



CLEAN ENVIRONMENT COMMISSION HEARINGS ON BIPOLE III

PRESENTATION OF JULYDA LAGIMODIERE

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Good evening.

My name is Julyda Lagimodiere. I am the elected Vice-President for the Thompson Region of the Manitoba Métis Federation (MMF).

For convenience, I have provided a map that generally outlines the governance structure of the MMF. I have also provided some additional information about Métis rights claims and Métis demographics in the North at the end of my presentation for the Commission's convenience.

You are going to hear a lot from the Manitoba Métis as you proceed with these hearings since Bipole III's proposed route goes through some of the most significant Métis populations in the province as well as important and sensitive areas of the Manitoba Métis community's traditional territory.

So, since I am the first presenter from the MMF in these hearings, I want to start with some general background on the MMF.

The MMF was formed in 1967 and brought Métis people and Métis communities in Manitoba together through a common self-government structure. This structure represents the Manitoba Métis at the local, regional and provincial levels.

More specifically, the MMF's governance structure includes:

- MMF Locals which represent MMF citizens at the settlement, town or city level;
- MMF Regions which represent MMF citizens and Locals throughout 7 identified regions in the province; and
- The MMF Provincial Board of Directors which is led by a Provincial President, along with the regional representatives who are elected by ballot box election every 4 years.

These various levels of Métis government work together to represent the Manitoba Métis community throughout the province.

The 2006 Census estimates that there are approximately 100,000 self-identifying Métis with Manitoba. Currently, the MMF has over 52,000 registered members who live throughout the province.

In order to ensure credibility and integrity in its Métis identification system, the MMF maintains a centralized registry of Métis citizens in Winnipeg. For individuals applying to the MMF for citizenship, the MMF's registry requires documented proof of Métis Nation ancestry as well as verification that an individual self-identifies as Métis and is accepted as Métis.

In the Thompson Region, we have over 1,000 registered Métis citizens on the MMF's registry, living in locations such as Gillam, Churchill, Thompson, Thicket Portage, Nelson House, Wabowden and Pikwitonei to name just a few.

The 2006 Census estimates there are over 2,500 Métis citizens in the Thompson Region, which is the largest region in geographic size in Manitoba. In the Gillam area, there are an estimated 140 Métis based on the Census.

I, along with Métis leadership at the local and regional level as well as the MMF President, work together to represent the Métis population throughout the Thompson Region.

That work is often challenging because of the sheer size of this MMF Region as well as the realities of the North --- such as weather, access issues, increased costs, etc. We do our best with what we have in order to protect our people's rights and way of life in the North.

As well, for the record, Métis in this region are not represented by Northern Affairs Community Councils, which are purely creatures created by the Manitoba Government, and are under the complete control of the Manitoba Minister responsible.

These provincially-created entities have no mandate to speak for our community on issues relating to Métis rights. The Métis have established our own governance structure – the MMF – to give our people a Métis-specific voice.

With that said, my presentation is going to be on the Métis in the North generally and Gillam specifically. However, as a starting point, I think it is important to stress that the Métis up here in the North are an indivisible part of the larger Manitoba Métis community --- also called the Métis Nation.

We are not different Métis to our relations in the south, but we do face different realities, economies and challenges. These factors make large projects like Bipole III have a more dramatic effect on our traditional practices and way of life.

In this region of the province, we have a long and deep history and connection to the land since before Manitoba was Manitoba and Canada was Canada --- as a part of the fur trade.

Specifically, the Nelson River system was a “strategic highway” that connected Churchill and York Factory to the Red River as well as the rest of the fur trade network in the Old Northwest.

As a result of the strategic importance of this area to the fur trade, a sustained and identifiable collective of Metis families emerged, lived, used and moved throughout this region of the province from the early 1800s to today.

In the historic record, well-known Métis surnames such as Campbell, Sinclair, Dick, McPherson, Swain, Anderson, Grey, Ibister, Swanson, Mclvor, McLeod, McKay, McDonald, Collin – appear in Censuses and Métis scrip records for this region.

These Métis families – amongst many others – continue to live in this region and call it “home” today.

Our community in this region is not simply made up of mixed ancestry individuals who can’t get “Indian status” or “treaty rights”. We have our own unique identity, history, language, culture and way of life --- as a part of the larger Métis Nation.

