



Natural Resources Referrals Procedure Policy

Amended March 2018

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Purpose of this Procedure

A procedure for assessing Referrals for activities on Maiyoo Keyoh territory that may have an impact on the Aboriginal Title and Rights of the Maiyoo Keyoh or Maiyoo Keyoh members.

Definitions

“Activity” means legislation, regulation, policy, procedure, plan, tenure, grant, license permit, restriction, amendment, approval, authorization, transfer, transaction, operation, development or other activity or proposed activity which may have an impact on the Aboriginal title and rights of Maiyoo Keyoh or Maiyoo Keyoh members;

“Application” means the Crown, Maiyoo Keyoh or a Third Party proposing an Activity within the Maiyoo Keyoh Territory that is subject to an Application;

“Keyoh” means (1) an ancestral village/territory occupied and utilized exclusively by a snadnake of Dakelhne in central British Columbia, (2) the snadnake having exclusive occupancy and use of their village/territory and (3) any other indigenous group with interests asserting title to a traditional territory.

“Keyoh Whuduchun” means the head of the snadnake, named by his or her predecessor, and holder of title to the keyoh, in trust for the snadnake with inherent title and authority to use, occupy, care for, manage and govern the keyoh according to the traditional customary laws of the Tsa Bunghun Dakelhne.

“Maiyoo Keyoh” means (1) the keyoh encompassing the west end of Tsa Bunghun to the lake’s outlet at Tsa Tizli (Great Beaver Creek) and north from Tsa Bunghun across Tsa Koh (Salmon River) to Lhez dulk’un, encompassing the lakes known as Dakelh Bun, Huda Bun, Wasi Bun, Nechunisboo, Khohkhe and Bus Nats’idsih and includes the ancestral villages of Susk’uz and Tsaisli and (2) the members of the snadnake of the Maiyoo Keyoh’s Keyoh Whuduchun. (See attached Map)

“Maiyoo Keyoh Society” means the legal entity which represents the interests of Maiyoo Keyoh and administers Maiyoo Keyoh affairs under the direction of the Keyohwhudachun.

“Proponent” means any individual, corporation, firm, municipality, regional district, industry, society or non-governmental organization carrying on, or proposing to carry on, an activity within the Maiyoo Keyoh Territory;

“Referral” means an Application received from an Applicant under this Procedure regarding an Activity within the Maiyoo Keyoh Territory;

“Referrals Officer” means the designated person to receive and manage referrals.

“Snadnake” means (1) my close relatives of my territory/village (Keyoh), and (2) descendants of the Maiyoo Keyoh Keyoh Whuduchun, and persons who reside with descendants of the current and the past Maiyoo Keyoh Keyoh Whuduchuns, who collectively and cooperatively care for, manage, harvest and distribute the resources of the keyoh.

“Snadnekoo” means distant relatives from other villages/territories (keyoh(s)).

“Tsa Bunghun Dakelhne” means the people who are snadnake originating from the villages/territory of Tsaisli and Susk’uz otherwise known as the Maiyoo Keyoh, and snadnekoo from the other villages/territories in the vicinity of Tsa Bunghun (Great Beaver Lake) including, but not limited to Adik’unla and Lhooz Lhainli.

Consultation

The Province is legally obligated to consult and accommodate Indigenous peoples, where required, on land and resource decisions that could impact their Aboriginal Interests.

While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, it may involve the proponent in the procedural aspects of consultation. Also, proponents are generally encouraged to engage with Indigenous peoples as early as possible in the planning stages to build relationships and for information sharing purposes that may support consultation processes.

Maiyoo Keyoh and the United Nations Declaration

In May 2016, the Minister of Indigenous and Northern Affairs [announced](#) Canada is now a full supporter, without qualification, of the declaration.

Article 26

- 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*
- 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*
- 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.*

Maiyoo Keyoh Aboriginal Title & Rights

As the Supreme Court of Canada ruled in *Delgamuukw vs British Columbia* (1997): “There is always the duty to consult.” It continued:

The minimum acceptable standard is consultation, this consultation must be in good faith, and with the intention of substantially addressing the concerns of the aboriginal people whose interests are at issue. In most cases, it will be significantly deeper than mere consultation.

The Maiyoo Keyoh is a hereditary Indigenous group of people. As a long standing hereditary community, we have a strong attachment to the land and its governance. We are a constitutional beneficiary under s. 35 of the Constitution Act 1982. We have very strong evidence and a very strong claim for Aboriginal title to our keyoh territory. We have always been and continue to be the keepers of the Indigenous traditions and governance over our keyoh territory.

