



# Appendix 2 – Our Homeland Ecosystem - A History of Transformative Events

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## 1.1 Introduction

The current state of our homeland ecosystem is the result of many post-contact events acting cumulatively on the state of harmony and balance that existed at the time of our first contact with Europeans. In describing the existing environment, we provide an examination of how key past events have affected the ability of our homeland ecosystem to sustain us physically and culturally.

CNP used the Ancestral Homeland Ecosystem Model to illustrate how we have been affected by events since first contact. Many of the events presented in this appendix were incorporated into our assessment of harmony and balance in our homeland ecosystem in Chapter 11. Taken together, these events transformed our culture and our world. An overview of our history is provided in Chapter 4.

An understanding of our history is necessary to achieve an understanding of how we will be affected by another event or development. Therefore, the following subjects are both physical development projects and historical socio-political events that have affected us in a variety of meaningful ways. They are presented here in an order that is generally chronological.

## 1.2 Key Post-Contact Events

### 1.2.1 Introduction of European Technology and Products

Our ancestors were introduced to European technology in the 1650s when French expeditions arrived at their seasonal settlements on the shores of Hudson Bay. The technology and products would have included metal implements, twine, firearms, steel traps, cloth items (particularly canvas) and blankets.

Such technology and products were available to us from Hudson's Bay Company (HBC) trading posts established at York Factory (1684), Churchill (1717), Split Lake (for almost 100 years beginning in 1790) and at the north end of Split Lake near the mouth of the Assen River (1886).

European technology and products were incorporated for use in traditional harvesting activities – in some cases replacing traditional harvesting technology – and improved the productivity of such activities. New technologies contributed to over-trapping.

### 1.2.2 The Royal Proclamation (1763)

The Royal Proclamation, issued in 1763 by King George III following Great Britain's acquisition of French territories in North America, is often seen as the cornerstone of Treaty and Aboriginal rights and title in Canada.

It recognized Indian lands as “not having been ceded” to the British and recognized them as Indian “Hunting Grounds”. The Proclamation acknowledged that “great Frauds and Abuses” had been committed in the purchase of Indian lands by private interests, and prevented any private purchase of such lands. Only the Crown was allowed to



purchase Indian lands. However, the Royal Proclamation effectively brought Aboriginal people under British sovereignty, and was the beginning of the exercise of Crown dominion.

### **1.2.3 Disease**

TCN and WLFN felt the impacts of Aboriginal contact with Europeans from new diseases from Europe, notably measles, smallpox, mumps, and typhus which spread rapidly amongst Aboriginal people in the Americas after first contact.

These diseases struck as virgin soil epidemics in which there is no immunity, and everybody tends to get sick at the same time. A virgin soil epidemic always results in high rates of sickness and death. There are seldom enough healthy people to take care of the sick, provide food, or continue the work to produce necessary supplies for the future. Few were able to fish, trap or hunt. Famine almost inevitably followed epidemic.

The mortality rate amongst Aboriginal people in the Americas from the smallpox epidemic of 1837 alone was approximately fifty percent. From first contact until early in the 20<sup>th</sup> century, pandemic was a constant theme, either as threat, actuality, or recent memory.

A plague-like illness, possibly the 1918 Spanish influenza epidemic, killed many TCN and WLFN Members in the early 1920s.

Currently, our health is still much worse than the Canadian population as a whole. High rates of diabetes, cardiovascular disease and other health issues have created a life expectancy and quality of life lower for us than that typical of non-Aboriginal Canadians.

### **1.2.4 European Food**

With the introduction of HBC trading posts in our ancestral homeland ecosystem, basic European foods like oatmeal, pork, tea and flour became part of our diet. However, these foods didn't replace but, rather, complemented the traditional foods harvested from our lands and waters.

A small store was established in the community of Split Lake in the 1930s, competing with the HBC. European foods were also available at stores in Ilford and The Pas. For decades, however, the consumption of store-bought food was small, mainly because of our cultural and historical connection to the land and traditional foods such as moose, ducks and fish.

By the 1970s, a combination of factors led to a reduction in the harvesting of country foods and increased our consumption of store-bought food. This has had a negative effect on the health of our Members.

