

Calliou Group




Manitoba Metis Federation:
*"Metis Land Use and Occupancy Study:
Assessment of Potential Effects Prior to Mitigation,
MMTP"*

May 30, 2017

Presented by
Calliou Group



1



1. Introductions

2. MMTP EIS Review

3. *"Metis Land Use and Occupancy Study: Assessment of Potential Effects Prior to Mitigation, MMTP"*

- Report Methodology
- Results


2



Specialize in providing support to
"Duty to Consult" process

Specialize in the identification of
impacts to Section 35 rights within the
regulatory review process

3




Calliou Group retained by MMF in
2015 to review the MMTP EIS

Did the EIS adequately described
impacts to matters of importance to
MMF?

- Identify gaps
- Identify deficiencies
- Review methodology used
- Review information used by
Manitoba Hydro

4



MMTP EIS used previously collected information on Metis to draw conclusions


- Manitoba Hydro used information from Bipole III and Keeyask

5



- Valued Component of "Traditional Land and Resource Use" was used to characterize effects on Aboriginal peoples
- Intended to identify effects to Aboriginal peoples, including Metis


6



Biophysical measurable parameters used to show effect to Traditional Land Use

- Availability of resources or access to plant gathering, hunting and trapping areas
- Disturbance, reduced ability to access trails or travelways
- Disturbance or access to cultural sites

7




No effects on gathering → Plenty of plants "Go elsewhere"

No effects on hunting → Plenty of animals "Go elsewhere"

No effects on culture or way-of-life → No Effect to Places "Reroute"

8




Rather than biophysical things, we studied Metis....

- Metis beliefs and perceptions
- What Metis prefer
- What Metis avoid

It is similar to supporting studies cited in the MMTP EIS, Community Health and Wellness

Just like a wildlife study, it takes money and time to collect information on people's attitudes

9




MMF and Manitoba Hydro agreed to commission a study to address the gaps within the MMTP EIS

- Identify effects to matters of importance to MMF
- Commenced in February 2016

"Metis Land Use and Occupancy Study: Assessment of Potential Effects Prior to Mitigation, MMTP"

10




***MMF Report* identifies negative effects from MMTP to MMF**

MMF Report does not:

- contain mitigation measures to offset identified effects
- include cumulative effects assessment
- identify alternative routes

11



MMF Report used similar environmental assessment methodology as MMTP EIS

12

13

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Four basic steps...

- 1. Pick something to study**
- 2. Collect information on the thing you picked**
- 3. Identify effects to that thing**

14

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1. Pick something to study
2. Collect information
3. Identify the effects

"Metis Specific Interests"
is the term chosen instead of 'valued component' to characterize effects to matters of importance of the MMF

15

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1. Pick something to study
2. Collect information
3. Identify the effects

4 MMF Workshops

- January 2016**
- 86 MMF citizens**

Many MMF concerns were identified

16

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1. Pick something to study
2. Collect information
3. Identify the effects

- Susceptible to an effect from project interaction**
- Could be clearly understood**
- Can be measured**
- Baseline information (either qualitative or quantitative) could be reasonably collected**

17

Metis Specific Interests

- Historical Connection
- Available Land
- Teaching Sites
- Cabins Camps
- Inter-Generational Connection
- Harvesting
- Economics
- Metis Sites

1. Pick something to study
2. Collect information
3. Identify the effects

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18

1. Pick something to study
2. Collect information
3. Identify the effects

"Lands Available for Metis Use"

"Metis Harvesting"

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Wildlife

- Bears**
 - Habitat
 - Population
- Moose**
 - Disturbance
 - Mortality

1. Pick something to study
2. Collect information
3. Identify the effects

19

Lands Available for Metis Use

- Amount of Land for Use**
 - Legal Restriction
 - Physical Attributes
 - Metis Perception
- Change in Access**
 - Metis access
 - Non-Metis access

1. Pick something to study
2. Collect information
3. Identify the effects


20

Metis Harvesting

1. Pick something to study
2. Collect information
3. Identify the effects

- Harvest Activities & Experience
 - ↳ Harvesting Activity
 - ↳ Quality of Harvesting Experience
 - ↳ Harvesting Success
- Culturally Critical Species
 - ↳ Displacement
 - ↳ Contamination

21




22

1. Pick something to study
2. Collect information
3. Identify the effects


- 139 Surveys
- 47 In-Person Interviews

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- Draft Report
May 2016
- Revised Report
July 2016
- Final Report
February 2017

23



1. Pick something to study
2. Collect information
3. Identify the effects

Lands Available for Metis Use

- Amount of Land for Use
 - ↳ Legal Restriction ★
 - ↳ Physical Attributes
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 - ↳ Non-Metis access

24

1. Pick something to study
2. Collect information
3. Identify the effects

Available Land

Where can Metis people go to exercise their rights?

