



Presentation to Clean Environment Commission on the Keeyask Generation Project

Concerns and Issues of the Manitoba Métis Community

Winnipeg, Manitoba
December 2nd, 2013

“There were two societies who treated together. One was small, but in its smallness had its rights. The other was great, but in its greatness had no greater rights than the rights of the small ...”

-Louis Riel, 1885

(Source: Riel's Address at his Trial)

“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 ... signal that the time has finally come for recognition of the Métis as a unique and distinct people.”

-Supreme Court of Canada, 2011

(Source: Cunningham v. Alberta, [2011] 2 SCR 670, para. 70)

The Relevance of these Quotations to the Keeyask Generation Project

- Just because one Aboriginal people or group is “small” in comparison to others in a region they share, does not make the small group’s rights, traditional use and interests any less significant or worthy of respect and recognition.
- Métis continue to “struggle” against the two dominant groups in this region (First Nations and the Manitoba Government through its agent - Manitoba Hydro) creating a narrative, environmental assessment processes and a future that excludes the Métis as a distinct Aboriginal group. Keeyask is the latest chapter in this Métis struggle.

Elements of Presentation

1. Evidence of Consistent Historic Métis Presence and Use in the Regional Keeyask Study Area
2. Historic and Legal Context for Where We Are Today
3. Understanding the MMF Governance Structure
4. Project Impacts on Métis and MMF Concerns



The History and Contemporary Existence of the Métis Community in the Keeyask Region

Métis Emergence as a Distinct Aboriginal People, Early 1800s

“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.”

-Supreme Court of Canada, 2011

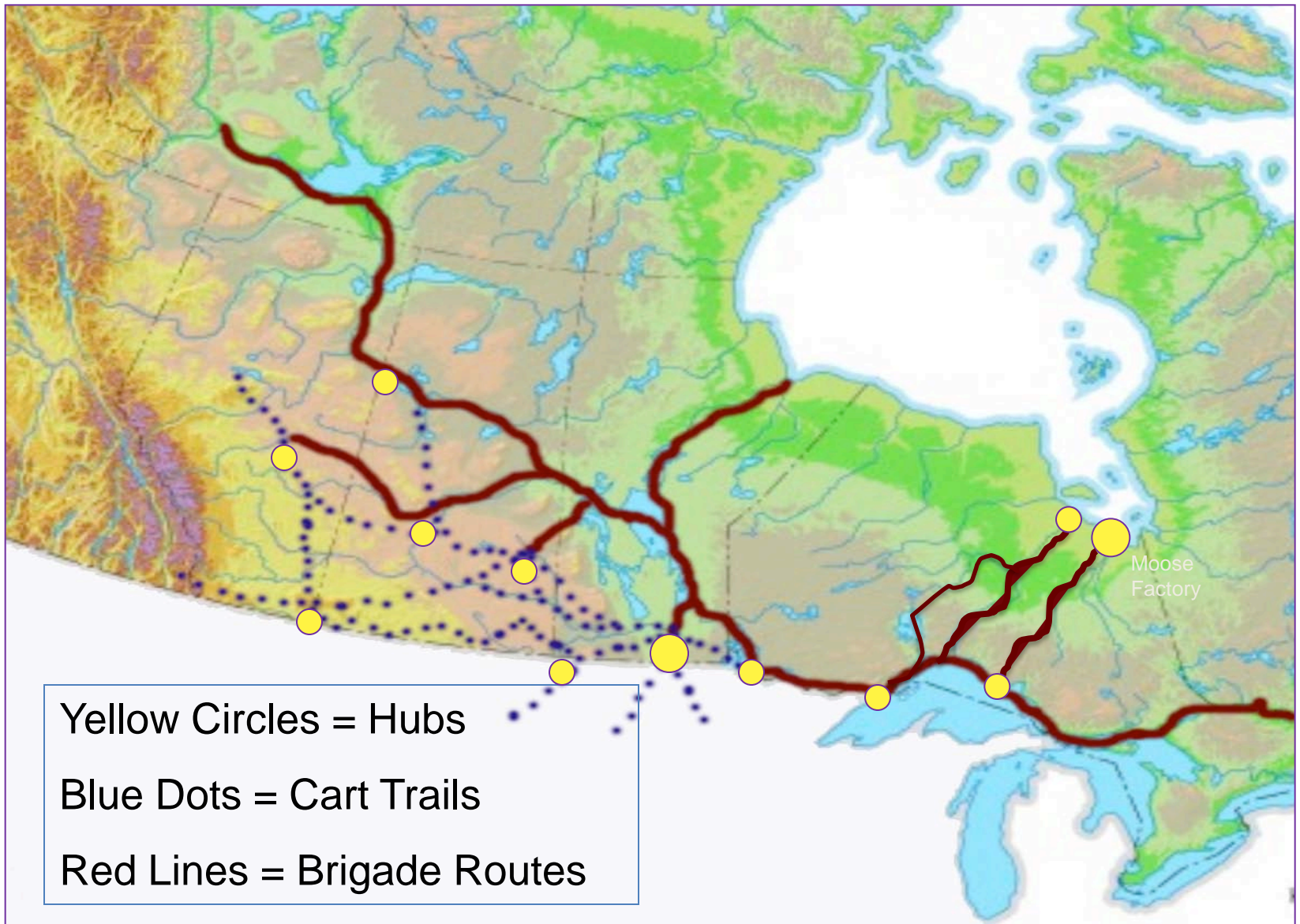
(Source: Cunningham v. Alberta, [2011] 2 SCR 670, para. 5)

Métis Presence in Keeaysk Region

Fur Trade Era, 1800s



- Prior to Canada becoming Canada and the assertion of sovereignty in the “Old Northwest”, Métis played a fundamental role in the fur trade.
- Métis used and settled at strategic locations throughout what is now known as Manitoba.
- In the north, the river route through to York Factory were a “strategic highway” of Métis presence and use.



Métis Presence in Keeyask Region

Scrip Commissions, 1908-1910



- Métis scrip applications taken at Nelson House, Split Lake, York Factory circa 1906-1910.
- If the Partnership’s historic narrative was correct (i.e., only “Indians” in the region), there would have been no need for Métis scrip issuance and no individuals or families would have applied for scrip.

Métis Presence in Keeaysk Region

Lagasse Study, 1958

- In the late 1950s, the Manitoba Government commissioned a study on the Indian and Métis populations in the province.
- Jean Lagasse wrote a comprehensive report detailing Métis populations throughout Manitoba. He documented a significant population in and around what is now Thompson (over 300), Gillan (52), Bird (11), Ilford (23), Split Lake (3), Pikwitonei (106), Thicket Portage (167), Waboden (209).
- In total, there were reported to be over 4,497 Métis who lived north of the 53rd parallel in 1959. Lagasse notes that these figures are an underestimation: “it is estimated that 80% of the people of Métis ancestry in Manitoba are not included in the study population” (1959: 77). Lagasse regarded Métis as “those living in poor houses... not living as a white person... poor standards of living... living like the Indians ... [and] those living under poor circumstances” (1959: 57). Anyone who was employed, or who lived in decent housing, or who conformed to the general requirements of non-Aboriginal society were not defined as Métis.