### **1.2.5 Christianity**

For much of the 20th century, the Anglican Church exerted a profound influence at Split Lake and Ilford. In the late 1890s, Archdeacon James Lofthouse and native catechist Joseph Keche-kesik established the Anglican presence at Split Lake. Reverend Charles Fox ministered at Split Lake between 1898 and 1916 and led the construction of the first Anglican Church and mission house at Split Lake in 1906.

The Anglican Church intertwined Christian ways and beliefs and our traditional beliefs into a value system compatible with our culture. Ministering occurred at seasonal camps and settlements throughout our homeland ecosystem. Worship followed seasonal cycles at Treaty Day, Christmas and Easter.



The Anglican Church wielded social authority and helped to maintain order, shielding us from some of the more destabilizing modern influences. With this authority, however, came the forced attendance at residential schools resulting in a diminishing of our cultural identity.

### **1.2.6 Alcohol**

The effects of alcohol for Aboriginal people, in general, are recognized as an obvious detriment to harmony and balance. It was one of the products introduced by Europeans after contact in the late 17th century.

Our collective memory does not reveal any extraordinary damage to our people's traditional pursuits caused by alcohol in the time after its introduction. In the 20th century, a variety of factors tended to mitigate damages wrought by alcohol abuse within our communities, including our relative isolation, the influence of the Anglican Church and the designation of Split Lake as a "dry" community. Drinking tended to be more of a problem in urban centres like The Pas and Thompson after the completion of PR 280 in 1979.

### **1.2.7 Transfer of HBC Control to Crown (1870)**

In 1870, Rupert's Land, a vast area comprising what is now northern Quebec, northern Ontario, Manitoba, much of Saskatchewan, southern Alberta and southern Nunavut was transferred from the HBC to Canada. Although this was extremely important in jurisdictional terms as viewed by non-Aboriginals, it had little immediate effect on us and the relationships important for our survival and cultural identity. It did, however, mark the beginning of a shift from our co-existence with Europeans to our loss of power and control over our homeland ecosystem.

### **1.2.8 Indian Act (1876)**

The *Constitution Act*, 1867, granted Parliament legislative jurisdiction over "*Indians, and Lands Reserved for the Indians.*" In 1876, the first consolidated *Indian Act* was enacted. It contained provisions dealing with land management, membership, governance, financial management and education, and carried within it the ultimate goal of assimilation. It regulated and controlled every important aspect of our lives.

The *Indian Act*, amendments and official interpretations at various times imposed sanctions on commercial farming, required our Members to comply with game laws, imposed prohibitions on our religious practices, eliminated our traditional political systems, compelled attendance at schools and provided for expropriation of our lands. Amendments prohibited us from using Band funds for land claim actions, and banned soliciting outside funds, further impairing our ability to hold on to our traditional rights in our homeland ecosystem.

Voluntary enfranchisement was the cornerstone of Canadian Indian policy until the 1960s. By enfranchising, a person was consenting to abandon Aboriginal identity and merge with the larger society. It was not until 1960 that we were granted the right to vote in federal elections without giving up any of our rights.

The *Indian Act* continues to impair our ability to control our own lives.

### **1.2.9 Adhesion to Treaty 5 (1908)**

Since time immemorial, we exercised tribal and collective ownership of our homeland ecosystem. Our collective ownership and rights were recognized by the Crown in the Royal Proclamation of 1763, subject to certain limitations.



TCN signed an Adhesion to *Treaty 5* in 1908, some 33 years after the Treaty was first signed. Given that the majority of WLFN Members were originally TCN and York Factory First Nation (YFFN) Members, WLFN is considered a signatory to the Adhesion to *Treaty 5*.

Under the Adhesion, the Indians at Split Lake were designated as the Split Lake Indian Band (later renamed Split Lake Cree Nation and now Tataskweyak Cree Nation). Our ancestors approached the Treaty discussions based on our cultural imperative of sharing, and so viewed the Treaty as a means to improve their economic condition in exchange for access to the land and resources by the Crown, with only minor limitations on our rights to continue historical pursuits throughout our homeland ecosystem.

Our ancestors could never have imagined the loss of power and authority over our homeland ecosystem and over almost every aspect of our lives that resulted from *Treaty 5*. The benefits of the Treaty proved to be fleeting, the annual provision of \$5 per person soon had little value, and the anticipated improvement in economic conditions did not materialize.