We assert we are a distinct, rights-bearing Métis community --- as a part of the larger Métis Nation. We ground our claims on the Supreme Court of Canada’s decision in *R. v. Powley* with respect to Métis rights.

I make these points to the Commission because increasingly the narrative of the North appears to be only about the two more dominant groups in the region – First Nations and the Crown. This narrative – that excludes the Métis – is enabled and financially supported by the Crown’s agent --- Manitoba Hydro.

With my presentation, I want to put it on the record that there is another aboriginal people here in this region. We are no “less worthy” or “less aboriginal” because we do not have a recognized land base or because the Crown has historically ignored us.

I want to make it clear that the MMF acknowledges and respects the significant and distinct history and place of First Nations in the North. First Nation people in the North

are our family, relations, friends and neighbours. Our disagreement is not with them. It is with the Crown and its agent – Manitoba Hydro.

I want to draw the Commission's attention to a recent decision from the Supreme Court of Canada which has an extremely insightful quotation about our struggle for recognition as Métis. Specifically, the Supreme Court wrote the following:

“The history of the Métis is one of struggle for recognition of their unique identity as the mixed race descendants of Europeans and Indians. Caught between two larger identities and cultures, the Métis have struggled for more than two centuries for recognition of their own unique identity, culture and governance. The constitutional amendments of 1982 and, in their wake, the enactment of the MSA, signal that the time has finally come for recognition of the Métis as a unique and distinct people.”¹

This struggle continues for Métis in the North. As you can see in Manitoba Hydro's Environmental Impact Statement (EIS) and supplemental filing on the socio-economic on Gillam, there is extensive information about the Fox Lake First Nation and other First Nations, but nothing about the Métis community. This is an unacceptable deficiency in the EIS.

All that appears to be important to people is how many Métis people work for Manitoba Hydro – as individuals. No one sees us or respects us as a distinct aboriginal community. No one looks at what impact Bipole III and other projects will have on us – as a distinct rights-bearing collective. We will not accept this any longer.

We reject Manitoba Hydro's response to the MMF's information request which essentially states that no other group has raised concerns about the Bipole III project in the Gillam area.²

This response is incorrect and disingenuous. For years, the MMF has been attempting to meaningfully engage Manitoba Hydro in this region in relation to Bipole III and the Keeyask project to no avail. As a part of my presentation, I have provided just some of the letters the MMF has sent to the Crown and Manitoba Hydro setting out Métis claims and requesting meaningful engagement.

While hundreds of millions of dollars have been spent on engagement of First Nations in this region, up until very recently Manitoba Hydro has refused to undertake a socio-economic impacts study on Métis in the Gillam area and larger region.

¹ Cunningham v. Alberta, [2011] 2 S.C.R. 670 at par. 70.

² CEC/MH – VII-501

We ask how Manitoba Hydro rely on its refusal to engage the Métis as justification to say there were no concerns identified? Clearly, you are never going to find something if you refuse to look for it. We say that Manitoba Hydro should not be allowed to rely on its own inaction to silence Métis concerns.

We ask the Commission to ensure Manitoba Hydro is directed to understand the impacts of Bipole III on the Métis in this region and attempt to mitigate and offset those impacts *before* it is granted any license. As a Crown agent, Manitoba Hydro should not be allowed to be willfully blind to the Métis community that lives in this area.

With my presentation, I want to draw your attention to some of the concerns we have already had raised by MMF members living in Gillam and surrounding area. These include:

- Métis are concerned that increased populations in Gillam will increase rent amounts significantly. The Métis are often the “working poor” and rent increases hit them the hardest. While First Nations have their reserves and the government and Manitoba Hydro working with them to address their significant housing needs, Métis have no supports and “fall through the cracks” or get “squeezed out” of communities they have called “home” for generations.
- Métis are concerned about the significant changes that are coming to the North because of all of the construction. Their way of life is going to change over the next decade. While Manitoba Hydro is negotiating mitigation measures and offsetting programs with First Nations, similar arrangements are not being implemented with the Métis. This makes the Métis feel like they are now outsiders in a territory they have called “home” for close to 200 years.
- Métis are concerned about the amount of increased development in relation to impacts on caribou and access to traditional harvesting areas. While Manitoba Hydro is committed to engaging in access management plans with First Nations, Métis are concerned that similar arrangements will not be negotiated with them.
- Métis are concerned about the increased racism from outsiders coming into the Gillam community as well as racism from some of their First Nation relations who are partners with Manitoba Hydro because Métis asserting their rights is wrongly perceived as a threat to other aboriginal peoples in the region.
- MMF members are afraid to politically organize in Gillam because many of them work for Manitoba Hydro. Gillam is still largely a Manitoba Hydro “company town” and Métis are afraid of retribution by the company if they take positions that question Manitoba Hydro’s ability to do what it wants.