Referring to those words in the *Delgamuukw* decision, the Supreme Court of Canada ruled in *Haida vs British Columbia* (2004) “These words apply as much to unresolved claims as to intrusions on settled claims.” And,

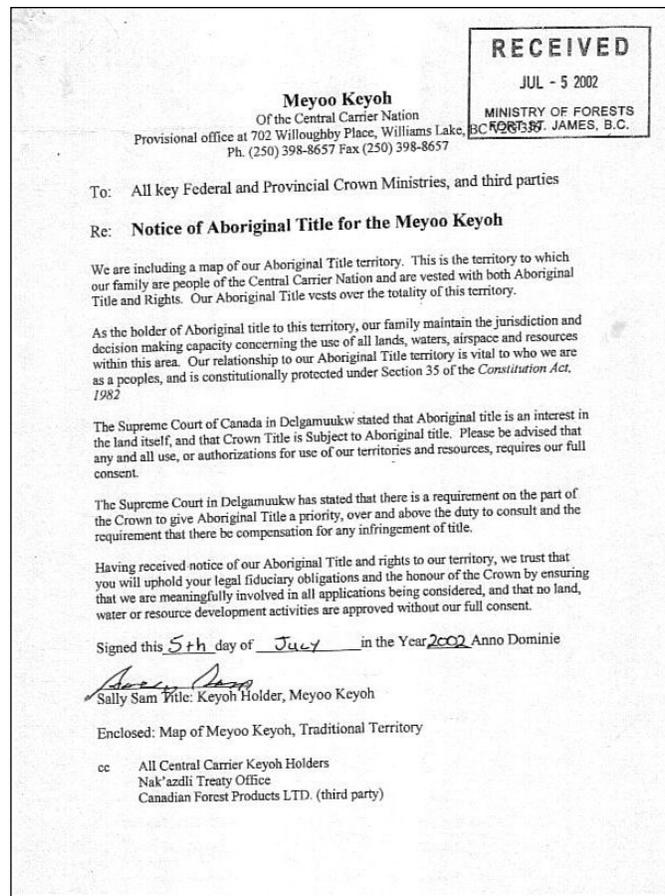
Where a strong *prima facie* case exists for the claim, and the consequences of the government’s proposed decision may adversely affect it in a significant way, addressing the Aboriginal concerns may require taking steps to avoid irreparable harm or to minimize the effects of infringement.

On July 5th, 2002, Chief Sally Sam, Keyoh Whuduchun (Keyoh Holder) of the Maiyoo Keyoh issued a notice of Aboriginal Title to the Province of British Columbia.

The courts continued to identify the duty of the Province to consult with us. In *Tsilhqot’in vs British Columbia* (2014) the Supreme Court ruled

Where the Crown has real or constructive knowledge of the potential or actual existence of Aboriginal title, and contemplates action that might adversely affect it, the Crown is obliged to consult with the group asserting Aboriginal title and, if appropriate, accommodate the Aboriginal right.

And again, in *Tsilhqot’in Nation vs British Columbia* (2014) the Supreme Court of Canada’s directed the Province to consult with any Aboriginal groups asserting title.



The Crown is required to consult in good faith with any Aboriginal groups asserting title to the land about proposed uses of the land and, if appropriate, accommodate the interests of such claimant groups.

Initiating a Referral

In order to initiate a referral, the crown or proponent must provide the Referrals Officer a written submission containing sufficient information for the referrals review process to fully consider the activity, which at a minimum contains:

1. the name, telephone number and address of the person making the Referral;
2. an overview map scale 1:250,000 and a site map scale 1:50,000 (hand drawn maps are not accepted);
3. mapping shp. files (shp, dbf, shx) of the entire proposed project (roads, clearing etc.);
4. a complete description of the Activity including a description of the land and resources involved and a description of the current and anticipated value of the Activity;
5. all reports, studies, assessments and background information relating to the activity including any with respect to archaeology* (PFR/AOA/AIA), ethnography*, traditional use*, or the environment*;
6. Crown - what steps they have taken to determine the impact on aboriginal title and aboriginal rights in the area where the activity will take place;
7. In addition to the information required under “initiating a referral”, where a third party has made a referral to the crown to carry out an activity, a copy of that referral must be submitted to the Referrals Officer by the crown; and
8. other information as may be requested by Maiyoo Keyoh

*Should the crown or proponent require the Maiyoo Keyoh proprietary information for archaeology, ethnography, traditional use, or the environment, this information can be provided by the Maiyoo Keyoh upon request. The Maiyoo Keyoh supports the use of information sharing agreements and engagement agreements.

Referral Submission

Referral packages shall have originals mailed with copies sent by email to the Referral Manager:

Attention: Jim Munroe, President and CEO

Maiyoo Keyoh Society

5707 Cranbrook Hill Road

Prince George, BC, V2M 7C6

jim@maiyokeyoh.com

- to email data over 25 MB, please notify Jim Munroe that you will be submitting the referral package via standard mail to:
Attention: Jim Munroe, President and CEO
Maiyoo Keyoh Society
5707 Cranbrook Hill Road
Prince George, BC, V2M 7C6
- referrals sent through fax are not accepted
- for any questions regarding the Maiyoo Keyoh Referral Procedure, please contact Jim Munroe at jim@maiyokeyoh.com or call 250 305-7092

Map of the Maiyoo Keyoh Territory