Métis Presence in Keeyask Region

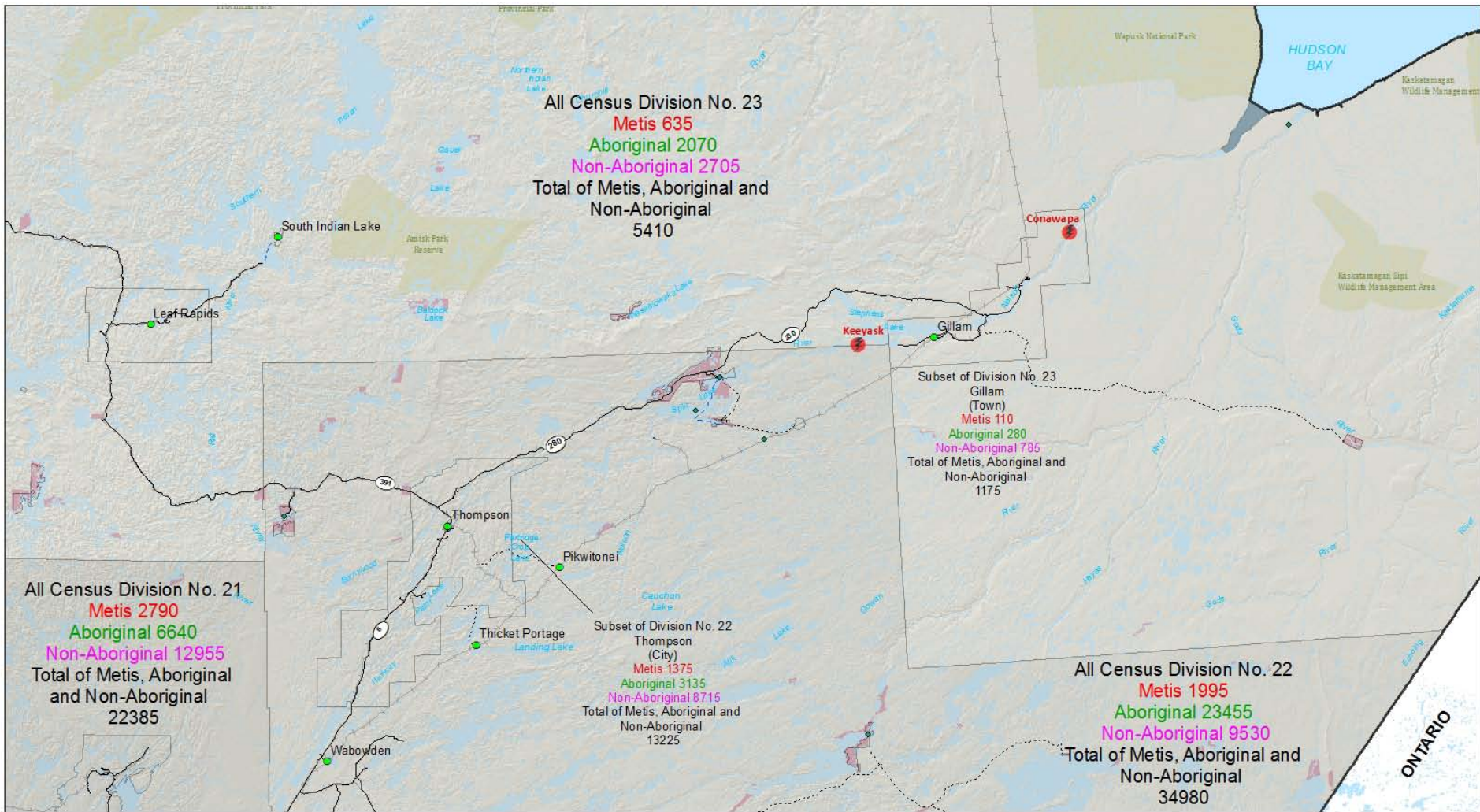
Census/Survey Data, 1990s to Present

- Since the early 1990s, repeated Censuses as well as the more recent National Household Survey (2011) have documented a consistent Métis population in the Keeyask Region. While this Métis population is smaller than the Cree population in the region, there is a stable, regional Métis population that tracks back to the 1800s.
- The most recent data shows a consistent population of approximately 2,000 Métis in the Keeyask region with the biggest percentage of this population living in Thompson (1,300 Métis). As well, a consistent Métis population of approximately 100 people are identified as living in Gillam.

Métis Presence in Region

Census/Survey Data (2001 to 2011)

| Geography | Population (#) by Identity Category | | | | | | | | | | | |
|--------------------|-------------------------------------|----------------------|----------------|-------|-------|----------------------|----------------|-------|-------|----------------------|----------------|-------|
| | 2001 | | | | 2006 | | | | 2011 | | | |
| | Metis | All Other Aboriginal | Non-Aboriginal | TOTAL | Metis | All Other Aboriginal | Non-Aboriginal | TOTAL | Metis | All Other Aboriginal | Non-Aboriginal | TOTAL |
| City of Thompson | 1375 | 3135 | 8715 | 13225 | 1510 | 3405 | 8490 | 13405 | 1280 | 3195 | 8255 | 12730 |
| Town of Gillam | 110 | 280 | 785 | 1175 | 130 | 450 | 670 | 1250 | 70 | 265 | 855 | 1190 |
| Town of Churchill | 185 | 305 | 470 | 960 | 160 | 390 | 430 | 980 | 95 | 295 | 460 | 850 |
| Census Division 22 | 1995 | 23455 | 9530 | 34980 | 2055 | 26940 | 9330 | 38325 | 1670 | 29870 | 9160 | 40700 |
| Geography | Population (%) by Identity Category | | | | | | | | | | | |
| | 2001 | | | | 2006 | | | | 2011 | | | |
| | Metis | All Other Aboriginal | Non-Aboriginal | TOTAL | Metis | All Other Aboriginal | Non-Aboriginal | TOTAL | Metis | All Other Aboriginal | Non-Aboriginal | TOTAL |
| City of Thompson | 10% | 24% | 66% | 100% | 11% | 25% | 63% | 100% | 10% | 25% | 65% | 100% |
| Town of Gillam | 9% | 24% | 67% | 100% | 10% | 36% | 54% | 100% | 6% | 22% | 72% | 100% |
| Town of Churchill | 19% | 32% | 49% | 100% | 16% | 40% | 44% | 100% | 11% | 35% | 54% | 100% |
| Census Division 22 | 6% | 67% | 27% | 100% | 5% | 70% | 24% | 100% | 4% | 73% | 23% | 100% |



Projected Coordinate System:
 NAD 1983 UTM Zone 14N
 Projection:
 Transverse Mercator
 Geographic Coordinate System:
 GCS North American 1983
 Angular Unit: Degree

Manitoba Metis Federation Keeyask Generation Project

Canada Census Data Year 2001

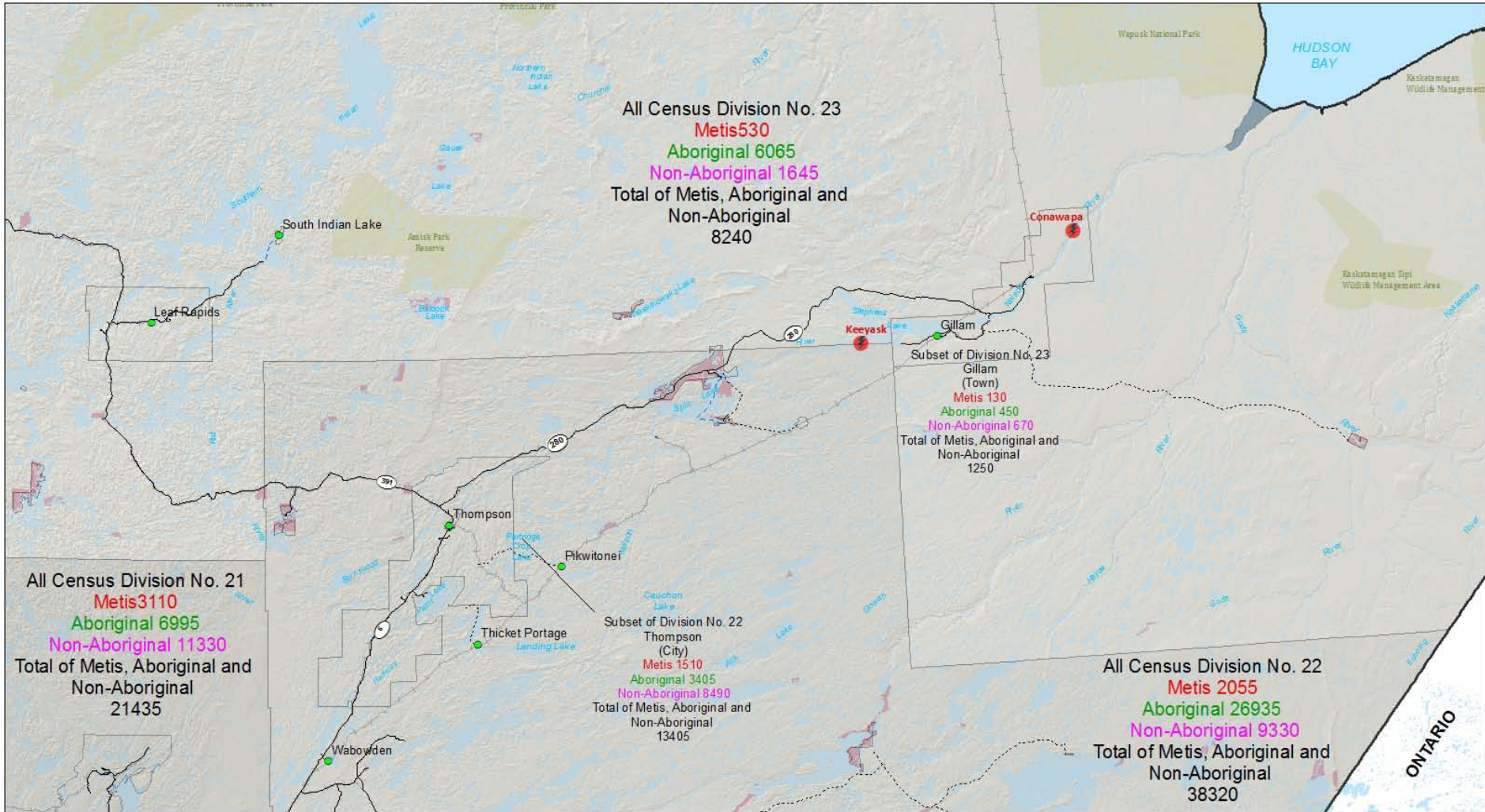
The following traditional knowledge and use display is based on preliminary data from a small sample size, and should not be interpreted or considered a representation of the traditional knowledge and use of the entire Manitoba Metis population.
 May not be reproduced without consent / For Discussion Purposes Only