**Location matters
Conditions matter**

25

Available Land



“Metis harvesters may harvest throughout the Metis Recognized Harvesting Area on **all unoccupied provincial Crown Lands in Manitoba and occupied provincial Crown lands, including provincial parks, wherever **First Nation Members are allowed to harvest**; and on any privately owned lands in Manitoba on which that Metis Harvester has been given permission by the owner or occupant, or Indian Reserve lands with permission of Band Council.”**

26

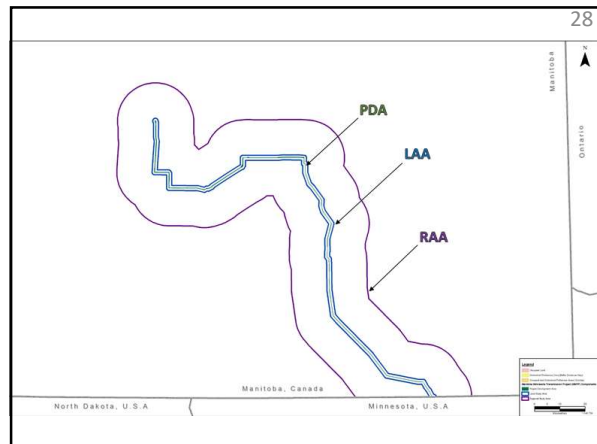
1. Pick something to study
2. Collect information
3. Identify the effects

Available Land

What lands exist in the vicinity of MMTP where Metis can freely exercise their rights

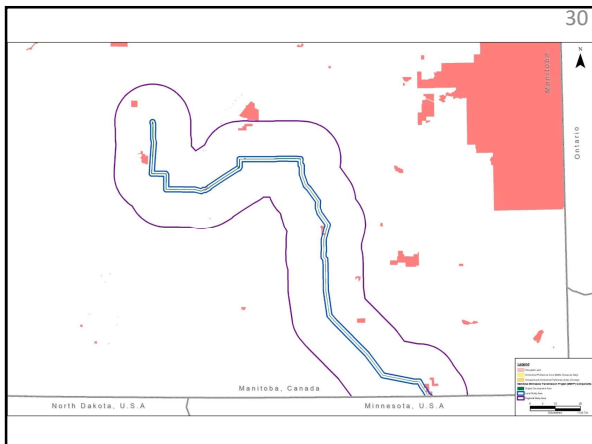
- **Without asking permission**
- **Without breaking a law**

27



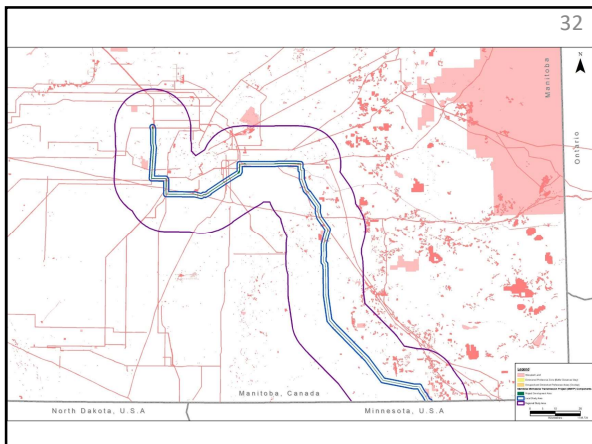
29

**National Parks
Provincial Parks
Ecological Reserves
Wildlife Refuges
Wildlife Management Areas
Provincial Forests**



31

**Mines, Quarries & Mineral mines
Well Pads
Transmission, Power Lines
Pipelines
Hydro-Electric Generating Stations
Hydro-Electric Converter Stations
Hydro-Electric Transformers
Forestry Activities, Timber Operations
Forest Harvesting Areas
Liquid and Solid Dumps**

