:**

Significant features of the 2,123 hectare IPCA marine area include the Hoeya Sill, an ecosystem of very high biodiversity, containing shallow sponges, corals and rare and endangered species that are particularly sensitive to bottom-contact activities. The marine area also includes the Lull and Hoeya estuaries, which are critical salmon rearing and holding areas, and significantly used by grizzly bears as key foraging habitat. The grizzly bear is a culturally significant animal in Mamalilikulla culture.

### **Watershed Component:**

The 8,293 hectare IPCA watershed area contains a mix of old growth and second growth coniferous forests, dominated by western hemlock, yellow cedar and mountain hemlock species. Eighty-six percent of the watersheds are considered "productive forests" for management purposes. Significant logging activity, including the development of road networks, occurred over the past half-century, most being concentrated in the productive valley bottoms. The watersheds are important to fish, mammals and birds, including Marbled Murrelet, Northern Goshawk, grizzly and black bear. They contain important fish bearing streams that provide habitat and spawning areas for chum, coho and pink salmon. The steep

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<sup>1</sup> Pronounced " Gwat-ch-dala-lah / Nah-latch-dala-lah

sloping watersheds have high landslide hazard and require careful management of human activities, such as logging and road building.

**Traditional Occupation and Use:**

Both marine shoreline and watershed areas include many recorded sites of significance to the Nation's history of occupation and use, including village sites, fish traps, shell middens, petroglyphs and the presence of culturally modified trees. There is high potential for discovery of additional sites. The IPCA Declaration reflects the intent of the Mamalilikulla to increase the protection of these cultural sites from human disturbance and desecration.

**Tenures and Management Activities:**

Several provincial Crown tenures exist in the IPCA, including those for log handling, heli-log drops, commercial recreation, commercial trapping, and federal Crown-regulated fisheries. The area continues to be used for traditional harvesting of plants, animals and fish. The watersheds are being managed under the Great Bear Rainforest South Timber Supply Area (TSA), in which most of the timber harvesting rights are uncharted, meaning that the land base is not tied to a specific forest tenure holder. The Nation currently holds a small volume-based tenure, and small chart areas are assigned to BC Timber Sales and Interfor. About 88% of the land is now off limits to logging, due to the implementation of the "landscape reserve" conservation tool being used to help meet biodiversity targets in the Great Bear Rainforest Land Use Order.

The Nation has been actively acquiring the rights to foreshore log handling tenures for a variety of possible uses. It has been participating in forest planning activities under the GBR Order, and has made considerable investment in ongoing resource inventory and monitoring programs for streams, fish, grizzly bear, habitat conditions, culturally important plants, archaeological sites and traditional foods.

The Mamalilikulla First Nation has developed management plans for both the marine and the watershed portions of the IPCA, outlining specific management zones, acceptable and non-acceptable uses, and broader management objectives and strategies to achieve the Nation's long-term vision. The intent is for these plans to be used to accelerate joint, collaborative planning with Canada and BC. Plans include an immediate focus on landscape restoration zones, as well as withholding support for forest harvesting for five years while the Nation develops a long-term management strategy.

**Co-Governance:**

The Mamalilikulla First Nation intends to take a significant role in protecting, conserving and sustainably managing its IPCA by applying its laws, governance and knowledge systems under a co-governance arrangement with Canada and BC. The Nation's laws and systems are based on the ancient concept of Aweenak'ola, which predates colonization but reflects the modern concepts of balance, sustainable use and harvesting, as well as ongoing planning and stewardship, monitoring, and adaptive management.

A co-governance approach requires an agreement with Canada and BC for a “structured decision-making process” with mechanisms for joint, consensus decision-making on planning, managing, monitoring and enforcement activities in the IPCA as well as securing and managing long term sustainable funding. The structured approach respects existing authority of Crown statutory decision makers but obligates them to provide rationale in the event that consensus recommendations and decisions of a joint management board are not accepted.

The Nation’s goals in co-governance are:

- Protecting, restoring and maintaining unique habitat and culturally significant species;
- Protecting, restoring and maintaining the Nation’s cultural connection to the land, sea and sky;
- Providing ecosystem management-based economic opportunities for long-term community benefit;
- Protecting and maintaining the Nation’s food security;
- Protecting important archaeological and cultural sites; and
- Incorporating integrated, holistic approaches in IPCA planning and management.

**UNDRIP and Reconciliation:**

The IPCA Declaration is a constructive challenge to Canada and BC to advance reconciliation efforts with the Mamalilikulla, and to honour and action their commitments to the United Nations Declaration on the Rights of Indigenous Peoples. It is an invitation to accelerate development of a co-governance agreement for the marine area in the Marine Protected Areas Network process, and to commence negotiations on a co-governance agreement for the Gwaxdlala/Nalaxdlala (Lull and Hoeya) watersheds.

The declaration of the IPCA is also intended to expedite measures by Canada to provide immediate interim protection for marine species and habitat, such as those at Hoeya Sill.

**For further Information:**

<https://mamalilikulla.ca/>

<https://nanwakolas.com/>

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