



Southern Chiefs'
Organization Inc.
panel presentation to the
Manitoba Clean
Environment Commission
regarding the Manitoba-
Minnesota Transmission
Project Hearing, scheduled
for May 29, 2017

Who is SCO?

- **Membership:** 33 Member Nations in Southern Manitoba, representing half the First Nations in Manitoba.
- **Membership includes:** Anishinabe, Dakota, and Cree First Nations. SCO Membership includes signatories of Treaty 1, 2, 3, 4, 5 and Dakota Nations who did not sign Treaty
- **Grand Chief:** Grand Chief Jerry Daniels.





Art. 1: *SCO Constitution and Accord*

- 1.1 to assist members First Nations in the advancement and achievement of their goals as mandated by the Chiefs meeting in Summit;
- 1.2 to provide a common front for initiatives mandated by the Chiefs meeting in Summit;
- 1.3 to promote and assist member First Nations in providing good government for their First Nations;
- 1.4 to assist member First Nations in promoting and defending Treaty and aboriginal rights as mandated by the Chiefs in Summit;
- 1.5 to assist member First Nations in holding the Crown, and holding the Federal and Provincial governments responsible for the fulfillment of their fiduciary duties and other responsibilities and obligations.

“Resolution #16 – Environmental Stewardship” passed 2004 at Dakota Tipi Chiefs-In-Summit