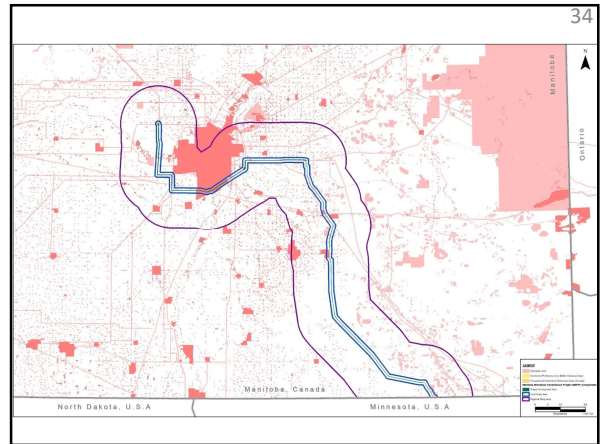


33

**Cities, Towns, Villages
Populated Areas
Indian Reserves
Houses, Cottages, Barns &
Outbuildings
Recreation Areas**




A slide with a white background and a black border. The number '33' is in the top right corner. The text is centered and bold. At the bottom left is the Caltion Group logo, which consists of a stylized 'C' made of vertical lines and the text 'Caltion Group' below it. A red horizontal bar is at the bottom right.