### 1.2.10 Health Care

After the *Treaty 5* signing, our ancestors relied on the products of our homeland ecosystem to relieve many ailments. Trees provided an array of medicinal needs, including leaves and fir needles for treating wounds. Seneca root provided comfort from headaches. Traditional healers transmitted their wisdom about medicines derived from plants and animal parts. The hospital in The Pas was utilized for births and serious medical concerns.

As our relationships within our homeland ecosystem became increasingly disrupted from the mid-20th century onwards and with the health consequences associated with changing diet and lifestyles, our reliance on non-traditional health remedies and institutions increased. The increasing dependence on modern health care practises and facilities, including a nursing station in Split Lake in 1955 and a hospital in Thompson around 1960, consequently diminished our previous reliance on the natural products found in, and the activities carried out on, our lands and waters. This exacerbated the cycle of outside dependence and increased the disconnection from our traditions.

### 1.2.11 Schooling

In the first decade of the 20th century, we had no formal schooling. Limited instruction was provided by the Anglican missionaries at Split Lake to fewer than 20 students, most of whom did not progress beyond grade two or three. Our parents and grandparents taught us traditional skills for living in our homeland ecosystem. These were important because most of us left our communities with our families each fall and winter to hunt, fish and trap, living in semi-permanent camps.

A one-room schoolhouse was constructed at Split Lake in 1928 and heralded the beginning of more formal education. Around this time, our children, usually the eldest child in a family began to be sent out to residential schools, primarily at Elkhorn and Birtle in Manitoba, but also to Prince Albert, Saskatchewan.

By the 1960s, there was a four-room school house at Split Lake and a small school at Iiford, and our children were beginning to lose contact with our homeland ecosystem, largely because the school year did not accommodate traditional, seasonal activities on the land. Many of our children began to be sent to residential schools in Dauphin, Brandon, Cranberry Portage and Norway House for grade six and higher, causing greater trauma than in previous decades.



It had the ultimate effect of separating families and disconnecting our children from our traditional ways and from our homeland ecosystem, our Elders, our customs and traditions, and our cultural identity.

### 1.2.12 Technology

Like the introduction of European technology and products, some modern inventions since 1908 (for example, snowmobiles and the introduction of modern fishing equipment like metal boats and motors), complemented, and in some cases replaced, some of our traditional methods, but did not particularly disrupt the connection to our homeland ecosystem. Some of these had both positive and negative effects: snowmobiles and outboard motors increased access and harvesting productivity, but their purchase, operation and maintenance required continual cash outlays. The result was that harvesting activities became more expensive; in turn, this had the effect of restricting access to those without money.

The introduction of modern appliances made for a more sedentary lifestyle and disrupted the use of our lands and waters. Elders especially note the harmful impact of television in our communities in the 1970s, which contributed to loss of contact with our land and our traditional ways.

### 1.2.13 Migratory Birds Convention Act (1917)

In 1916, Canada and the United States signed the *Migratory Birds Convention* which was implemented in Canada by the *Migratory Birds Convention Act, 1917* (MBCA). This Act contained regulations to protect migratory birds, their eggs and their nests from hunting, trafficking and commercialization.

In its formulation, the MBCA did not take into account our traditional hunting practices or nutritional needs. Hunting of game birds was made illegal each year from March 10 to September 1. This created an immediate conflict with our tradition of hunting migrating birds that always presented themselves for our sustenance and physical renewal every spring.

In adhering to *Treaty 5*, our ancestors had been given assurances that our subsistence relationship to the land would be protected. The MBCA was one of the first examples of federal and provincial governments extending authority over us in a way that violated one of our most fundamental understandings of the Treaty provisions. In the 1960s and 1970s, Aboriginal people in the Prairie Provinces were charged and convicted under the MBCA. Although some of these convictions were overturned on appeal, as late as 1985 the courts in Saskatchewan held that Indians were subject to the MBCA. In *Sparrow* (1990), the Supreme Court of Canada finally, after several decades, put an end to prohibitions on our hunting of migratory birds for food, restoring some of the capability of our homeland ecosystem to sustain us physically and culturally.

### 1.2.14 Hudson Bay Railway

The Hudson Bay Railway (HBR) is a prominent physical feature in our homeland ecosystem. The track was extended from The Pas to Kettle Rapids from 1910 to 1918. Construction was halted at Kettle Rapids due to the demands of the First World War, and was not restarted until 1924. The “last spike” was driven at the port of Churchill on April 3, 1929 and in September 1931 the HBR was officially declared open.

