



Treaty Land Entitlement Committee of Manitoba Inc.

UPDATE

SPRING 2014

Urban Reserve established in the Town of Swan River for the Sapotaweyak Cree Nation

On Friday February 28, 2014, Chief Nelson Genaille of the Sapotaweyak Cree Nation (SCN), Manitoba, announced that his First Nation's parcel of land that was purchased in the Town of Swan River was formally set aside as Reserve by Canada's Minister of Aboriginal Affairs on February 23, 2014.

"I am pleased to announce that Canada has finally converted our urban property to Reserve under our Treaty Land Entitlement agreement," stated Chief Genaille, who is also the President of the Treaty Land Entitlement Committee (TLEC) of Manitoba. "We will now pursue economic development opportunities on this land that will not only benefit our First Nation, but will also benefit the entire Town of Swan River and surrounding communities. I also want to commend the Mayor and Council of Swan River for their demonstrated commitment in working with us as we worked towards converting this prime real estate into Reserve."

On March 31, 1998, SCN, Canada and Manitoba signed a Treaty Land Entitlement (TLE) agreement under the Manitoba Treaty Land Entitlement Framework Agreement. At that time, SCN was entitled to select 108,134 acres of available Crown Land and purchase 36,045 acres of "Other" Land for economic and social benefit.

On April 3, 2006, SCN acquired .14 acres in Swan River, known as the "Former Liquor Control Commission" property, at 108-6th Ave South.

On March 15, 2012, SCN signed a Municipal Development and Services Agreement (MDSA) with the Town of Swan River's Mayor Glen McKenzie for the parcel of land that SCN purchased.



SCN's Chief and Council and TLE Trustees with Swan River Mayor Glen McKenzie and Chief Administrative Officer during the signing of the MDSA in March 2013.

An MDSA provides for the provision of municipal services to the parcel of land and the payment for such services, if required, by the First Nation to the municipality.

As of February 2014, Canada has converted approximately 99,701 acres of Crown Land and .14 acres of Other Land to Reserve for SCN under its TLE agreement.

SCN is located on Dawson Bay in the north section of Lake Winnipegosis, next to the community of Pelican Rapids, approximately 450 kilometers north of Brandon, Manitoba.

As a signatory to Treaty No. 4, SCN is one of the 15 Entitlement First Nations that has signed its TLE agreement under the Manitoba TLE Framework Agreement.

The Manitoba TLE Framework Agreement was signed on May 29, 1997, between Canada, Manitoba and the TLEC to address and remedy the outstanding land entitlement owed to the Treaty First Nations represented by the TLEC.

The Manitoba Treaty Land Entitlement Framework Agreement: "A DEBT TO BE PAID"

Canada's "Duty to Consult" on TLE



Chief Nelson Genaille, TLEC President, giving opening remarks at TLEC's Forum on Canada's Duty to Consult on TLE, January 28, 2014.

On January 28, 2014, the Treaty Land Entitlement Committee (TLEC) of Manitoba hosted a Forum on Canada's "Duty to Consult" in Winnipeg in relation to its Additions to Reserve policy.

This forum included delegates from TLEC's Member Entitlement First Nations, as well as those First Nations who possess independent TLE agreements outside of the Manitoba Framework Agreement (MFA) on TLE.

The purpose of this forum was to review, consider and discuss Canada's proposed process to now undertake "Crown-Aboriginal" consultations with potentially affected Aboriginal groups relating to Canada's legal obligation to set lands apart as Reserve for the TLE Entitlement First Nations (EFNs).

In December 2013, TLEC was advised that Canada must now satisfy its duty to consult other potentially affected Aboriginal groups under the Treaty Land Entitlement (TLE) implementation process.

By way of Motion adopted by TLEC's 15 Voting Members on March 20, 2013, TLEC has been mandated to monitor Canada's "Duty to Consult" on TLE. Furthermore, TLEC has been authorized, if required, to be involved in the transition and implementation of Canada's proposed consultation process so as to ensure this duty to consult does not negatively impact or interfere with TLEC's EFNs' TLE land selections and/or acquisitions from being set aside as reserve by Canada.

At the forum, an official from the Manitoba Region of Aboriginal Affairs and Northern Development Canada (AANDC) presented Canada's proposed process for "Crown-Aboriginal" consultations on TLE, which included the following:

- The implementation of the duty to consult must be addressed on a parcel by parcel basis
- A pre-consultation analysis will be conducted for each acquisition and selection
- Any information the First Nation possesses with respect to historical and current land use should be provided to AANDC and Manitoba to form part of the consultation record
- All Aboriginal groups whose home community is located within a 70km radius of the selection or acquisition proposed for reserve creation would receive a letter
- The letter will request the Aboriginal group outline any adverse impacts the proposed reserve creation may have on potential or established Aboriginal or Treaty rights

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TLE LAND CONVERSION UPDATE 2014

PRESENT STATUS:

The following chart provides the Crown Land and Other Land Amounts that each Entitlement First Nation ("EFN") is entitled to receive under the Manitoba Treaty Land Entitlement Framework Agreement (1997). For those EFNs that have signed their individual Treaty Entitlement Agreements ("TEAs") under the Framework Agreement, it also provides the amount of acres that have been converted to Reserve as of March 2014.