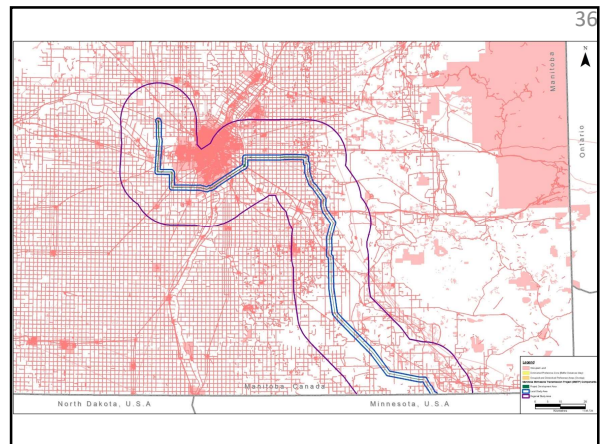


35

**Railway Lines
Primary Roads and Highways
Secondary roads
Resource roads
Prescribed Trails**

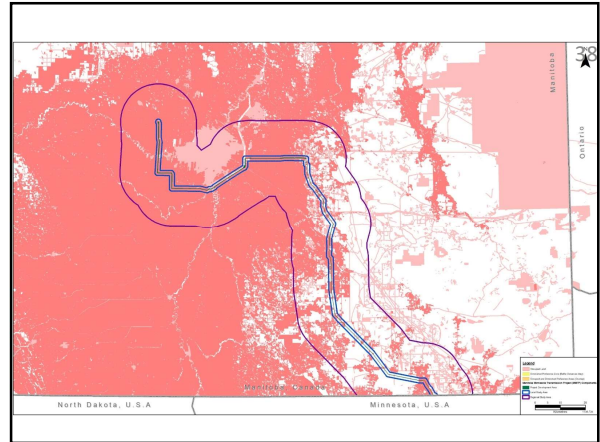


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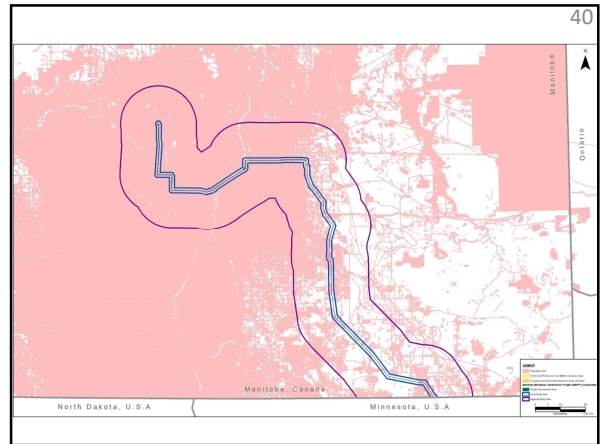
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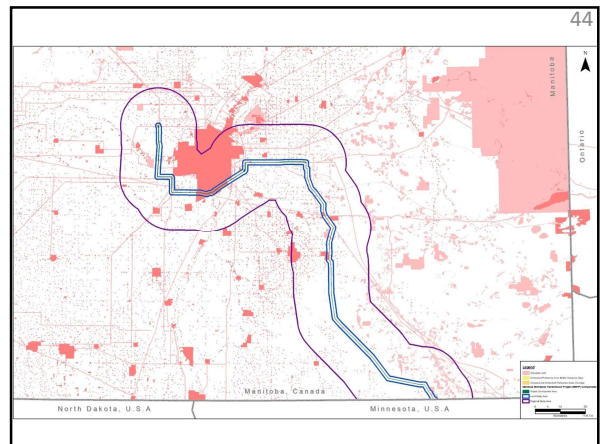
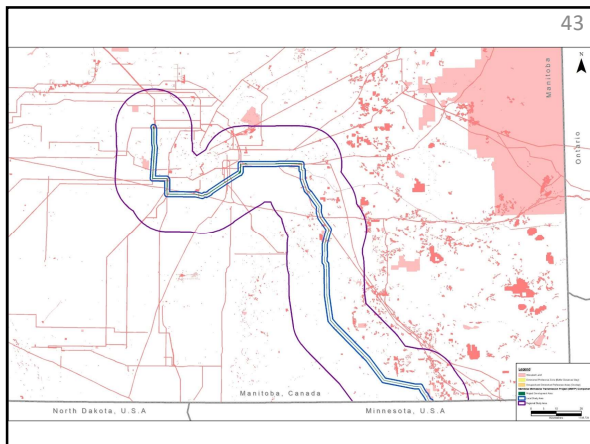
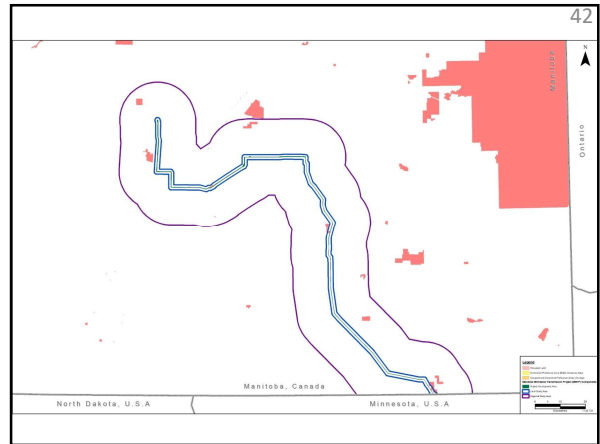
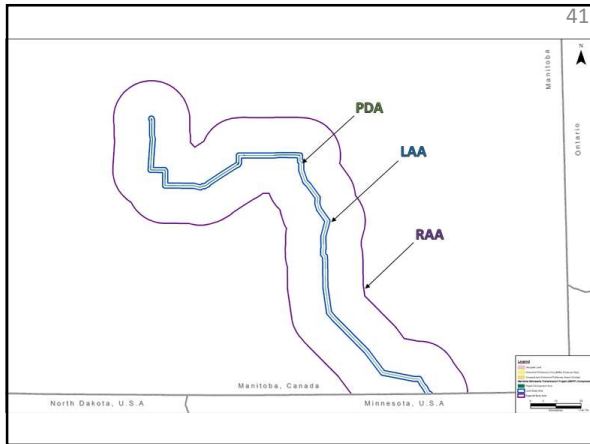
Agricultural Land Private Land Community Pastures