The station at Ilford was established in the construction period between 1924 and 1929. It operated as a maintenance section until the mid-1990s and provided employment for a significant number of our people, some of whom eventually established the community that became the Moosecoot Reserve of WLFN.



The significance of the HBR for us, however, extended far beyond employment because it provided unimaginably fast and easy access to large parts of our homeland ecosystem. This was a great convenience for practising our traditional pursuits.

The HBR did not affect our relationship with the land directly, but it modified settlement patterns and increased opportunities for wage employment. The Pas replaced Norway House as the main economic centre in northern Manitoba. Similarly, railway section divisions became settlements. With the extension of the railway, Hudson Bay Company (HBC) freight destined for Nelson River posts was no longer brought in by water. Ilford became a regional transportation hub.

The HBR also facilitated access into our homeland ecosystem by outsiders such as prospectors and trappers. In 1930, the Anglican Synod of the Diocese of Keewatin noted that:

*“... since the building of the Hudson Bay Railway through Northern Manitoba, white trappers there, as well as in Southern Manitoba, have penetrated into Indian trapping grounds, and by their ruthless methods of trapping, using not only steel traps, but also poison, have trapped out certain sections of the country, so that the natives find it difficult to eke out an existence and many have suffered from starvation.”*

While this competition from outside trappers reduced our economic prospects, it was a temporary phenomenon. In the long term, the system was resilient and our relationship with the land was largely unchanged by the HBR. Today, as part owners of the Keewatin Railway Company, TCN still looks for economic opportunities associated with the northern railway system.

### **1.2.15 Cash Payments**

The construction and operation of the HBR in our homeland ecosystem introduced the cash economy to us in a broad way. We laid track, performed maintenance, loaded and unloaded freight and cut wood. Attracted by wage employment, some of our people moved to settlements like Ilford and Gillam which had arisen at HBR section points. Some of our men took the train to southern Manitoba where they worked seasonally on farms.

Our cash economy subsequently grew, due to such things as the development of the commercial fishery in the 1950s, the construction of Hydro infrastructure and PR 280, and the devolution of federal government functions to our communities. The cash economy has largely supplanted our subsistence economy and our economy in kind.

Over time, cash payments negatively affected our relationships with our homeland ecosystem in that they diverted us from earning income in kind from the lands and waters. The extent of commercial fishing and commercial trapping was tied to prices paid for fish and furs. In particular, commercial trapping activities diminished with low fur prices of the 1960s. Modern goods and amusements that wages could buy eventually supplanted traditional products and activities.

### **1.2.16 Natural Resources Transfer Agreement (1930)**

The *Natural Resources Transfer Agreements* (NRTAs) were negotiated by the federal government and the governments of Manitoba, Saskatchewan and Alberta throughout the 1910s and 1920s. They provided for the transfer of Crown interests in lands and natural resources from Canada to these Provinces.



The NRTAs became part of the Canadian Constitution via the *Constitution Act*, 1930. Importantly, the NRTAs contain clauses to protect Aboriginal and Treaty rights.

Even though we had complete power and authority over our homeland ecosystem until adhering to *Treaty 5*, we were never consulted about this transfer from the federal government to the Province of Manitoba. This was a manifestation of how weak our control over our homeland ecosystem had become in the short period of time from 1908 until 1930.

After 1930, uncertainties arose about the ability of Manitoba to constrain our hunting. In spite of these uncertainties that remained for about three generations, however, the NRTA did not affect fundamental relationships with the land in our homeland ecosystem which continued to sustain us and remained in a state of harmony and balance.

### **1.2.17 Registered Trapline (RTL) System**

Commercial trapping in Manitoba in the 1930s was essentially uncontrolled. Many non-Aboriginal trappers moved into our ancestral homeland to our great detriment, and to the detriment of many furbearer populations. Having taken over Crown responsibility for natural resources from Canada in 1930 through the NRTAs, Manitoba implemented what was called the Registered Trapline (RTL) system during the 1940s to address these problems. Under this system, individual trappers were assigned the exclusive right to trap fur commercially in designated areas.

This system had immediate effects that were both beneficial and adverse. It was beneficial because it essentially ended uncontrolled trapping by outsiders and allowed our trappers to operate in their traplines in a manner that reflected (to some degree) their traditional family territories. The system was detrimental because some areas that had traditionally been used by our people were now assigned for the exclusive commercial use of outsiders.