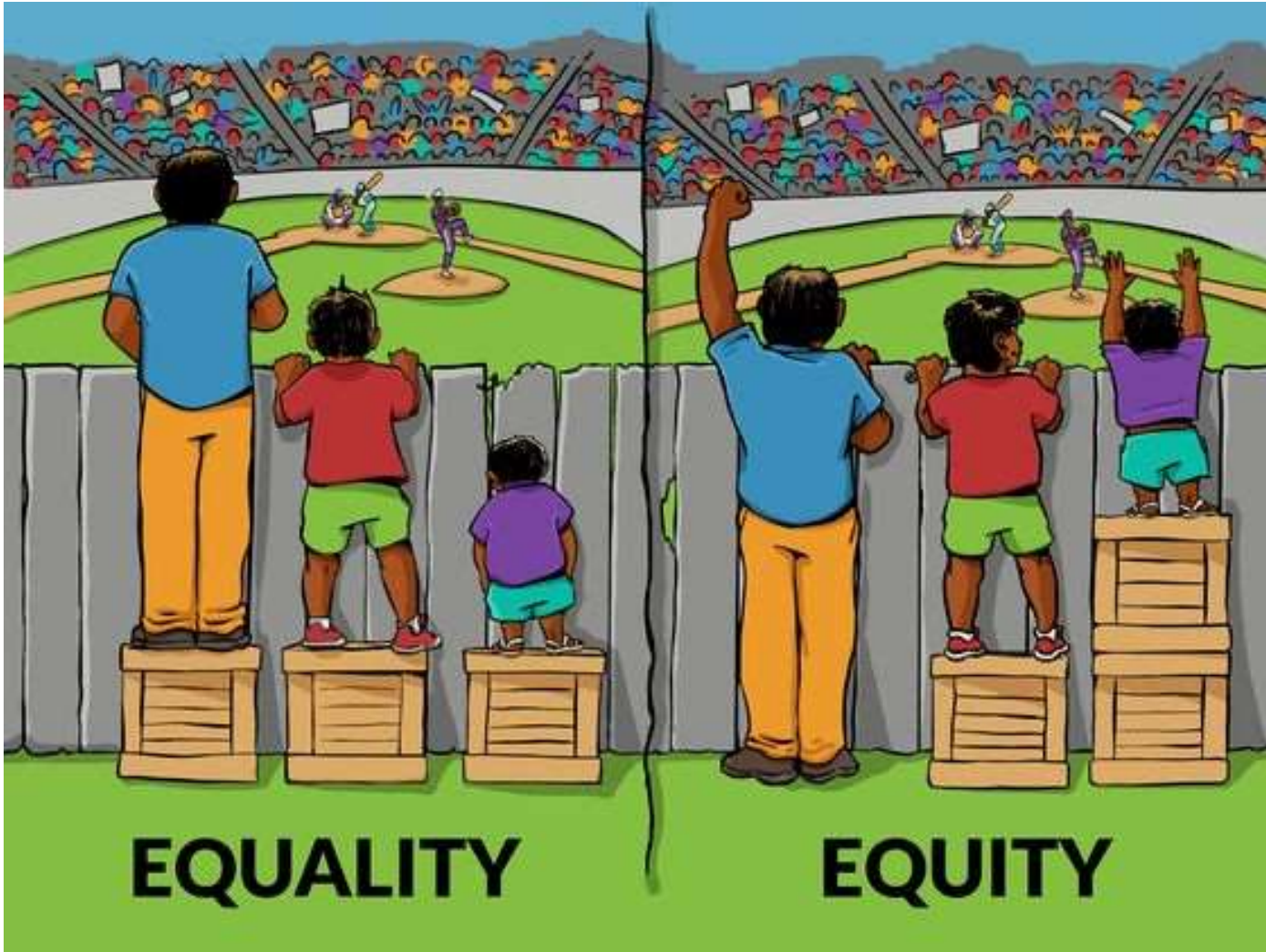


- First Nations must participate as active partners in any public or private environmental stewardship programs and initiatives;
- All southern First Nations perform their own environmental research and studies in regards to environmental stewardship in their traditional territories; and,
- The Grand Chief support and lobby for financial support from the federal and provincial governments to participate fully in all environmental stewardship programs and initiatives.



Participation/Capacity

- First Nation governments are the most resource-constrained governments in Canada.
- Funding is needed to provide the resources so First Nations can participate fully in environmental proceedings.
- Funding needs to be available not just during the project approval stage, but during the entire lifecycle of the project.
- First Nations need support to perform their own environmental research and studies in regards to environmental stewardship in their traditional territories, as this will benefit everyone.



Source: <http://interactioninstitute.org/>



Level playing field
required for First
Nations to
participate
resources.

More could be
done with more
resources.

Improving First Nation Engagement



- SCO acknowledges and appreciates that MH funded self-directed ATK studies, however there is still room for improvement:
 - Engagement needs to be more than lip-service;
 - Engagement needs to start earlier – ATK needs to be incorporated into the routing process;
 - Many questions remain, and will be subject to further Hydro decisions without CEC review:
 - Herbicide concerns – MH indicates it will not spray in areas where traditional practicing occurs, but no firm commitments where;
 - EMF can alter the spiritual integrity of traditional medicines;
 - First Nations in Manitoba are impacted not just by this transmission line, but by all transmission lines and ROWs in Southern Manitoba – Bi-poles I & II were built without notification, consultation, or compensation for affected SCO member nations.
- Changes in the route meant that First Nations ATK studies remained incomplete.

First Nation Engagement – CEC Terms of Ref.

- Updated Terms of Reference, dated February 15, 2017 (**TOR**), require the Commission to consider effects on First Nation, Metis, and other Aboriginal communities of any changes to the environment including those related to: **(i)** health and socio-economic conditions, **(ii)** physical and cultural heritage, **(iii)** the current use of lands and resources for traditional purposes, or **(iv)** any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.
- TOR also make is clear s. 35 consultation Crown-Aboriginal Consultation Process is “distinct” and “separate process” that must be completed before an environmental license is issued – this process has barely begun.

NEB hearings are expected to follow with respect to the MMTP project.