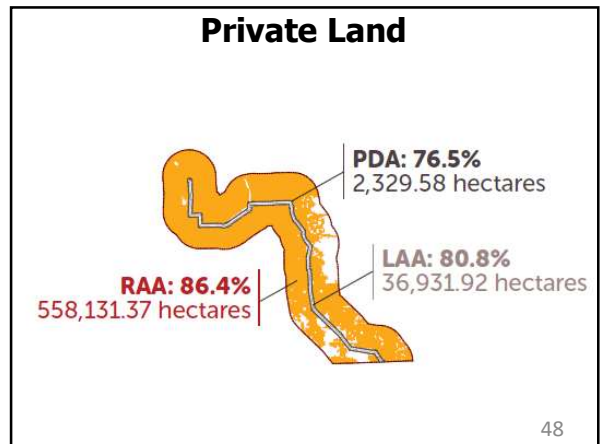
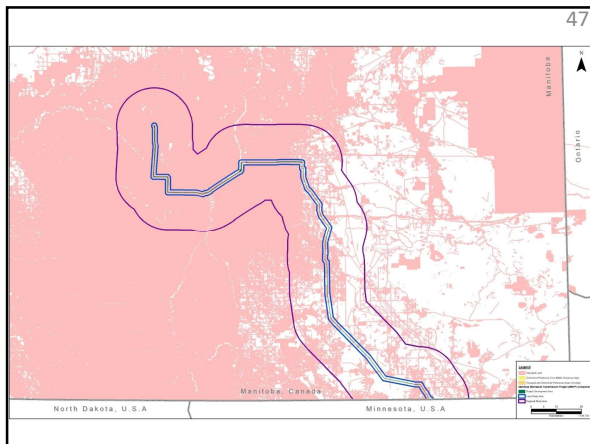
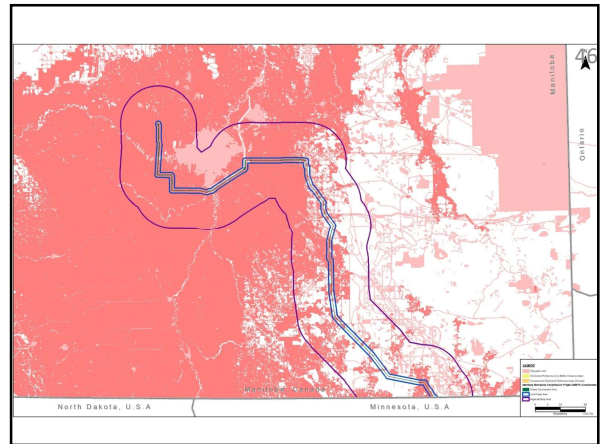
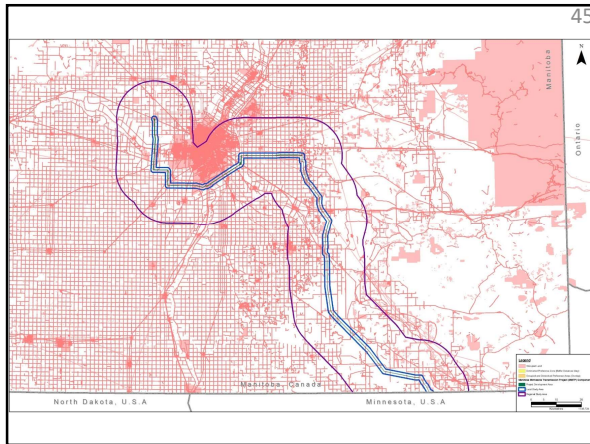


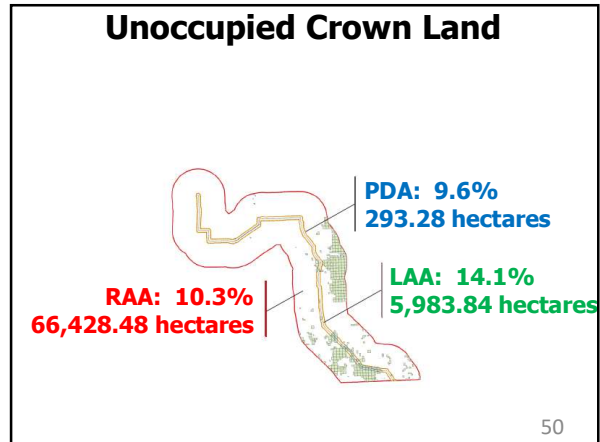
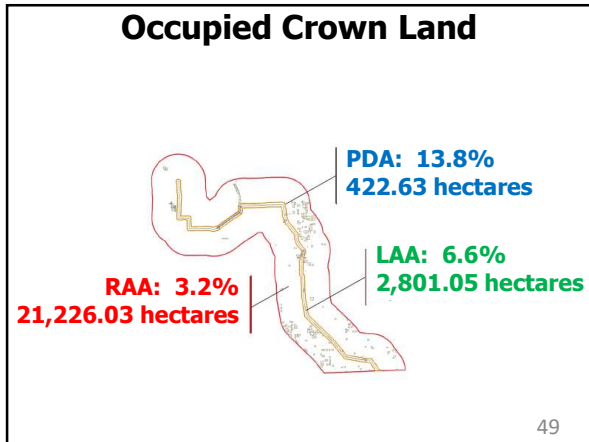
39