There have also been long-term unintended consequences. Although Manitoba consulted with us and other First Nations prior to implementing the RTL system, there were inevitable misunderstandings. After more than 60 years of operation, many of our people consider their trapline to be essentially the same as a traditional family territory while Manitoba sees an RTL licence as granting only the privilege of trapping commercially in the assigned area. Some of our people believe that our Treaty rights are still in effect regarding commercial trapping and resist what they see as Manitoba attempting to impose its will contrary to our Treaty rights.

### **1.2.18 Family Allowance**

Introduced in the 1950s, this federal government program had a profound influence on our connection to our homeland ecosystem. Since the receipt of family allowance was conditional upon children going to school, women had to stay in our communities to take care of our children. This diminished family harvesting activities in our homeland ecosystem and lessened our connection with our lands and waters. It enhanced the burgeoning knowledge gap in traditional skills between young and old, and disrupted seasonal harvesting activities. This had the effect of reducing the strength of our vital relationships and the state of harmony and balance in our homeland ecosystem.

### **1.2.19 Hydro Development Beginning in 1957**

A work camp that appeared in 1957 near the widening of the Nelson River at the upper end of Split Lake was our first indication of projects that would affect the flows and levels of the waterways in our homeland ecosystem. Our people could not possibly have imagined the concept of damming and diverting rivers, especially not the resulting impacts, even if Hydro, Manitoba or Canada had told us what was about to happen.





Since 1957, we have witnessed and experienced the effects of the construction of a series of projects that involved the regulation of Lake Winnipeg, the diversion of the Churchill River, the construction of four generating stations in the Split Lake Resource Management Area (SLRMA), and an associated network of transmission lines and related infrastructure. Seventy-five percent of hydroelectric energy produced by Hydro originates in the SLRMA.

Of all the changes imposed from the outside, the dams, regulation and diversion brought about the largest changes to our physical environment and caused the most severe impacts on our culture by permanently altering the land and waterscapes found in our homeland ecosystem. Although we have adapted somewhat, and survived, our culture has been seriously damaged by these projects, as they have reduced our ability to sustain our cultural identity through traditional activities.

### **1.2.20 Resource Allocations in the SLRMA**

For as long as our Elders can remember, a few outsiders came to our homeland ecosystem to hunt and fish. Generally, they were respectful of the land and animals, and of us. We provided equipment, guiding and other services to some, and helped find the animals they were seeking. This sharing was beneficial for the outsiders and for us. Sometimes we rescued people who had accidents, who became lost or who weren't well enough prepared.

At about the same time as events resulted in our people having a minimal presence in the more remote parts of our homeland ecosystem, Manitoba began to grant licences to outsiders to build and operate hunting and fishing lodges, often in the most productive areas. Although these resource allocations are only temporary privileges granted by Manitoba and, as such, do not carry any proprietary right to land or other resources, some lodge operators have come to view their licence as giving them exclusive rights to hunting and fishing in the area in which they are licensed to operate. As our people regain some ability to once again have a physical presence in all parts of our homeland ecosystem and to exercise our Treaty rights to hunt, fish and trap, there are recurring situations of conflicting uses. Consequently, efforts are being made to keep our people out of some areas because our presence conflicts with lodge operators' perception of wilderness.

Simply expressed, our homeland ecosystem is not wilderness to be exploited by outsiders. It is our homeland. We have always been willing to share with outsiders, but that sharing does not extend to giving up our rights to hunt, fish and trap for food in all parts of our homeland ecosystem, including the entire SLRMA.

The laws of Canada support us in this. If there are insufficient game animals such as moose to meet all demands, and if there is therefore a need to reduce the harvest for conservation purposes, the first harvesting to cease will be that by clients of commercial lodge operators; our domestic use will be the last to be reduced.

Generally speaking, we have good relations with the lodge operators and outsiders who visit here to hunt and fish, and some of our Members benefit from seasonal employment, but there is a growing need for understanding by non-Aboriginals of our ongoing relationship with our homeland ecosystem, now formally recognized in part as the SLRMA.

### **1.2.21 Lake Winnipeg Regulation and Churchill River Diversion (1976)**

Construction of this massive regulation and diversion scheme began in 1970 and was in operation by 1976-1977. In combination with the extensive inundation of several lakes, including tripling the size of Moosnose Lake (renamed Stephens Lake) caused by the Kettle Generating Station in 1974, and the lesser but still significant flooding from the Long Spruce Generating Station in 1977, the Lake Winnipeg Regulation (LWR) and Churchill River Diversion (CRD) has had the most negative impact on our connection with our homeland ecosystem.