Explaining Indigenous Rights and the Treaties



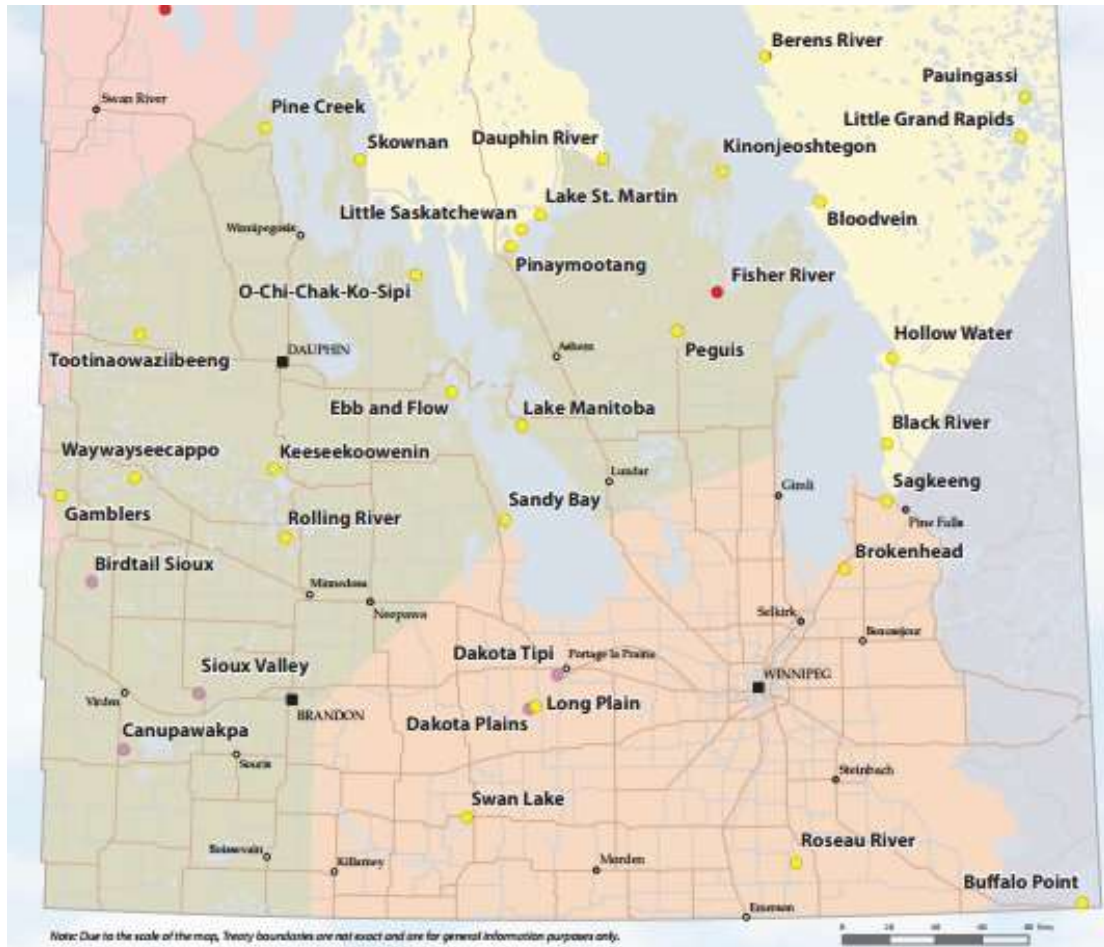
**GOT
LAND?
THANK
AN
INDIAN!**

Credit: Jeff Menard

Whose Land is This Anyways?

- Indigenous people were generous, they shared the land and rescued settlers.
- The concept of “owning land” is foreign to indigenous legal traditions
- Treaties were agreement to share the land, with promises that indigenous people could harvest from the land as they had before
- Not just reserve lands, but also the traditional territories too
- Indigenous people can hunt, fish, harvest, gather on any unoccupied Crown land in Canada.

Indigenous legal traditions are Canadian law.



TREATY AREAS

- Treaty No. 1
- Treaty No. 2
- Treaty No. 3
- Treaty No. 4
- Treaty No. 5

Treaty Adhesions:

- Treaty No. 5 (1875 & 1908)



AMC



Aboriginal Affairs and Northern Development

In Partnership with the Assembly of Manitoba Chiefs and Aboriginal Affairs and Northern Development Canada

Note: Due to the scale of the map, Treaty boundaries are not exact and are for general information purposes only.