- Self Identified Metis
- All Other Aboriginals
- Non-Aboriginals
- ◆ MMF Thompson Region Locals

Data Sources:
 Manitoba Land Initiative
 MS Hydro
 Government of Canada

The Metis Economic Development Organization
 150 Henry Ave. Wpg. MB
 R0B 0J7

Date: November 2013



Projected Coordinate System:
 NAD 1983 UTM Zone 14N
 Projection:
 Transverse Mercator
 Geographic Coordinate System:
 GCS North American 1983
 Angular Unit: Degree
 0 15 30 Miles
 0 15 30 Kilometers

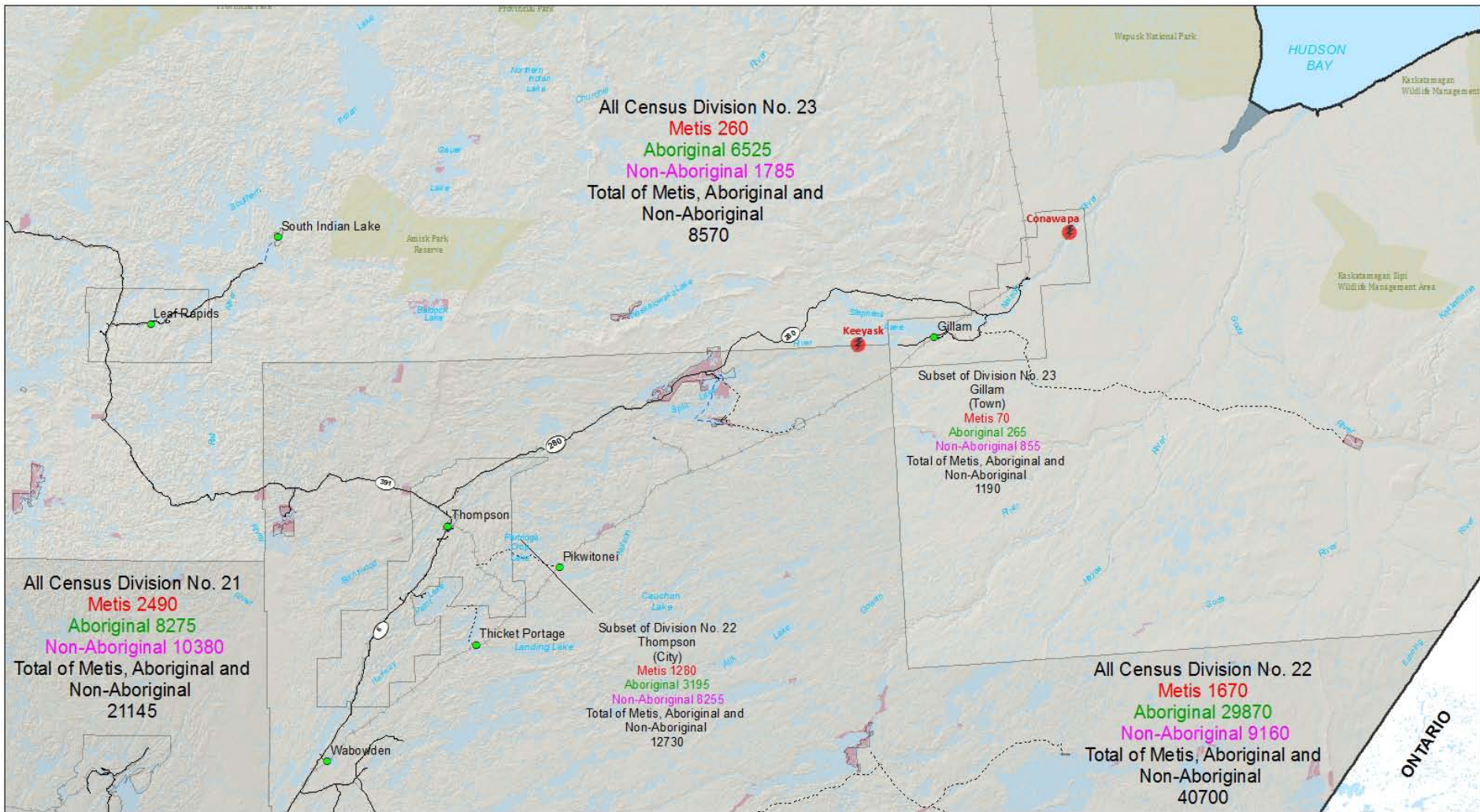
Manitoba Metis Federation Keyask Generation Project

Canada Census Data Year 2006

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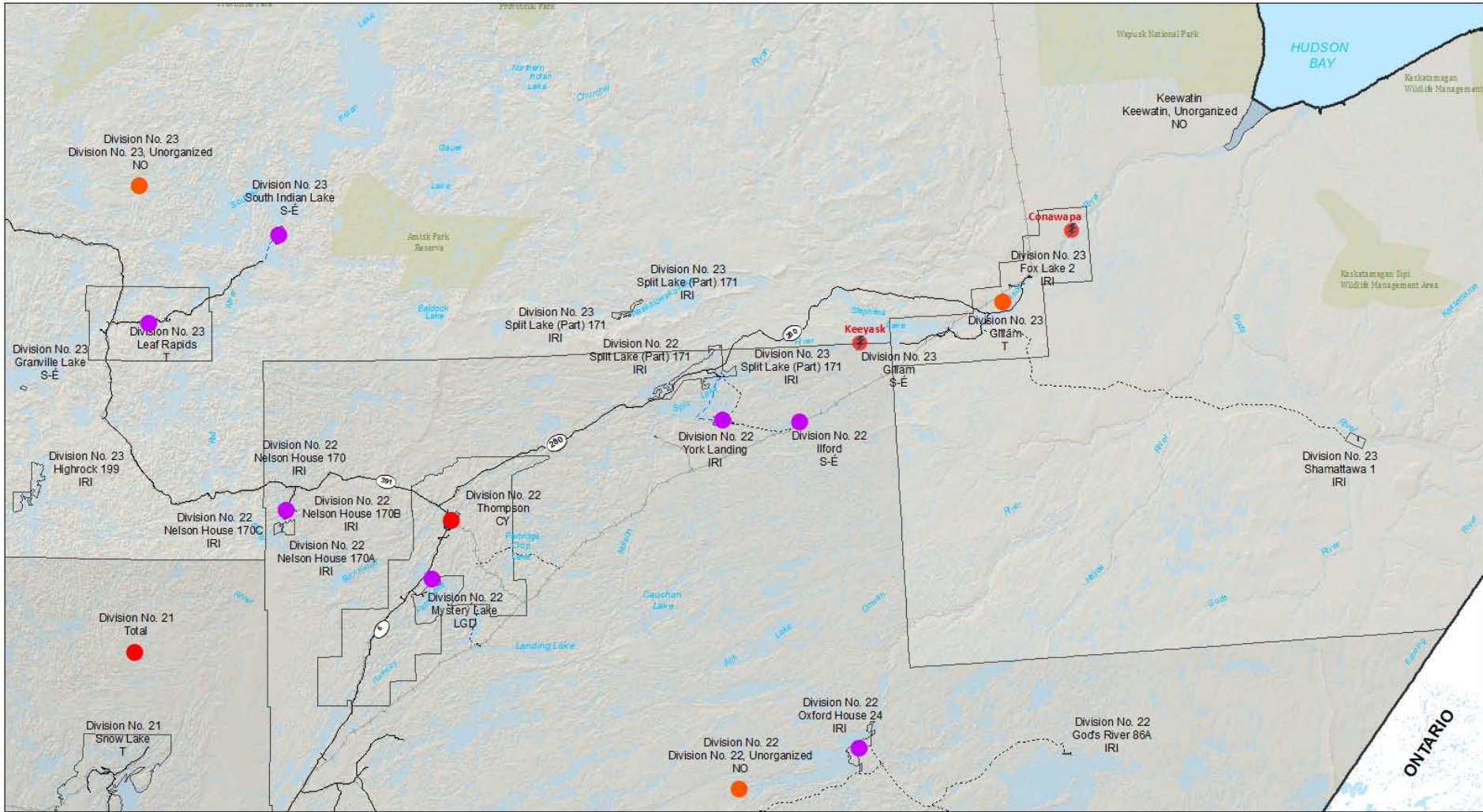
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Manitoba Metis Federation Keyask Generation Project
Canada Census Data Year 2011