The LWR and CRD increased flows down the Burntwood River eight-fold, affected approximately 1500 acres (600 hectares) of our home Reserve at Split Lake, caused enormous amounts of debris, and dewatered the Churchill River in the northern portion of our homeland ecosystem. Seasonal flows were reversed all along the Nelson and Burntwood rivers, and in combination with CRD raised winter water levels on Split Lake by about two feet (less than one metre) and reduced summer levels by about one foot. It also caused water level fluctuations such as never before occurred, or could occur naturally. The utterly-changed water regime and debris severely impacted transportation throughout our resource area, eroded shorelines, contaminated fish with mercury, disrupted access and seasonal cycles of harvesting and completely upset the state of harmony and balance throughout our homeland ecosystem. Our environment was fundamentally and permanently altered.

### 1.2.22 Northern Flood Agreement (1977)

In December of 1977, TCN, Norway House, York Factory, Cross Lake and Nelson House Cree Nations, Canada, Manitoba and Hydro signed the landmark *Northern Flood Agreement* (NFA). The NFA was one of the first agreements of its type in Canada to provide a range of mitigatory, remedial and compensatory measures to address the devastation of our homeland ecosystem caused by hydroelectric development, including compensation lands, waterway debris clearing, recognition of our Resource Area, joint wildlife management, community development support, environmental impact measures, compensation programs and remedial measures for our trappers and fishermen. What made the NFA unique is that it addressed Aboriginal rights on ceded land.

The NFA was an empowering revitalization of our connection to our lands and waters. It was, however, difficult to implement. As was explained in Chapter 4, its implementation did not occur effectively until the signing of the *1992 NFA Implementation Agreement* (1992 Agreement).

### 1.2.23 Highway Access (PR 280)

According to our history book, *Analysis of Change*, the role of transportation in the 1960s was characterized as follows:

*“There was no road access to the community yet, and few, if any, cars on the reserve. Travel by dog team continued, but snowmobiles became more common. The use of motorized boats expanded further. In both cases, the traditional paths and travel routes, over the open or frozen waters, remained the principal travel corridors within the resource area and to the outside world. These were traveled in safety and with confidence.” (Page 50)*

Despite rapid growth in our home community in the 1960s and 1970s, it was outside development that caused the first major road to be built through our homeland ecosystem. To the southwest, Thompson was expanding rapidly as the nickel mine developed, and by the late 1960s Gillam, to the northeast, was a thriving modern town developed by Hydro as an operational centre for the Kettle Generating Station and for the future planned expansion of Long Spruce and other plants on the lower Nelson River.

Built between 1979 and 1984 to link Thompson to Gillam, and cost-shared by Hydro, Manitoba and Canada, PR 280 reached our community in 1979/80 and forever changed our relationship with the outside world. With the road came many benefits, such as improved access for health services, household supplies and employment opportunities. But with it came injuries and deaths as a result of traffic accidents, and many social problems that we had previously not had to deal with in our community.



### **1.2.24 Section 35 of the Constitution Act (1982)**

Before 1982, our Treaty and Aboriginal rights could have been legally extinguished by government legislation. Section 35 of the *Constitution Act* affirms and recognizes these rights and, contrary to the past, obligates governments to respect them.

Evolving jurisprudence, with many major legal interpretations made by the Supreme Court of Canada, has detailed the nature and scope of our Treaty and Aboriginal rights and of governments' obligations to respect these rights, including the duty to meaningfully consult with us and reasonably accommodate our interests with respect to any development or other actions which could infringe upon our rights. Section 35 has provided modern recognition of our rights and has represented an expansion of our power and authority in our homeland ecosystem.

### **1.2.25 The NFA Implementation Agreement (1992)**

While the NFA represented a major turning point in TCN's relations with governments and Hydro, the latter implemented their obligations in the narrowest way possible, ignoring its spirit and intent. For a decade following the 1977 signing, implementation was slow and piecemeal, and was usually the result of the agreement's arbitration provisions.