Credit: Cartographer – Steven DeWeg, The Flight Group
 Credit: Treaty Boundary Research – Dr. Frank Tough, University of Alberta

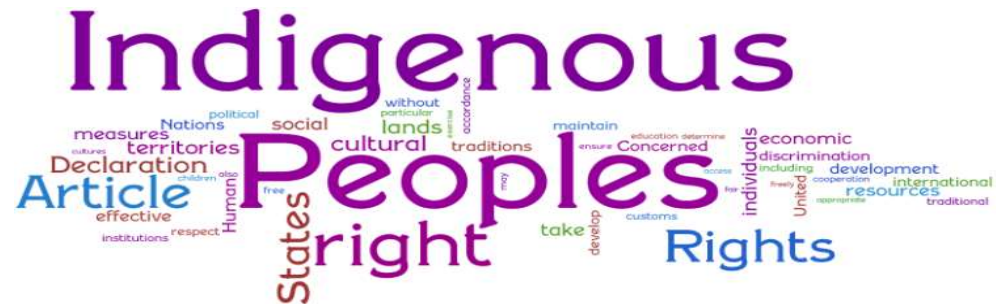
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Consultation

- The honour of the Crown can never be delegated
- The Crown has a constitutional duty to consult with indigenous peoples.
- Consultation has to be **meaningful** and the Crown also has a duty to **accommodate** whenever possible.
- **Consultation is distinct from engagement.**



UNDRIP



- Article 32
- 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- 2. States shall consult and co-operate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact. [Emphasis added]



Importance of Crown Land

- Indigenous people agreed to share the land.
- Were promised they would be able to hunt, fish, trap, harvest, and gather as they had before.
- Over time land has been taken up for settlement and this leaves less land available for indigenous traditional practices, and less land available for wildlife as well.
- Over the past 150 years the amount of land available to indigenous people has decreased dramatically.
- SCO expert Dr. Petr Cizek showed that between 1930 and 2016 more than one-fifth of the forested land has been lost in routing study area, and linear features have more than doubled.