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 0 15 30 Kilometers

Manitoba Metis Federation Keyask Generation Project

Canada Census Year 2006 Self Identified Metis Totals

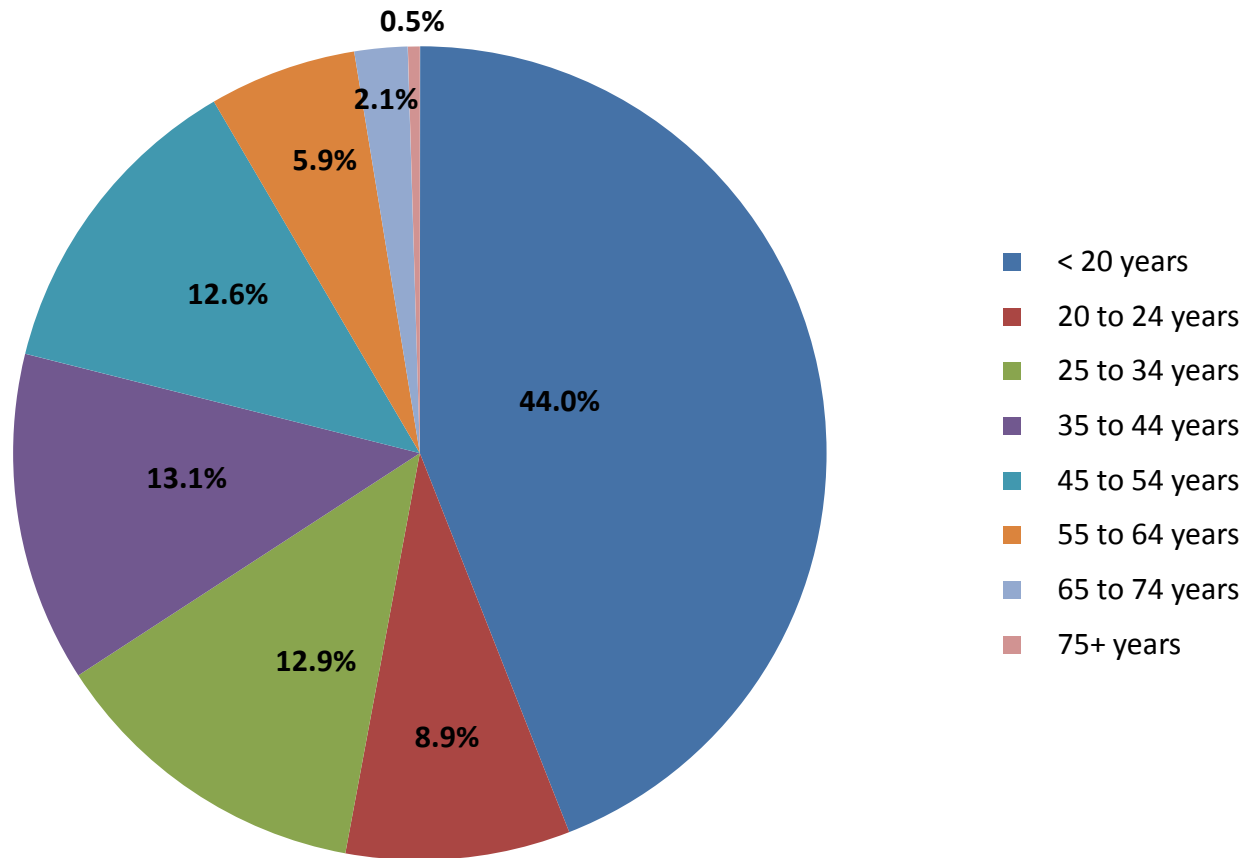
The following traditional knowledge and use display is based on preliminary data from a small sample size, and should not be interpreted or considered a representation of the traditional knowledge and use of the entire Manitoba Metis population. May not be reproduced without consent / For Discussion Purposes Only

- CY - City
- T - Town
- IRI - Indian Reservation
- NO - Unorganized
- S-E - Indian Settlement
- LGD - Local Government District
- 1 - 100
- 100 - 500
- 500 - 1000
- 1000 - 5,000

Data Sources:
 Manitoba Land Initiative
 MS Hydro
 Government of Canada
 The Metis Economic Development Organization
 150 Henry Ave. Wpg. MB
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 Date: November 2013



Estimated Metis Population Age Structure in Regional Study Area (2006 Aboriginal Peoples Survey)



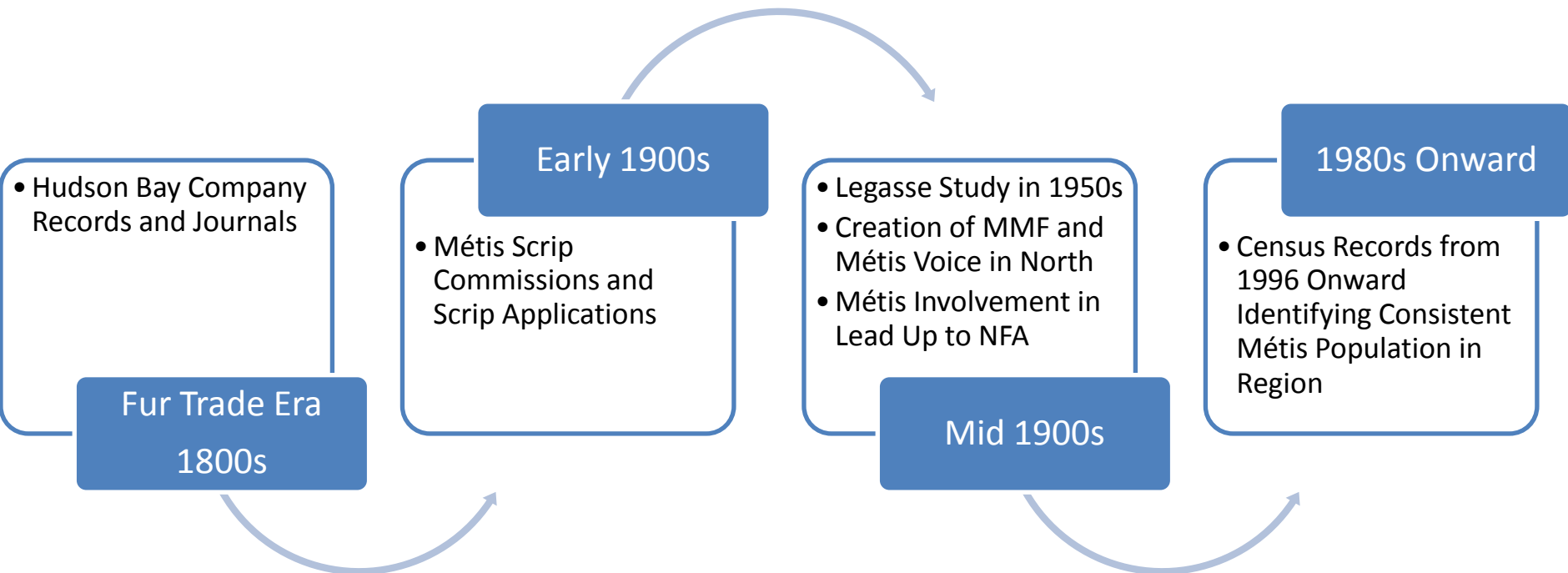
Statistics Canada. 2006. Aboriginal Peoples Survey. Self-Identified Metis, Single Response, Census Areas within Keeyask Regional Study Area.

Métis Presence in Keeyask Region

Bill C-31 (1985) and Bill C-3 (2010)

- In contemporary times, changes to the registration provisions under the *Indian Act* (i.e., who can obtain Indian “status”) have had effects on both the First Nation and Métis communities in the north.
- However, contrary to the assertions of some, these legislative changes did not result in the Métis community “disappearing”. While there may have previously been some descendants of historic treaties who could not get Indian “status” and identified as “Métis” because they had no other option, there has also been and remains a consistent presence of Métis who are culturally distinct and a part of the Manitoba Métis Community in the north.
- It is also worthy to note that the next generation of children in the north who may have both Cree and Métis ancestries may not be able to register as status “Indians”, but will be able to register as Métis if they self-identify as such, have historic Métis Nation ancestry and are accepted by the Manitoba Métis Community.

Evidence of Continuity of Métis Before and After Effective Control in Region (circa early 1900s)



Métis Community in Keeyask Region

- Based on this evidence and other evidence, there is a rights-bearing Métis community that lives, uses and relies on the region, consistent with *R. v. Powley*, [2003] 2 SCR 207.
- This Métis community is not just a compilation of “mixed ancestry” individuals who can’t get “status” or “treaty”. It is a culturally distinct Aboriginal group, separate from First Nations in the region. It is also an indivisible part of the larger Manitoba Métis Community and Métis Nation as represented by the MMF.