All Private Lands & Occupied Crown Lands









Available Land


- **Would MMTP change the amount of available land for the exercise of Metis rights?**
- **How would MMTP change the land?**
- **Additional legal restriction that would reduce the amount of land for the exercise of Metis rights?**

51

Easement Agreement

- **Legal authority provided to Manitoba Hydro to build, operate and maintain MMTP**
- **Applies to the right-of-way**
- **Prevents conflicting land use**
- **Provides clarity for priority of use**


52



Manitoba Hydro can
"...enter, use, construct, place, operate, maintain, repair, alter, add to and remove, on, under across, along, over through, or from the right-of-way overhead and/or underground..."

"...the right of free and unimpeded ingress and egress to and from the right-of-way..."


53



Changing Unoccupied Crown Land to Occupied Land

PDA	100% Change
<hr/>	
LAA	5% Change
<hr/>	
RAA	.04% Change


54



Changing Unoccupied Crown Land to Occupied Land

Manitoba Hydro did not consider the effect of changing Unoccupied Crown land to lands where Metis do not have a unimpeded right of access

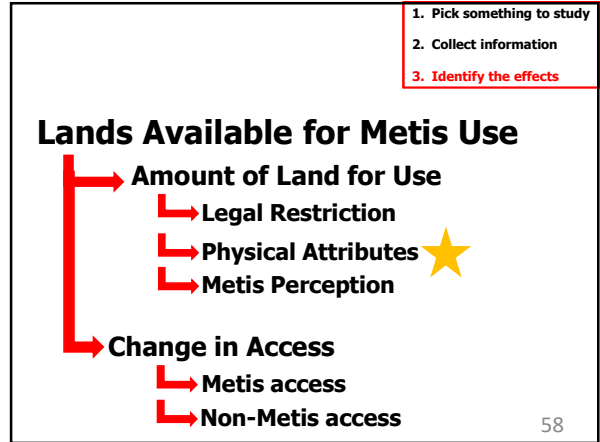
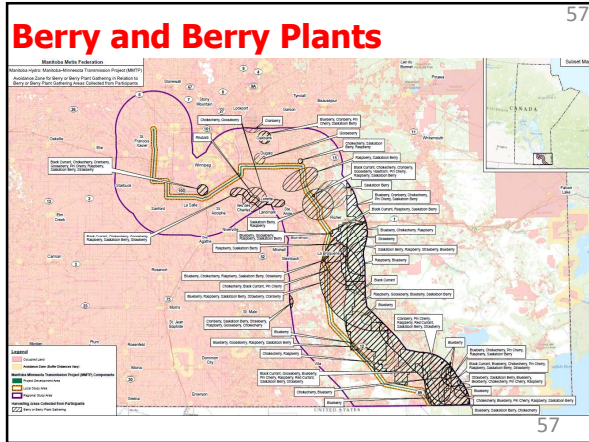
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This is important...

- **Sites and areas where harvesting takes place**
- **98% of Participants identified harvesting within the RAA, LAA and PDA**
- **281 specific use sites were identified in the PDA alone**
- **Most use on Unoccupied Crown Land in the RAA**