SCO Expert -- Dr. Petr Cizek - Summary

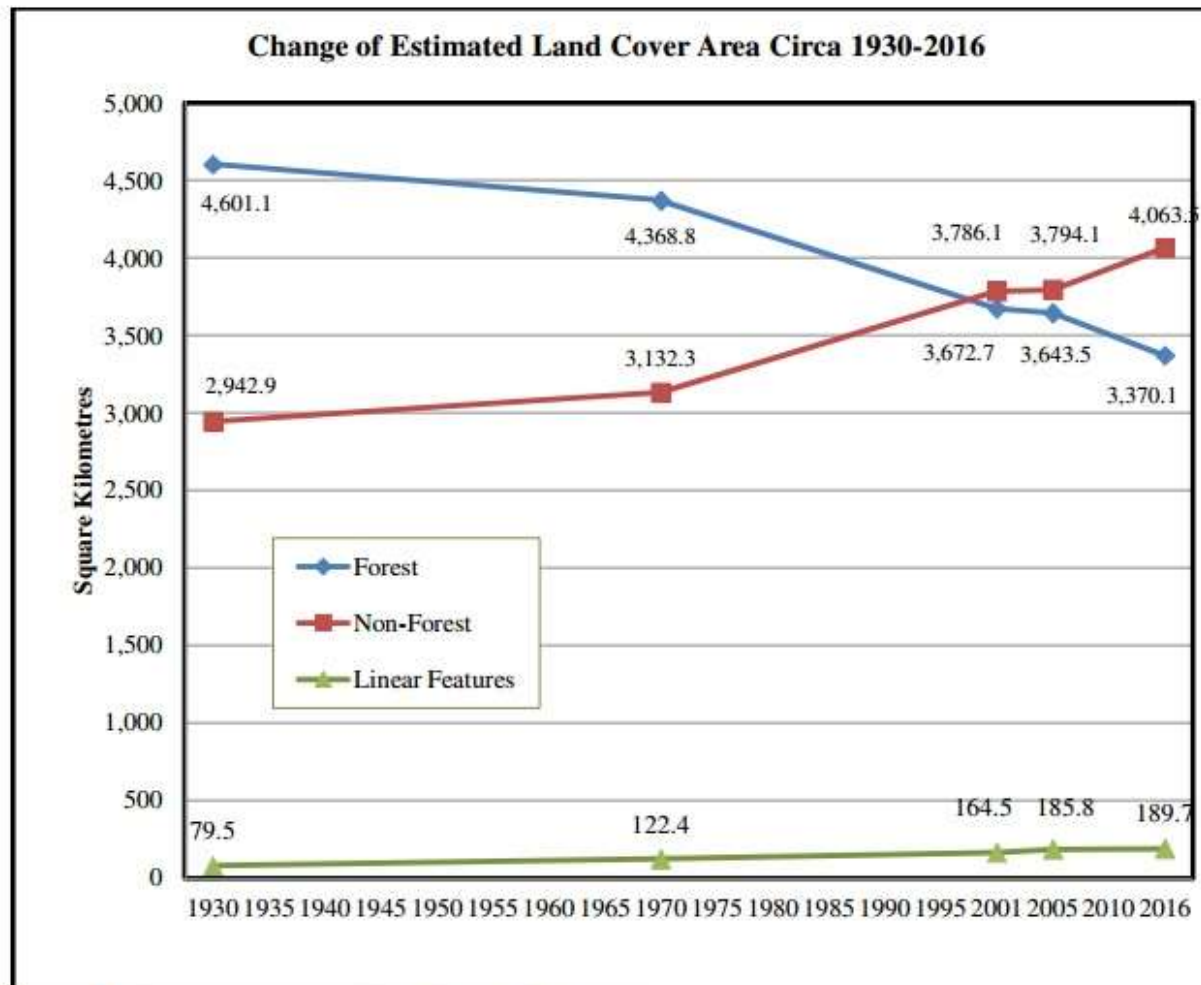
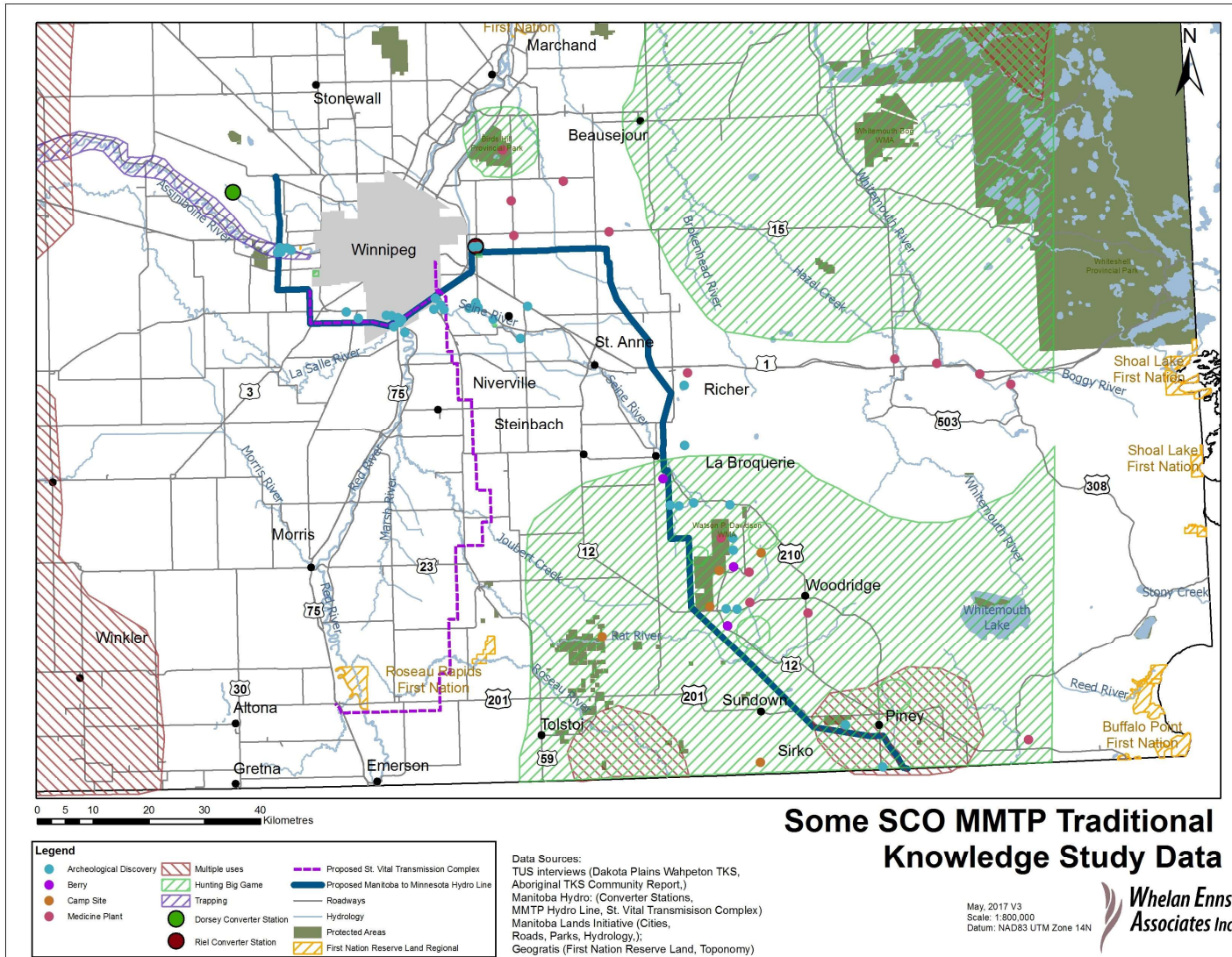