| Entitlement First Nations | Crown Land (no minimum) | Other Land Entitlement Acres | Total Treaty Land Entitlement | Acres Converted to Reserve as of March 2014 |
|---------------------------|-------------------------|------------------------------|-------------------------------|---|
| Barren Lands | 66,420.00 | - | 66,420.00 | - |
| Brokenhead | 4,344.00 | 10,137.00 | 14,481.00 | 679.46 |
| Buffalo Point | 3,432.00 | 607.00 | 4,039.00 | 2,369.70 |
| Bunibonibee | 35,434.00 | - | 35,434.00 | 31,342.34 |
| God's Lake | 42,600.00 | - | 42,600.00 | 16,301.75 |
| God's River (Manto Sipi) | 8,725.00 | - | 8,725.00 | 4,284.00 |
| Mathias Colomb | 217,364.00 | - | 217,364.00 | 172,538.49 |
| Nisichawayasihk | 61,761.00 | - | 61,761.00 | 33,816.01 |
| Northlands | 94,084.00 | - | 94,084.00 | 4,134.00 |
| Norway House | 104,784.00 | - | 104,784.00 | 42,045.53 |
| Opaskwayak | 47,658.00 | 8,410.00 | 56,068.00 | 24,375.30 |
| Rolling River | 2,356.00 | 44,756.00 | 47,112.00 | 5,468.57 |
| Sapotaweyak | 108,134.00 | 36,045.00 | 144,179.00 | 99,701.73 |
| War Lake | 7,156.00 | - | 7,156.00 | 480.40 |
| Wuskwi Sipihk | 44,168.00 | 14,722.00 | 58,890.00 | 25,189.83 |
| TOTAL | 848,420.00 | 114,677.00 | 963,097.00 | 462,727.11 |

IN MEMORIAM: DAVID SPENCE



The late Mr. David Spence

The Treaty Land Entitlement Committee (TLEC) of Manitoba's Board of Directors and staff offer their sincere condolences to the family and colleagues of the late Mr. David Spence. David passed away on January 26, 2014.

David was from the Nisichawayasihk Cree Nation (NCN) – a Member Entitlement First Nation of the TLEC - and served as an elected Councillor for NCN. He was one of the original Council members to ratify and sign NCN's Treaty

Entitlement Agreement on July 30, 1998, under the 1997 Manitoba Framework Agreement on Treaty Land Entitlement.

Over the years, David chaired MKO Chiefs' Assemblies and AMC conferences, including TLEC meetings.

He will be missed by all that have had the pleasure and privilege of knowing and working with him.



Delegates listen to presentations at TLEC's Forum on Canada's Duty to Consult on TLE.

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- For lands that have been acquired in fee simple, the Aboriginal group would have 30 days to respond
- For Crown land selections, the Aboriginal group would have 60 days to respond
- All outgoing and received correspondence regarding consultation will be shared between the federal and provincial governments

Immediately following this forum, TLEC's President, Chief Nelson Genaille, sent a letter to the Manitoba Regional Director General of AANDC and stated the following:

"At this point in the implementation of the MFA, there is no denying that Canada's decision to now consult on the Reserve creation process is causing delays and uncertainty for TLEC's Member EFNs. We contend that the current Reserve creation process – which has been followed by the MFA parties (TLEC, Canada and Manitoba) for the past 17 years – is the last in a series of steps needed to implement a decision made in 1997 – that is to make lands available for Reserve creation for our Member EFNs to satisfy their outstanding TLE claims - and therefore no new consultation obligation arises.

By now deciding to undertake Crown-Aboriginal consultations, 17 years after the signing of the MFA and after converting a total of 462,727 acres to Reserve without consulting other Aboriginal groups, the Crown's conduct on this matter is jeopardizing the fulfillment of our Member EFNs' validated TLE rights and calls into question the Honour of the Crown.

As a result of this dramatic alteration to the implementation of the MFA, we, on behalf of our Member EFNs, are now calling for good faith negotiations with Canada to remedy and alleviate the effects of Canada's decision to consult, and possibly accommodate, other Aboriginal groups on the TLE implementation process, in accordance with Article 40.12, Constitutional or Legislative Changes, of the MFA."

Article 40.12, Constitutional or Legislative Changes, of the MFA states:

"Where any amendment not contemplated by this Agreement is enacted to the Constitution Act, 1982, the Indian Act or to any other legislation, the result of which amendment is inconsistent with the legal rights or obligations of the parties under this Agreement and which, in turn, materially affects the implementation, operation or effect of this Agreement, the parties agree to enter into good faith negotiations designed to determine and implement any necessary amendments to this Agreement required to remedy or alleviate the effect of such constitutional or legislative changes".

As of the publication of this update, no formal negotiations have commenced between TLEC, AANDC and Manitoba to address and remedy this issue.

In accordance with the TLEC Motion of March 20, 2013, TLEC will continue to implement this mandate and directive and report on progress as developments arise.



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For More Information on the Framework Agreement and the TLEC, please visit our **Website @: www.tlec.ca**