These are just some of the concerns the Métis community has raised. In our opinion, the EIS is deficient because while it acknowledges that there will be impacts in Gillam and area – there is no process in place with the Métis to address those impacts.

Right now, unlike First Nations, Métis have no table to discuss or address their concerns. We ask that until the needed information about Bipole III's impacts on Métis in Gillam and environs is provided, the project not be recommended.

Further, we ask that a condition for any Bipole III approval be that a negotiated agreement be in place between the Métis and Manitoba Hydro to address mitigation and offsetting issues.

Put simply, the Métis community must be provided the same opportunity as First Nations to address the identifiable impacts of Bipole III. Anything less would be inconsistent with the EIS Scoping Document and discriminatory towards the Métis.

In closing, I want to thank the Commission for their time and willingness to listen. It is much appreciated and I hope my presentation has been helpful to you in your deliberations.

Thank you.

APPENDIX A

Outline of Métis Community's Rights in Project Study Area

The Métis emerged – as a distinct aboriginal people – in west central North America prior to Canada's westward expansion into the 'Old Northwest.' Recently, the Supreme Court of Canada explained the emergence of the Métis people as follows:

*"The Métis were originally the descendants of eighteenth-century unions between European men - explorers, fur traders and pioneers - and Indian women, mainly on the Canadian plains, which now form part of Manitoba, Saskatchewan and Alberta. Within a few generations the descendants of these unions developed a culture distinct from their European and Indian forebears. In early times, the Métis were mostly nomadic. Later, they established permanent settlements centered on hunting, trading and agriculture. The descendants of Francophone families developed their own Métis language derived from French. The descendants of Anglophone families spoke English. In modern times the two groups are known collectively as Métis."*³

In what is now known as Manitoba, the history of the Métis Nation, largely centered around the Red River Settlement, is well-known. The Métis people, led by Louis Riel and others, were "negotiating partners" in bringing the province of Manitoba into confederation. However, Red River narrative is only part of the story for Manitoba Métis as a part of the larger Métis Nation. From the well-known Métis buffalo hunters on the Plains to the Métis travelling and settling along the waterways and routes of the fur trade, the Métis Nation developed as a large, expansive and inter-related people throughout the Northwest bound by a common identity, nationhood, culture, trade, kinship and territory.

Within the Bipole III study area in northeastern Manitoba, the Métis maintained a regional cohesion, as an indivisible part of the larger Manitoba Métis community and the Métis Nation. Historically, the Nelson River was a strategic 'highway' for the Métis. This water route was essential to the transport of goods and furs to and from York Factory. As a result, a sustained and identifiable collective of Métis families lived, used and moved throughout this region of the province from the early 1800s to today.

Today, the MMF's objectively verifiable registry documents that many of the Métis living in this region of the province are the descendants of the historic Métis families who have lived and used the Nelson River for generations prior to effective control in this area.

³ Cunningham v. Alberta, [2011] 2 S.C.R. 670 at par. 70.

The MMF’s registry also documents families who have recently moved into this region, and are now accepted as a part of the Métis community that is historically rooted in the region. As well, Métis who are ancestrally connected to this region of the province, but now live in other locations for various employment, health or familial reasons, continue to come back to this area to hunt, fish, trap and gather with their Métis relations that still reside in the region. These Métis individuals continue to travel ‘home’ to the region to continue to hunt, fish, trap and gather with Métis family members who still reside there, as evidence in the MMF’s Traditional Land Use and Knowledge Study completed for Bipole III.⁴

The historic record shows a consistent and identifiable “Halfbreed” (i.e., Métis) population from as early as the mid 1800s. This population is captured, in various ways, in Hudson Bay Company records for the district as well as specific locations such as York Factory, Cross Lake and Norway House. These records provide evidence on the mobility and reliance on this region as an important extension of the fur trade.