Figure 1 Estimated Land Cover Area Circa 1930 to 2016

Loss of Crown Land in Context

- The amount of land lost since 1930 is = Winnipeg (x2), Brandon (x2), Dauphin (x4), and Portage La Prairie (x4)!
 - Tot. lost forested land in study area = 1,231 km² (~304,200 acres)
 - Winnipeg area = 464 km²
 - Brandon area = 77 km²
 - Portage La Prairie area = 25 km²
 - Dauphin area = 13 km²





Time to Hear from SCO Members

- June Thomas - Roseau River Anishinabe First Nation
- David Daniels - Long Plain First Nation
- Chief Lance Roulette - Sandy Bay Ojibway First Nation
- Brian Henderson - Black River First Nation
- David Scott - Swan Lake First Nation
- Holly Morrissette - Brokenhead Ojibway Nation

Councillor June Thomas

Roseau River Anishinabe First Nation (RRAFN)
conducted and wrote the RRAFN ATK Report

Dave Daniels

Lead author Long Plain, Black River, and Swan Lake ATK Report

ATK Community Report (May 2015): Black River, Long Plain, Swan Lake

- 300 plants identified (95% used by indigenous people).
- Further work needed, Hydro should fund study of route changes.



All photos in the following slides are by Dave Daniels, and were taken along or near the proposed preferred route for the MMTP Project.

Ten species considered rare
found along or near the preferred
route.

Ranked S1 to S3

Agalinis tenuifolia (S2S3)



Asarum canadense (S3)



Botrychium multifidum (S3)



Carex tetanica (S3)



Ceanothus herbaceus (S2S3)



Chelone glabra (S2)



Circaea canadensis (S2)



Oenothera perennis (S1)



Osmorhiza claytonia (S2)



Fraxinus nigra (S2S3)