56

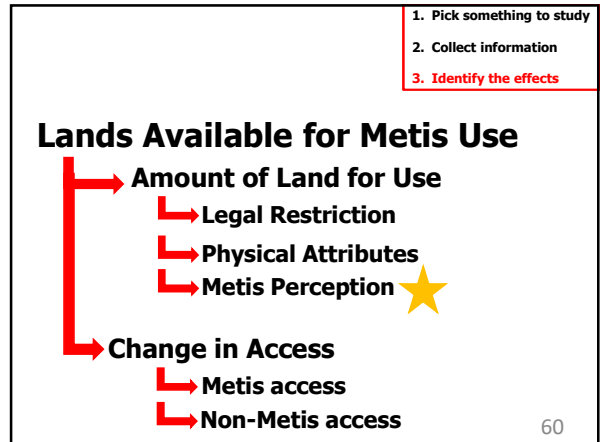


1. Pick something to study
2. Collect information
3. Identify the effects

47 Metis Surveys indicated they would not harvest:

- Where they could smell, hear or see industrial development

59



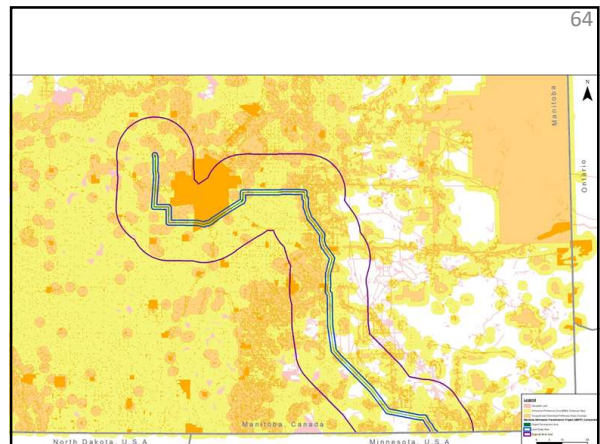
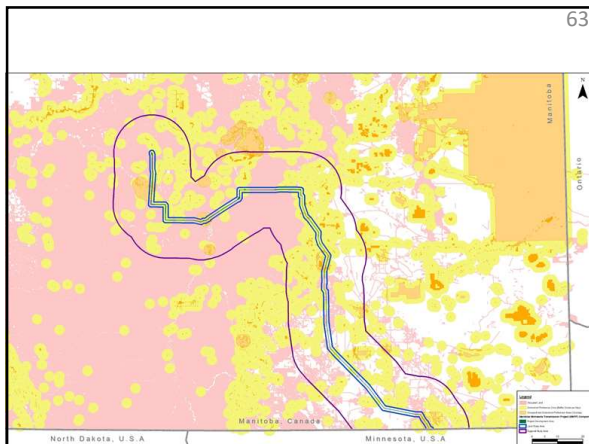
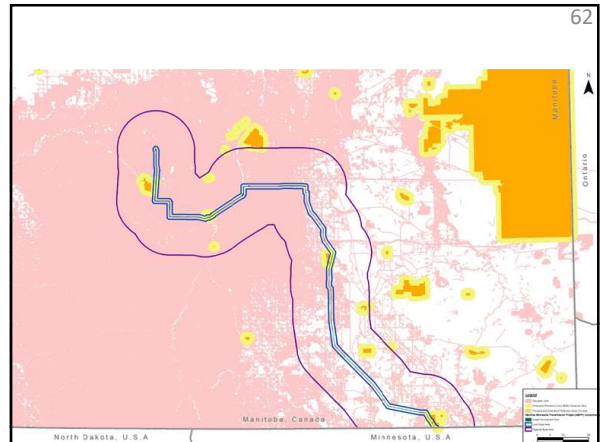
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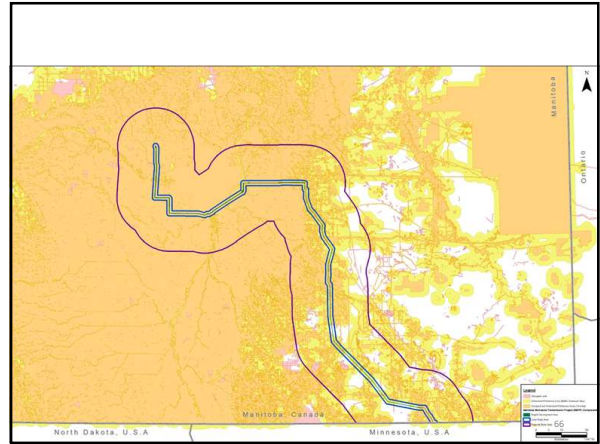
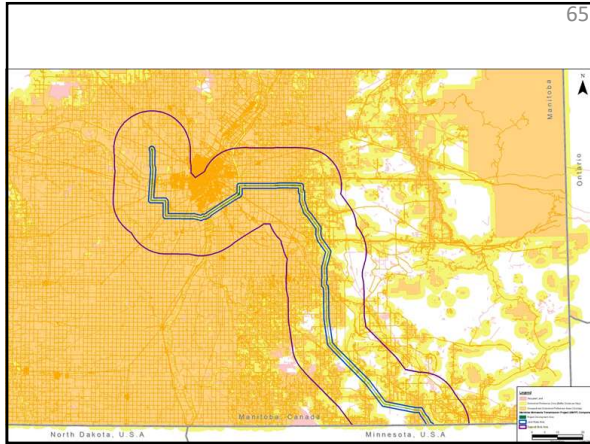
47 Surveys identified Metis Preferences

"How close would you harvest to..."