Between 1908 to 1910, Métis Scrip Commissions visited and issued scrip to “Halfbreeds” (i.e., Métis) in the region. As illustrated on the map to the left, York Factory, Split Lake, Nelson House, Oxford House, Cross Lake and Norway House were all visited and had Métis scrip claims. This historic Métis population in the region is well-known and well-documented.⁵ It played and continues to play an important role within the region’s identity and economy.

⁴ This TLUKS is available at https://www.hydro.mb.ca/projects/bipoleIII/eis_technical_download.shtml.

⁵ For example see: Frank Tough, *As Their Natural Resources Fail: Native People and the Economic History of Northern Manitoba, 1870-1930* (UBC Press: 1996).

Further, the MMF's centralized membership system as well as successive Censuses document a sustained self-identifying Metis population in this region. Today, these Metis are democratically represented by the MMF through Metis governance structures at the local, regional and provincial levels.

Based on the historic and contemporary presence of Métis in this region, it is the MMF's position that there is a regional rights-bearing Metis community that lives in and uses the area in and around the proposed Bipole III project in northeastern Manitoba. This community, which is an inter-connected and indivisible part of the Manitoba Metis Community, exercises aboriginal rights throughout its territory, including, among other things, hunting, fishing (food and commercial), trapping (food and commercial), gathering, sugaring, wood harvesting, use of sacred and communal sites (i.e., incidental cabins, family group assembly locations, etc.) and the use of water. These practices are protected as aboriginal rights within the *Constitution Act, 1982*, and have not been extinguished by the Crown by way of treaty or other means.

APPENDIX B

Overview of Métis Community's Demographics

in the Project's Study Area in Northeastern Manitoba

The MMF represents the rights-bearing Métis community in this region through its longstanding, democratic, Métis-specific governance structure. A map of the MMF's outlining the MMF's governance structure at the local, regional and provincial levels is attached.

Within the Thompson region, the MMF has over 1,000 members. Approximately, 30% of these members have also re-registered under the MMF's new citizenship requirements, which requires objectively verifiable proof of Métis Nation ancestry. These numbers continue to increase as the MMF's re-registration process, consistent with the *R. v. Powley*. [2003] 2 S.C.R. 207, continues. The MMF has also issued over 100 Harvester Cards in this region.

The Métis community's population is concentrated in locations such as Gillam, Churchill, Thompson, Thicket Portage, Nelson House, Wabowden and Pikwitonei, etc., but from the MMF's perspective these site-specific locations do not define or limit the regional rights-bearing Métis community that continues to live, use, rely on and move throughout this region, as a part of the larger Métis Nation.

Within the 2006 Census, the MMF's Thompson region consisted of two Census Divisions (CD's 22 and 23). 2006 Métis counts for these areas are summarized below:

Division 22 – 2,055 Métis (single response)

Division 23 – 530 Métis (single response)

Thompson Region (Divisions 22 and 23 Combined) – 2,585 Métis (single response)

The Bipole III study area in northeastern Manitoba does not conform to standard census geography. Rough estimates of the Métis population of the local area, however, can be obtained by aggregating data for the six census sub-divisions (CSD's) that are located within the region. These CSD's include the Indian reserves of Split Lake (Tataskweyak), York Landing and Fox Lake, the Indian settlements of Gillam and Ilford and the town of Gillam. Data aggregated for these CSD's identify the 2006 Métis population to be 140 individuals. Most (130) of these individuals were reported to be living in the town of Gillam. It should be noted that the local study region includes some additional areas which are not part of the 6 CSD's.

Census counts for these other areas are unavailable, as they do not have sufficient populations to be classified as data dissemination areas (the smallest areas for which census data are released). Retrieval of data for these areas is possible but would require a time consuming and expensive data request.

It should also be noted that the MMF believes these numbers do not reflect the total Métis population in the local area or the Thompson region as a whole, but they have been provided to provide general estimates of the Métis population. Additional data from the MMF registry as well as the 2006 Census is available, but was not provided in this document.