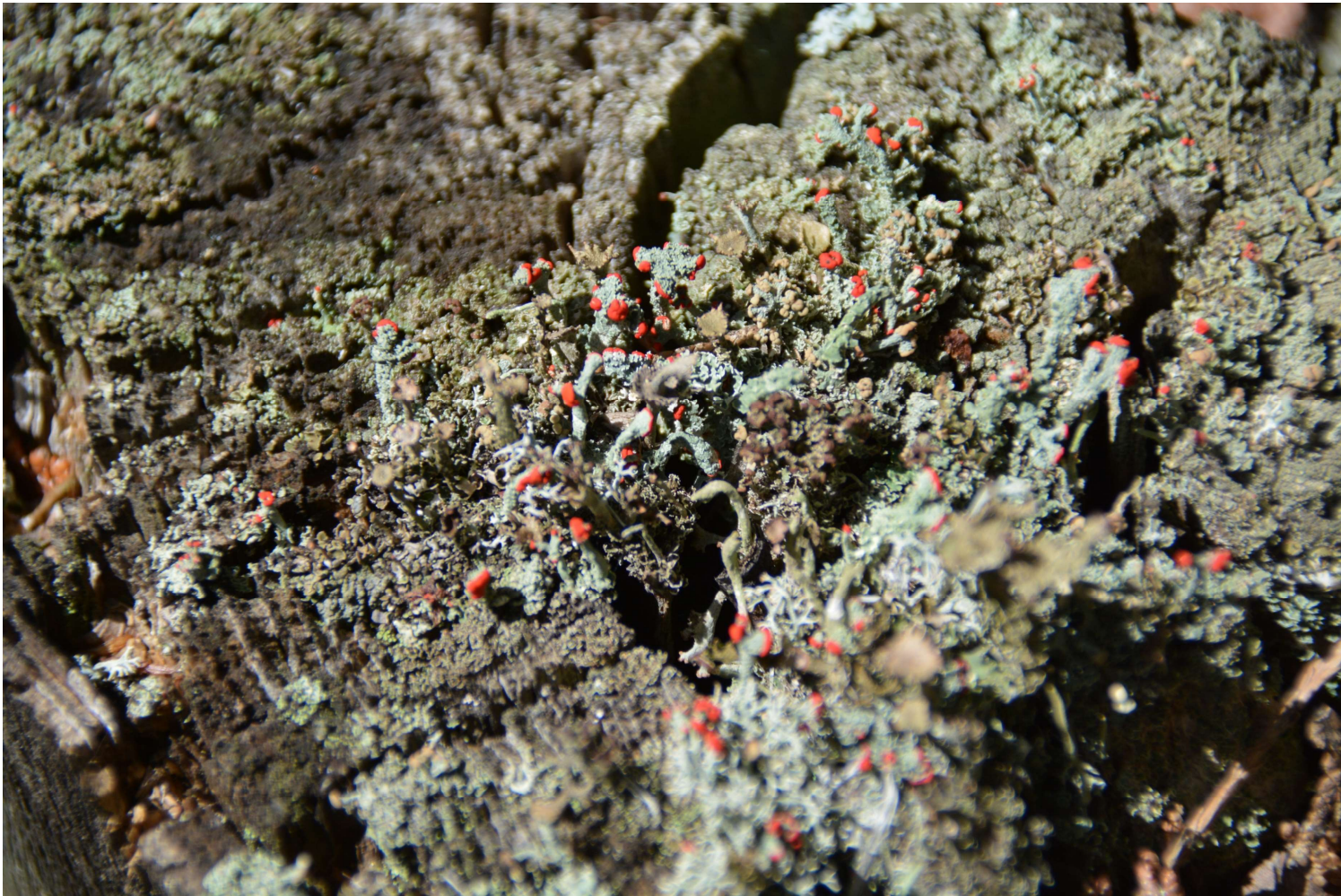
Photo credit: Wikipedia

Cypripedium reginae



Other plants and wildlife along
the preferred route

British soldier lichen



Liatris ligulistylis



Monotropa uniflora



Salamander Larvae



Sandhill Crane



Blister Beetles mating



Chief Lance Roulette

Sandy Bay Ojibway First Nation

Brian Henderson

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Brokenhead Ojibway Nation



Questions?