The Historical and Legal Context for Where We are Today

Crown-Aboriginal Relations Eras in Canada and Manitoba

1. Mutual Respect, Partnerships and Treaty Making (Late 1800s-Early 1900s)
2. Denial, Disrespect and Indifference (Mid 20th Century)
3. Judicial and Constitutional Recognition (1970s-1990s)
4. Reconciliation with First Nations and Delayed Reconciliation with Métis (21st Century)

Mutual Respect, Partnerships and Treaty Making Late 1800s and Early 1900s

- As Canada expands westward, it must reconcile its asserted sovereignty with Aboriginal peoples title, rights and interests.
- For First Nations, this was begun through treaties. With Manitoba Métis, this is done through *Manitoba Act, 1870* as Canada's "negotiating partners" in Confederation. (Supreme Court of Canada, *R. v. Blais*, para. 44)
- These approaches "did not arise from a paternalistic desire to protect the Aboriginal peoples; rather, it was a recognition of their strength." (Supreme Court of Canada, *MMF v. Canada*, para. 66)

Denial, Disrespect and Indifference

Mid 20th Century

- Relationship of partnership and recognition changes to one of denial and indifference. First Nations face ward-like treatment and disrespect. Métis face wilful blindness and similar disrespect.
- Neither treaties nor constitutional promises to Métis recognized or honoured by governments.
- In Manitoba, this indifference is demonstrated through northern flooding and hydro development without any regard to lands, rights, interests or way of life of First Nation or Manitoba Métis.

Judicial and Constitutional Recognition 1970s-1990s

- Courts begin to recognize treaty rights and continuation of Aboriginal title forcing government to change their approaches that deny First Nation rights and interests.
- Constitutional processes allow for Aboriginal peoples (Indian, Inuit and Métis peoples) to secure constitutional recognition and protection of their existing rights (both treaty and aboriginal)
- In Manitoba, the Northern Flood Agreement (NFA) is signed in order to begin to address the damage caused by Manitoba Hydro to First Nations in northern Manitoba from the previous era.
- Métis excluded because of incorrect assumption that Métis did not have equivalent rights or interests – as a distinct Aboriginal community – that also needed to be dealt with.

Reconciliation with First Nations

21st Century

- Treaties increasingly understood from First Nation perspective – not just that of government.
- Federal government creates modern day land claims and specific claims negotiation process created for First Nations and Inuit. (Métis continue to be excluded)
- NFA gives rise to implementation and settlements agreements with First Nations. (Métis continue to be excluded)
- Supreme Court recognizes duty to consult and accommodate and the importance of Aboriginal participation in projects impacting their traditional territories. (Many governments fail to appreciate this applies equally to Métis)

Delayed Reconciliation with Métis

21st Century

- Even in the face of Métis inclusion in s. 35 and the repeated recognition of Métis – as a distinct Aboriginal people – with rights by the courts, governments continue to “drag their feet” when it comes to reconciliation with the Métis.
- On every issue of importance to the Manitoba Métis, they have had to turn to the courts to get other governments to “do the right thing” (i.e., land claims, harvesting, etc.). Consultation and accommodation will be the next battle.
- While Manitoba Hydro has changed course with First Nations, the legacy of the era “denial, disrespect and indifference” lingers with respect to its relationship with Métis. The MMF recognizes it will likely have to work through the courts again to change this reality.

Example of Reconciliation (Delayed) with Métis (Harvesting Rights)

- Governments interpret s. 35 as a “me-fool-you” promise to Métis and take position that Métis don’t have Aboriginal rights because they weren’t here at “contact” like First Nations.
- Similar to First Nations in 1970s and 1980s, Métis provoke and initiate harvesting rights litigation (as a proxy for broader rights recognition) in 1990s and successively win from Ontario westward. This culminates with Supreme Court’s decision in *Powley* in 2003.
- After *Powley*, Manitoba Government continues to deny Métis harvesting rights and MMF initiates litigation (*R. v. Goodon*), which affirms Métis harvesting rights (not tied to specific settlements). In 2012, MMF and Manitoba sign a harvesting agreement.

R. v. Goodon, 2008 MBPC 59

[46] The Metis community of Western Canada has its own distinctive identity. As the Metis of this region were a creature of the fur trade and as they were compelled to be mobile in order to maintain their collective livelihood, the Metis "community" was more extensive than, for instance, the Metis community described at Sault Ste. Marie in Powley. The Metis created a large inter-related community that included numerous settlements located in present-day southwestern Manitoba, into Saskatchewan and including the northern Midwest United States. ...

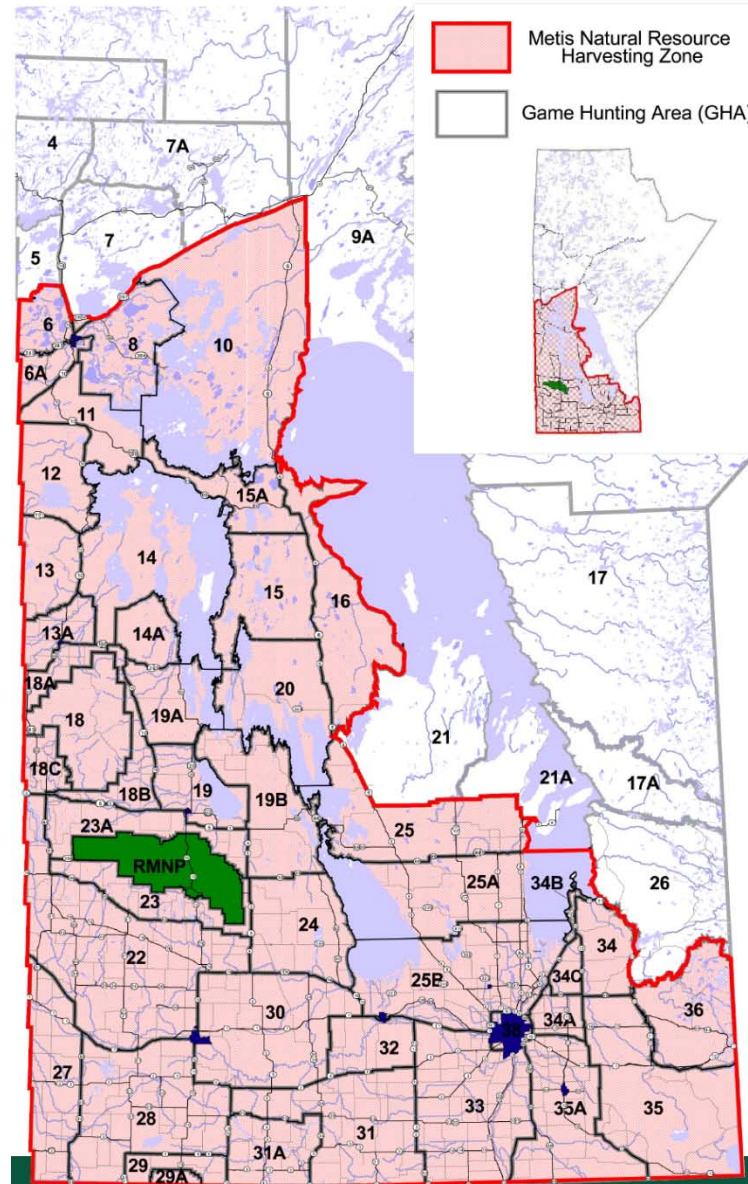
[52] The Metis community today in Manitoba is a well organized and vibrant community. Evidence was presented that the governing body of Metis people in Manitoba, the Manitoba Metis Federation, has a membership of approximately 40,000,* most of which reside in southwestern Manitoba.

*Denotes MMF membership numbers in 2007

MMF-Manitoba Harvesting Agreement

- Clause 1: “Manitoba recognizes that collectively-held Métis Harvesting Rights, within the meaning of s. 35 of the *Constitution Act 1982*, exist within the Game Hunting Areas identified on the map attached as Schedule “A” [the “Recognized Métis Harvesting Area”]”
- Clause 3: “For the purpose of these Points of Agreement, Manitoba will recognize as Métis Rights-Holders, individuals who are residents of Manitoba and who hold a valid MMF Harvesters Card, issued according to the MMF’s Laws of the Hunt as well as the criteria as set out in Schedule “B.””
- Clause 11: “Manitoba and the MMF agree that they will consider obtaining additional research, the cost to be borne by Manitoba, concerning the potential existence of Métis Harvesting Rights in other areas of the province outside the Recognized Métis Harvesting Area, with priority being given to research in Grass River Provincial Park and the surrounding area.”