- Park
- Industrial activity
- Road

61





Hunting

1. Pick something to study
2. Collect information
3. Identify the effects

PDA

- 100% not preferred
- 0% remaining as preferred

LAA

- 92% not preferred
- 8% remaining as preferred

67


Lands Available for Metis Use

1. Pick something to study
2. Collect information
3. Identify the effects

- Amount of Land for Use
 - ↳ Legal Restriction
 - ↳ Physical Attributes
 - ↳ Metis Perception
- Change in Access
 - ↳ Metis access ★
 - ↳ Non-Metis access

68

Metis Access



- Majority of Survey Participants indicated that they believed access will change to Harvesting areas from Project development, with the exception of Fishing
- Areas Adjacent rather than Directly on.
- Restrictions during active construction

69


1. Pick something to study
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Lands Available for Metis Use

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70

Non-Metis Access



- Dorsey to Anola was area of 'high' traffic with Participants also encountering more than 10 people while harvesting
- Anola to the U.S.A border was an area of 'moderate' traffic with Participants also encountering 2-4 people while harvesting
- Increased traffic = increased competition & potential cultural disconnect

71

1. Pick something to study
2. Collect information
3. Identify the effects

Metis Harvesting

- Harvest Activities & Experience
 - ↳ Harvesting Activity ★
 - ↳ Quality of Harvesting Experience ★
 - ↳ Harvesting Success ★
- Culturally Critical Species
 - ↳ Displacement
 - ↳ Contamination

72

1. Pick something to study
2. Collect information
3. Identify the effects

Survey results showed Metis would avoid busy areas

- Less people
- Seek out solitude

73

1. Pick something to study
2. Collect information
3. Identify the effects

Metis Prefer

- Quiet
- Areas of past success
- Where there is no development
- Where there are no people

Metis Avoid

- Industrial workers
- Vehicles
- Location was dusty

74

1. Pick something to study
2. Collect information
3. Identify the effects

Construction Activities

- Avoidance
- Establishment of New Areas
- Wildlife Displacement

75

1. Pick something to study
2. Collect information
3. Identify the effects

Metis Avoid Transmission Lines

73% avoid transmission lines by 100 meters

76

Metis Harvesting

1. Pick something to study
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- Harvest Activities & Experience
 - ↳ Harvesting Activity
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- Culturally Critical Species
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 - ↳ Contamination

77

Availability of Culturally Critical Species

- Resources Available now
- Change in availability of those resources

78


Metis Harvesting

1. Pick something to study
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- Harvest Activities & Experience
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- Culturally Critical Species
 - ↳ Displacement
 - ↳ Contamination ★


79

Contamination



- Quality of plants, animals and fish
- Unease

80

Summary of Effects 


Less Available, Preferred Land

- Increased legal restriction
- Quality of land, experience is diminished

Metis Avoid Transmission Lines

- 100 meters
- Real or perceived change from project


81

Summary of Effects 

It is not sufficient to study biophysical resources

You need to study people and their behaviours

82


Summary of Effects 

Unoccupied Crown Land is important for the exercise of Metis rights

The actual condition of land is important

The perceptions of people are important and influence behaviour

83

What's Next? 

Mitigation

The effects identified in the Report were not covered in the original EIS

No acceptable mitigation has been developed for these effects to date

84

What is Next?

Mitigation

MMF and Manitoba Hydro currently discussing mitigation measures to offset effects identified in Report




85

Conclusion

In Absence of Mitigation:

- Effects in the PDA will remain
- Effects are considered "significant"



86

"Significant"

- Direction
- Magnitude
- Geographic Extent
- Frequency
- Duration
- Reversability
- Ecological Context



87

Thank-you



88