In 1989, the five signatory Cree Nations began negotiations with the other Parties to comprehensively implement the NFA. These "global" negotiations were essentially complete by 1990, but some Cree Nations then withdrew from the process. With the advice and support of our Elders, TCN made the bold decision to negotiate alone, and on June 24, 1992 the NFA Implementation Agreement, now commonly referred to as the 1992 Agreement, was signed by TCN, Canada, Manitoba and Hydro. The framework within the 1992 Agreement became the guide for similar agreements with three more of the original NFA Cree Nations.

The 1992 Agreement established clearly-defined and autonomous TCN processes and institutions that helped us regain control over the use and management of our homeland ecosystem. Today, TCN and Manitoba jointly manage the allocation of lands and resources in the SLRMA.

The 1992 Agreement sets out the basis for a continuing, sustainable relationship with Hydro as a party with co-interests in the SLRMA, protecting TCN's interests with respect to any future Hydro development which may affect our lands and waters. These provisions were the basis of the TCN and WLFN AIPs. Importantly, the 1992 Agreement did not extinguish key features of the NFA.

### **1.2.26 The 1996 Article 2 NFA Implementation Agreement**

The 1996 Agreement between Tataskweyak and Hydro implemented the provisions of Article 2 of the 1992 Agreement concerning compensation for deviations from seasonal parameters of levels and flows in Project affected waterways in the Split Lake Resource Area ("the Post Project Water Regime"), in particular, Split Lake. The 1996 Agreement prescribes rates of compensation for identified deviations from the Post Project Water Regime based on a reasonable assessment of damages which would have resulted from such deviations.

The 1996 Agreement was terminated in 2008, as its provisions were expanded and updated as part of the 2008 Agreement.



### **1.2.27 The Agreement in Principle Regarding the Potential Future Development of the Gull Rapids Hydro-Electric Station (AIP) (2000)**

The AIP between TCN and Hydro set out principles and understandings to govern the negotiation of the JKDA with respect to the joint planning, design, construction, ownership and operation of the Keeyask Project. It addressed TCN interests with respect to the following subjects: Project Description, Regulatory Matters, Adverse Effects Arrangements, Training, Employment and Business Opportunities, and Ownership and Operation Arrangements.

The AIP recognized TCN's right to participate in the environmental assessment of the Keeyask Project, and to conduct its own assessment of potential adverse effects on us, which would be the basis for determining whether TCN would proceed with the Project.

### **1.2.28 The War Lake Agreement in Principle (2003)**

WLFN signed an AIP with TCN and Hydro in 2003. The WLFN AIP mirrors the TCN AIP, and addresses WLFN interests, commensurate with its size, location, and existing Keeyask related programs and initiatives, with respect to the same subjects. The WLFN AIP recognized WLFN's right to prepare its own assessment of effects of the Keeyask Project.

### **1.2.29 The War Lake Past Adverse Effects Agreement (2005)**

This agreement among WLFN, Manitoba and Hydro recognized our use of our traditional resource area in the southern portion of the SLRMA by payment of compensation for damages caused by previous Hydro development. The compensation can be used for a range of community development initiatives approved by Members, including harvesters and resource users, and for payment of individual Members' claims.

The agreement makes provision for Pre-Determined Compensation from Hydro to WLFN for deviations from the defined water regime on Split Lake, and establishes a Future Development Process to address potential impacts in our traditional resource area.

Finally, the agreement acknowledged the Manitoba and WLFN commitment to complete the transfer of lands at Ilford, to be set aside as Reserve.

### **1.2.30 The 2008 Agreement**

High water levels in 2005 and 2006 on Split Lake exceeded historical elevations, encroached beyond the Severance Line and caused extensive debris and shoreline erosion. Our harvesting around Split Lake was curtailed and community shorelines and infrastructure including roads, cemeteries, and housing were damaged.

The 2008 Agreement between TCN and Hydro sets out arrangements in consideration of ensuring the security of Hydro operations and, in recognition of damages caused, includes compensation, shoreline protection works, cemetery rehabilitation, and expanded Pre-Determined Compensation for future deviations from historical water levels and flows on Split Lake and other waterways in our homeland ecosystem. Importantly, the 2008 Agreement acknowledged the need for a 4-Party Amending Agreement to re-survey and grant amended easements along TCN Reserve lands.



To particularly address impediments to resource harvesting caused by high waters, debris and erosion monitoring programs were established, as well as expanded forecasts of changes in levels and flows in waterways in our homeland ecosystem.