Recognized Areas for Metis Natural Resource Harvesting



Example of Reconciliation (Delayed) with Métis (Land Claims)

- Even though Section 35 of the *Constitution Act, 1982* includes Métis and “recognizes and affirms” Métis rights, governments continues to deny Métis rights, outstanding claims and interests.
- Since Métis were excluded from land claims processes created for First Nations and Indians in 1970s, MMF initiates MMF case in 1981. Thirty years later, the MMF is ultimately successful before Supreme Court in 2013.
- It is an inevitable reality that Canada will need to negotiate a “just settlement” with respect to this outstanding claim.

MMF Land Claim: The “Unfinished Business” with the Manitoba Métis

[140] What is at issue is a constitutional grievance going back almost a century and a half. So long as the issue remains outstanding, the goal of reconciliation and constitutional harmony, recognized in s. 35 of the *Charter* and underlying s. 31 of the *Manitoba Act*, remains unachieved. **The ongoing rift in the national fabric that s. 31 was adopted to cure remains unremedied. The unfinished business of reconciliation of the Métis people with Canadian sovereignty is a matter of national and constitutional import.** The courts are the guardians of the Constitution and, as in *Ravndahl* and *Kingstreet*, cannot be barred by mere statutes from issuing a declaration on a fundamental constitutional matter. The principles of legality, constitutionality and the rule of law demand no less: see *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217.

Reconciliation (Delayed) with Métis (Consultation, Accommodation and Hydro Development)

- The Manitoba Métis Community, as represented by MMF, continues to be excluded from the NFA and related processes.
- Further, despite the ever-increasing recognition of Métis rights and outstanding claims by the courts, the Manitoba Government and its agent (Manitoba Hydro) continue to delay and avoid meaningful engagement, consultation and accommodation with Métis on new hydro projects.
- Now that it has been successful with respect to its land claim and harvesting litigation, the MMF is now able to focus off of its energy and resources to deal with these historic and ongoing injustices at the hands of Manitoba Hydro and the Manitoba Government. This has included participation in CEC, PUB and continuing to raise concerns with both levels of government about the potential damage of Manitoba Hydro's "Decade of Investment" on the Manitoba Métis Community.
- Similar to land claims and harvesting, the MMF fully expects that it will have to work through the courts to finally achieve resolution and stop the ongoing exclusion and "games" Manitoba Métis face at the hands of Manitoba Hydro.

1981

- MMF Initiates MMF Land Claim Litigation After Governments Refuse to Deal with Broken Land-Based Promises in Section 31 and 32 of Manitoba Act, 1870

1982

- Métis Inclusion as a Distinct Aboriginal People with Rights in Section 35 of the *Constitution Act, 1982*

1990s

- Métis Provoke Harvesting Charges After Governments Deny Métis Have Any Rights Protected by Section 35

2003

- Supreme Court Decision in *R. v. Powley* recognizing Métis as distinct Aboriginal peoples possessing constitutional rights.

2004

- MMF Adopts Métis Laws of the Hunt and Challenge Manitoba Governments Non-Recognition of Métis Harvesting Rights protected by s. 35 and Recognized in *Powley*

2009

- Manitoba Provincial Court recognizes Manitoba Métis Community's right to hunt in Manitoba based on s. 35 (*R. v. Goodon*)

2012

- MMF and Manitoba Government sign Métis Harvesting Agreement (30 Years After Constitutional Recognition of Métis Rights)

2013

- Supreme Court Decision in MMF Land Claim affirming Crown did not fulfill promise of land to Manitoba Métis and that there remains a "constitutional rift" that remains to be cured. (143 Years After Breach of Honour of Crown)

2014

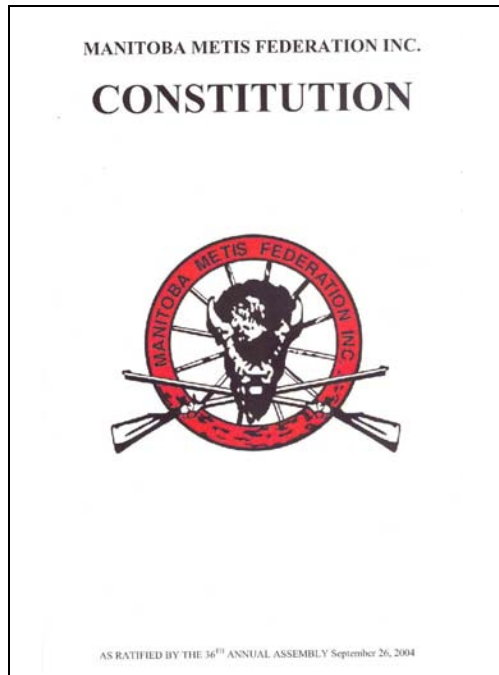
- MMF Likely Initiates Legal Challenges to Manitoba Government's Approvals of Various Projects Adversely Affecting Métis Rights, Interests and Claims in Province (i.e., Bipole III, Keeyask, etc.)



Understanding the MMF's Governance Structure

Metis Nation Government - Today:

The MMF Constitution states in part:



1. **The Manitoba Metis Community is a part of the Metis Nation;** and,
2. The Manitoba Metis Federation has been created to be the democratic and self-governing representative body of the **Manitoba Metis Community;** and,
3. The Manitoba Metis Federation's objective is to provide responsible and accountable governance on behalf of the **Manitoba Metis Community** using the constitutional authorities delegated by its members.

National Definition of Métis and Definition in MMF Constitution

- 1.1 *"Métis" means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of Historic Métis Nation ancestry, and is accepted by the Métis Nation.*
- 1.2 *"Historic Métis Nation" means the Aboriginal people then known as Métis or Half-breeds who resided in the Historic Métis Nation Homeland.*
- 1.3 *"Historic Métis Nation Homeland" means the area of land in west central North America used and occupied as the traditional territory of the Métis or Half-breeds as they were then known.*
- 1.4 *"Métis Nation" means the Aboriginal people descended from the Historic Métis Nation which is now comprised of all Métis Nation citizens and is one of the "aboriginal peoples of Canada" within the meaning of s.35 of the Constitution Act 1982.*
- 1.5 *"Distinct from other Aboriginal peoples" means distinct for cultural and nationhood purposes.*

MMF – Metis Nation Government Today:

The MMF has about 52,000 Adult Members (when children are added in these numbers are well over 100,000).

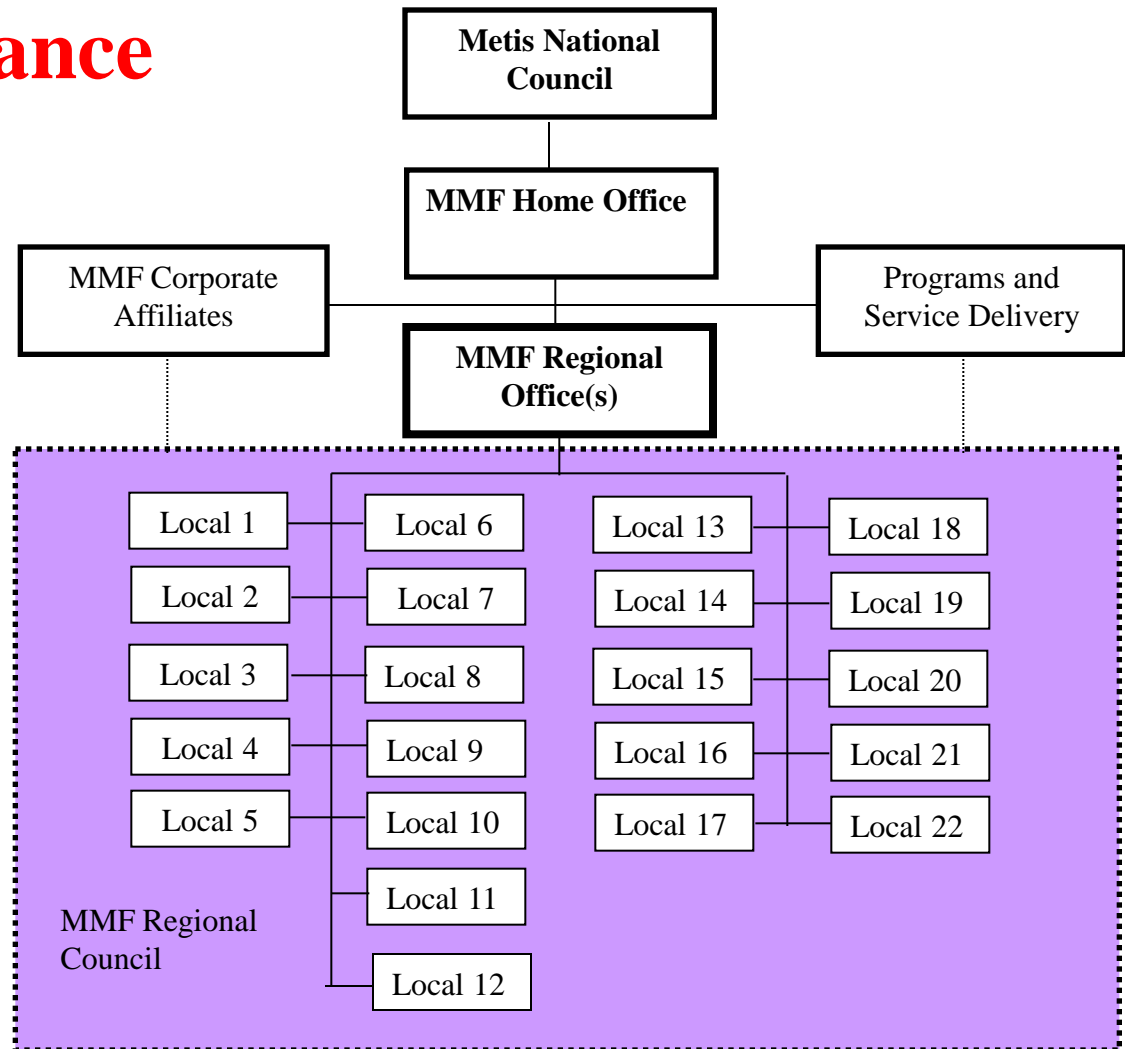
Since 2004, MMF has been undertaking a process to complete all existing Membership files so they are consistent with and meet standards of National Definition of Métis in MMF Constitution.

