



Matachewan First Nation Treaty Land Entitlement Update

Greetings to all Matachewan First Nation members from your Treaty Land Entitlement (TLE) negotiating team. It has been approximately one year since our last newsletter and we wanted to update the membership on where things stand.

First and foremost, with the recent election, the team has changed. This Chief and Council – Chief Elenore Hendrix, and Councillors Gail Brubacher, David Flood, Jean Lemieux, Real Boucher, Richard Wincikaby, and Leahan Parrot - have decided that all members will participate when and where possible and thus far a majority of council has attended the session recently held in Ottawa. Shawn Batise, Executive Director of the Wabun Tribal Council and Kim Fullerton, legal counsel, remain on the negotiation team.

The most recent addition to the team is Dr. Carl Beal, an economist who was a Professor of Indigenous Studies at the First Nations of Canada at the University of Regina joined the team late last year. Dr. Beal has been hired to provide advice and analysis on the "loss of use" provision in the claim. He has worked on a number of claims across Canada and his experience will be invaluable in ensuring Matachewan First Nation receives the financial compensation it deserves for the loss of use of the lands it was entitled to upon the signing of Treaty 9.

This provides a good introduction to the next topic. Realizing that it has been a year since our last newsletter, we want to review briefly what a TLE claim is and particularly what Matachewan First Nation's claim involves.

A Treaty Land Entitlement Claim

The Matachewan First Nation has a historic land claim that has been accepted by Canada and Ontario for negotiations. The treaty land entitlement (TLE) claim concerns the size of the reserve: how big it should have been when our ancestors signed the James Bay Treaty (Treaty 9) in 1906.

The claim was under research by Nishnawbe Aski Nation (NAN) over the last decade, along with other Treaty Nine First Nation TLEs. The Matachewan TLE was submitted to Canada and Ontario in 2008. Following the review of the claim by the Specific Claims Branch of Aboriginal Affairs, Canada and further discussions with NAN, the claim was formally accepted for negotiation by Canada in August 2011 and Ontario in July of 2012. Canada and Ontario have accepted to negotiate a shortfall of 5.74 square miles of land (3,676 acres) for the Matachewan First Nation (MFN). This calculation is based on the inclusion of certain categories of people on the MFNs payroll after treaty was made. Canada also agrees to provide monetary compensation for the loss of use of this land since 1906 to the present. Ontario will provide the land that makes up the shortfall, which Canada will then turn into reserve lands.

What is a Treaty Land entitlement Claim?

The James Bay Treaty signed by our ancestors on June 20, 1906 provided for reserves to be set aside for each First Nation according to a formula of certain number of people to an area of land:

"And his Majesty the King hereby agrees and undertakes to lay aside reserves for each band, the same to not exceed in all one square mile for each family of five, or in that proportion for larger or smaller families, and the location of the said reserves having been arranged between His Majesty's commissioners and the chiefs and headmen, as described in the schedule of reserves herelo attached, the boundaries thereof to be hereafter surveyed and defined, the said reserves when confirmed shall be held and administered by His Majesty for the benefit of the Indians free of all claims, liens or trusts by Ontario."

The Treaty 9 reserve formula is as described in the treaty: 1 square mile for five people or 128 acres a person (there are 640 acres in a square mile). In 1906, commissioners had determined that Matachewan First Nation had 80 members, yielding a reserve the size we have today – 16 square miles.

A TLE claim arises when members were missed and not counted when determining the size of the reserve. The number of members missed determines the size of the shortfall. The shortfall is the number of acres of reserve land that the First Nation is owed today. Following the review of the research undertaken by NAN, Canada and Ontario determined that there was a shortfall in the count of members of Matachewan totalling 29 individuals and offered to negotiate on that basis. This means using the calculation above MFN is entitled to a further 5.74 square miles.

Negotiations to Date

At the writing of the last newsletter Ontario had still not accepted MFN's claim for negotiation. In July of 2012 Ontario finally agreed to accept the claim on the same basis as Canada – a shortfall of 29 individuals.

Since the last newsletter the negotiation team met once with only Canada (because it was prior to Ontario's acceptance) and four times with both governments. We have also held three community information sessions in Matachewan First Nation.

The primary discussions with Canada at the negotiation table have been around the way in which we will determine loss of use for the lands that we should have had since 1906. We want to ensure we select the best possible method that will provide the financial settlement we are entitled to. Essentially there are two or three models and Canada and MFN must agree on which model we will use. We have also had discussions about land selection and what Canada's parameters might be around converting those lands to reserve lands.

The primary discussions with Ontario have been about land selection for the addition of lands to the reserve. What the parameters are, where they might be, what can be set aside as we negotiate, among other issues.

As most of you know most of the lands around our reserve have been taken up for various reasons – forestry, mining, exploration, tourism, etc. Most of these land tenures can be removed fairly easily with the exception of mining claims. For that reason we are limited in our selection of what is unencumbered lands. Furthermore, to ensure lands continue to be available Ontario's policy is to withdraw an area approximately 25% more than what we are entitled to, which amounts to approximately seven square miles.

In our community sessions direction was sought on withdrawals from those present using some of the parameters and restrictions set out by the government. The preferred direction was to withdraw all lands within an 80km radius of the reserve. The second option was five blocks of land comprising the following: An area of approximately seven square miles adjacent to the northeast corner of the reserve taking in Separation Lake; a

of holding information sessions in areas where we have a significant number of members residing.

Should you not be able to attend the community information session and have questions or concerns you can contact your Chief and Council at the MFN administrative office (705) 565-2230 or Shawn Batise at the Wabun Tribal Council office (705) 268-9066.

Keep In Touch

A ratification vote by all members 18 years of age or older will be required to settle this claim. Mail in voting will be included. The vote will probably take place in about 2 years, but we want to make sure every member has the opportunity to vote so please make sure that we have your address and phone number on file and that you notify us when you move!