The MMF is governed by a President and a 23-member Board of Directors, one of which is the spokesperson for the Infinity Women of Manitoba. Members elect this leadership through ballot box elections every 4 years.



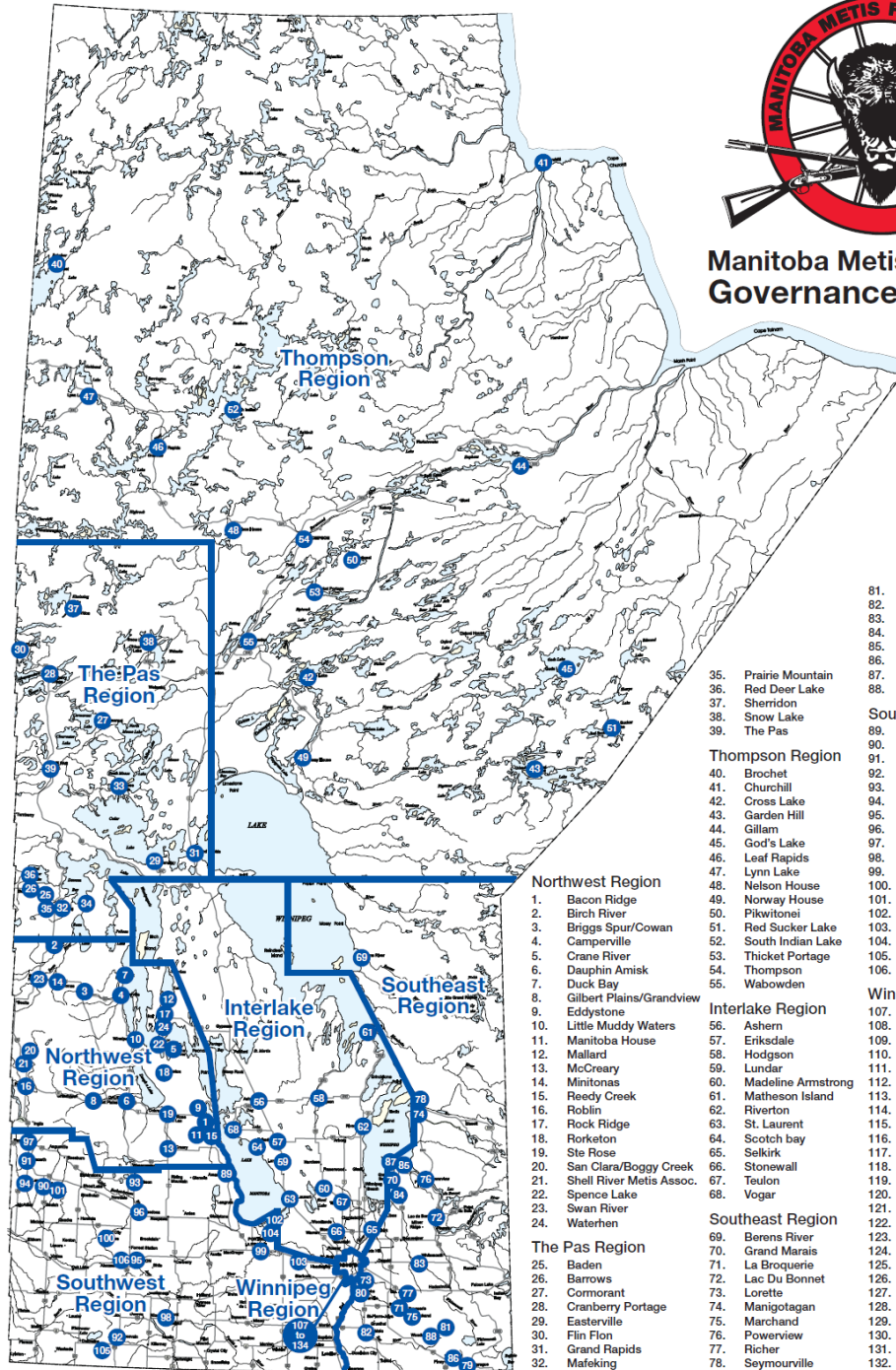
MMF Governance Structure:

- The MMF has 7 Regions structured province-wide to optimize communications and networking, and to maximize the delivery of services to Metis.





Manitoba Metis Federation Governance Structure



- | | |
|----------------------|------------------------------------|
| 35. Prairie Mountain | 81. St. Labre |
| 36. Red Deer Lake | 82. St. Malo |
| 37. Sherridon | 83. Ste. Rita |
| 38. Snow Lake | 84. Stoney Point |
| 39. The Pas | 85. Traverse Bay |
| | 86. Vassar |
| | 87. Victoria beach |
| | 88. Woodridge |
| | Southwest Region |
| | 89. Amaranth |
| | 90. Assiniboine |
| | 91. Binscarth/Ste Madeleine Birtle |
| | 92. Cherry Creek Metis Council |
| | 93. Erickson/Wapiti |
| | 94. Fort Ellice |
| | 95. Grand Valley |
| | 96. Les Metis |
| | 97. Pelly Trail/Russell |
| | 98. Pembina River |
| | 99. Portage |
| | 100. Rivers |
| | 101. Snake Creek |
| | 102. St. Ambrose |
| | 103. St. Eustache |
| | 104. St. Marks |
| | 105. Turtle Mountain |
| | 106. Westman |
| | Winnipeg Region |
| | 107. Blueberry |
| | 108. Bosco |
| | 109. Catfish |
| | 110. Conseil Elzéar Goulet |
| | 111. Dakota |
| | 112. Dumont |
| | 113. Fontaine |
| | 114. Gilbert Park |
| | 115. Heritage Proud |
| | 116. Infinity |
| | 117. Keenleyside |
| | 118. Kinew |
| | 119. Liberty |
| | 120. Metis Elders |
| | 121. Michif |
| | 122. New Horizons |
| | 123. Point Douglas |
| | 124. Prairie Buffalo |
| | 125. Red River |
| | 126. Redboine |
| | 127. Riel |
| | 128. Seven Oaks |
| | 129. South Central |
| | 130. Spruce |
| | 131. St. Norbert |
| | 132. St. Vital North |
| | 133. Winnipeg North |
| | 134. Winnipeg West |

The Body Representing the Métis Collective Interest

[44] As discussed below, the action advanced is not a series of claims for individual relief. It is rather a collective claim for declaratory relief for the purposes of reconciliation between the descendants of the Métis people of the Red River Valley and Canada. The *Manitoba Act* provided for individual entitlements, to be sure. But that does not negate the fact that the appellants advance a collective claim of the Métis people, based on a promise made to them in return for their agreement to recognize Canada's sovereignty over them. **This collective claim merits allowing the body representing the collective Métis interest to come before the court. We would grant the MMF standing.** (Supreme Court of Canada, MMF Case)

September 2007 AGA Resolution No. 8:

WHEREAS:

Governments and Industry continue to inadequately consult and accommodate the Metis Nation's Manitoba Metis Community interests via its self-government representative, the MMF.

WHEREAS:

The Crown and industry have parts to play in ensuring environmental legislation and constitutional rights are respected and adhered to in consulting with and accommodating the Metis community.



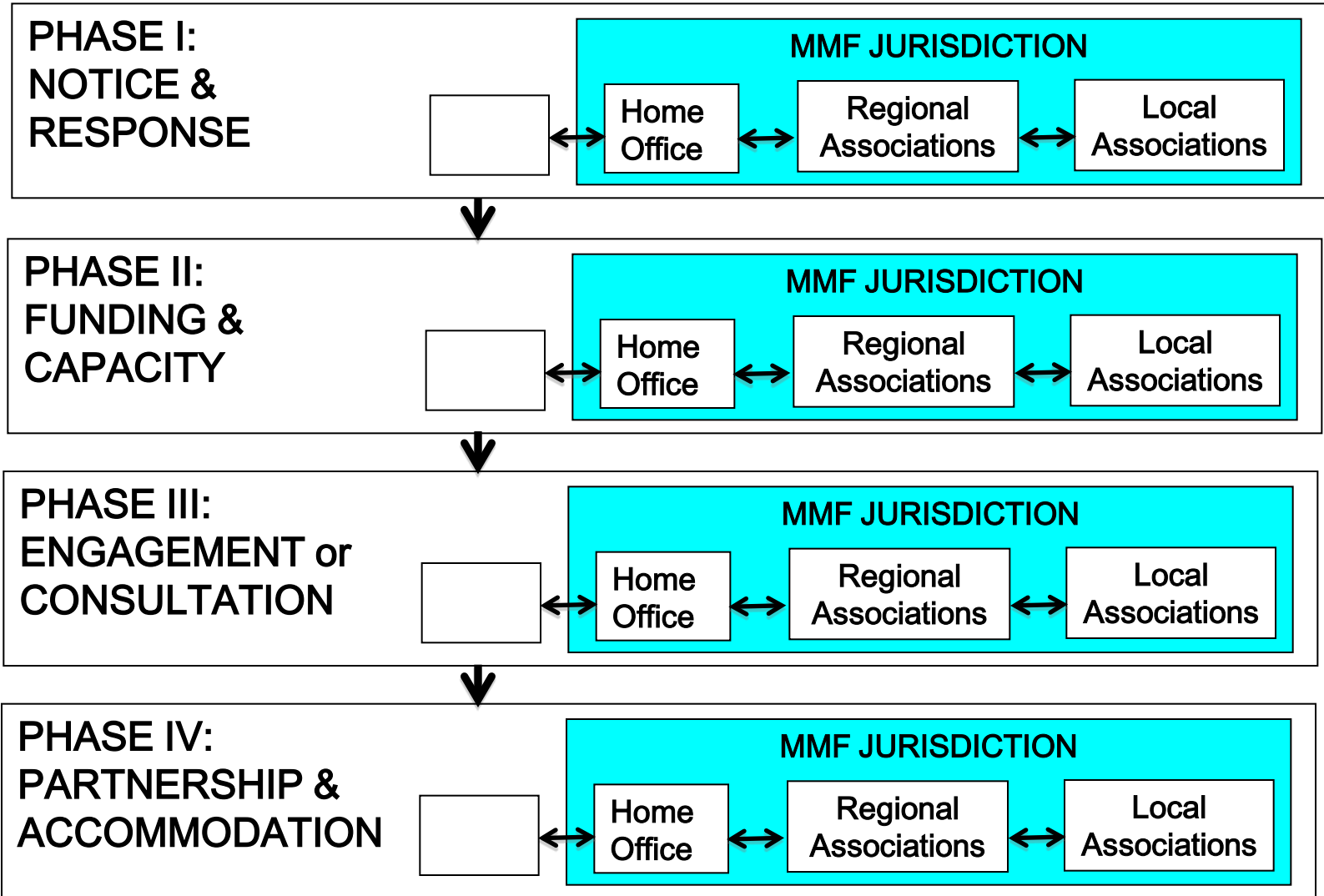
September 2007 AGA Resolution # 8:

THEREFORE BE IT RESOLVED:

In keeping with prior MMF AGA resolutions, this assembly continue to give the direction to the Provincial **Home Office to take the lead and be the main contact on all consultations affecting the Metis community and to work closely with the Regions and Locals** to ensure governments and industry abide by environmental and constitutional obligations to the Metis and,



Resolution No. 8 Framework:





Keeyask Project Impacts on Métis and MMF Concerns

Some of the Specific Project Impacts on Métis

- Impacts on Métis harvesting practices (i.e., additional pressures on Métis areas of traditional use and harvest, no data to monitor effects on Métis, no recognition of Métis harvesting rights).
- The water system in the region is inter-connected and effects rivers and lakes connected to Nelson River. The “damage” from the past continues today with huge variations of water levels continuing and significant erosion that damages Métis way of life and economies. Keeyask will compound this damage.
- The project will have cumulative and regional impacts that have been ignored (i.e., confluence of multiple construction projects at same time, looking at projects separately rather than as one, excluding upriver assessment, additional changes in water levels for energy export, etc.)
- The project’s “spill over” effects on Thompson and Métis community in region (i.e., higher rents put squeeze on Métis who are often working poor and not home owners, increase in money, drugs and outsiders in region as a whole, additional stresses on supports in Thompson, etc.)

Some of the Specific Project Impacts on Métis

- Cultural and socio-economic impacts (i.e. benefits for First Nation incentivizes identification and registration as status Indians even though children may have First Nations and Métis cultural roots, creates regional bias against Métis cultural understanding and prominence, etc.)
- Métis “invisibility” in region amplified (i.e., all systems and benefits created to address impacts on First Nations and ignore Métis as a distinct Aboriginal group, no monitoring on Métis as a collective, creating a “have” and “have not” scenario between First Nations and Métis in region, etc.)
- Psychological stress and worrying of Métis individuals, families and community about their collective futures in region they call home.
- No consideration of “significance” of project’s effects from the Métis perspective, so there will be no data to measure effects on Métis – as a distinct group – in the future.

Broader MMF Concerns: Dealing with the Past

- The damage done to the Manitoba Métis Community still has not been addressed by Manitoba Hydro or the Manitoba Government. Métis continue to be excluded – as a distinct Aboriginal group – from the NFA.
- Similar to First Nations, it is very difficult from the MMF to move forward and trust Manitoba Hydro without dealing with the past. However, instead of engaging in meaningful processes with MMF to move forward, Manitoba Hydro continues to deny, neglect, stall and use various excuses to avoid moving forward in a manner consistent with the approaches undertaken with First Nations.

Broader MMF Concerns:

Creating Inequities between Aboriginal Groups

- Article 1.17 of NFA “Settlement” means a community together with all non-treaty Indians and Metis, collectively, whose principal residences are adjacent to a community and within the area commonly described by the name of the community, notwithstanding that the location of such residence may also be described by some other, more particular name.”
- Article 18.3 of NFA “Canada and Manitoba, to the extent it is practical to do so will seek to avoid creating inequities within any settlement that would adversely affect the relationship between a community and other residents of a settlement.”
- The Keeyask Partnership and Adverse Effects Agreements only with First Nations continue to create a “have” and “have not” scenario between First Nations and Métis in the region.

Broader MMF Concerns: More Broken Promises

- The current NDP Government accepted the recommendation of the AJIIC that states “Any future, major, natural resource developments not proceed, unless and until agreements or treaties are reached with the Aboriginal people and communities in the region, including the Manitoba Metis Federation and its locals and regions, who might be negatively affected by such projects, in order to respect their Aboriginal, treaty, or other rights in the territory concerned.”
- Instead of embracing this commitment, the Manitoba Government and its agent (Manitoba Hydro) have ignored this commitment. While there are agreements with other Aboriginal groups with respect to Keeyask, there is nothing in place with Métis.



Conclusions

MMF's Key Messages to CEC

- The CEC has a project before you that does not consider or assess impacts on the Métis - as a distinct Aboriginal group - in the region. This is a requirement in both the CEAA and MCWS terms of reference.
- It is the proponent's obligation to ensure decision-makers have this information. It is not the responsibility of Aboriginal groups. The proponent has delayed engaging with MMF over the last decade to ensure this information is available in order for informed decisions to be made about project.
- These deficiencies cannot be overlooked or ignored. The project should not be recommended to the Minister until this is complete.

MMF's Key Messages to CEC

- The MMF is not saying the Métis community and First Nations with larger populations and closer proximity to Keeyask need to be treated identically, but projects with First Nation partnerships do not mean that Métis rights, use and interests can be ignored and adverse effects on other Aboriginal groups arbitrarily dismissed.
- You do not “turn the page” on a sorry history of disrespect and indifference to Aboriginal groups in relation to hydro development in the north by now only dealing with the more prominent and dominant Aboriginal communities in the region to the exclusion of Métis.