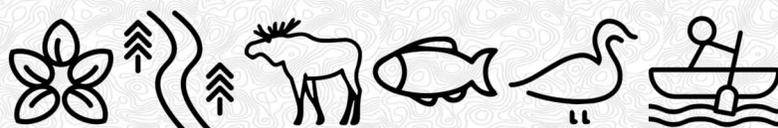


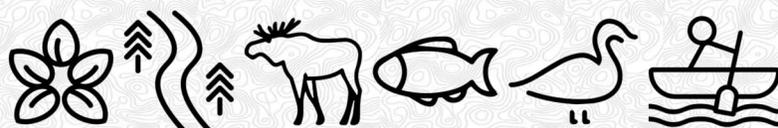
B17. Wapekeka First Nation

B17.1 Outgoing Community Specific Correspondence

B17.2 Draft Aboriginal and / or Treaty Rights and Interests Preliminary Existing Conditions Report



B17.1 Outgoing Community Specific Correspondence



From: Poulakas, Demetri
Sent: October 6, 2023 9:56 AM
To: [REDACTED]
Subject: Marten Falls First Nation Community Access Road Update

Good Morning Chief Brennan Sainnawap,

I hope this email finds you well and have something special planned for Thanksgiving weekend.

I am emailing you to provide some updates regarding the MFFN Community Access Road Project and to highlight upcoming events for the Project. Specific dates and formal notices will be shared soon.

Public Information Centre #5

PIC #5 will be held in Thunder Bay and Geraldton from October 23 - 26.

Join us for updates and information on:

- Update on what we heard at the Aboriginal and Treaty Rights and Interests (ATRI) forum in February 2023 and plans for the next forum;
- Update on existing conditions results for completed studies;
- How Indigenous Knowledge is used and how it informs the process;
- Existing conditions results for completed studies;
- How route alternatives will be assessed, recommended and a preferred route chosen;
- Cumulative Effects Assessment and why it is important; and
- Next steps and future opportunities to get involved.

Aboriginal and Treaty Rights and Interests Forum

There will be upcoming Forum on Aboriginal and Treaty Rights and Interests November 21-23 (Thunder Bay), where cumulative effects will also be presented.

Climate Change Workshop

Workshop to be held in early 2024 with interested Indigenous Communities.

In addition, I wanted to follow up regarding the IK program. Please let me know if you are interested in participating in the program or if you have any questions.

Thank you and have a great long weekend,

Demetri Poulakas

On Behalf of the MFFN CAR Project Team

Senior Indigenous Engagement Specialist, Communication and Community Engagement

[REDACTED]

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From: MFFN Community Access Road Project Team <info@martenfallsaccessroad.ca>
Sent: Tuesday, October 17, 2023 3:44 PM
To: [REDACTED]
Subject: Invitation - ATRI Forum Nov 21 - 23, 2023
Attachments: Invitation ATRI Second Forum - October 2023.pdf

Hello,

On behalf of the Marten Falls First Nation and Webequie First Nation Project Teams, please find attached an invitation to attend the Second Aboriginal and / or Treaty Rights Forum related to the following projects:

Webequie Supply Road (WSR)
Marten Falls Community Access Road (MFCAR)
Northern Road Link (NRL)

Building on the first Forum held in February 2023, this follow-up Forum provides an opportunity to identify and discuss potential impacts to northern Indigenous communities' Aboriginal and/or Treaty Rights and interests as they relate to the above Projects.

If you have any questions regarding the Forum or need additional information to engage your community please do not hesitate to reach out to us using the following contact information:

WSR: Michael Fox: [REDACTED]
MFCAR: Andrea Nokleby: [REDACTED]
NRL: Mishal Naseer: [REDACTED]

We look forward to seeing you there.

Marten Falls First Nation Community Access Road Project Team

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MFFN Community Access Road Project Team

Visit our website: <http://www.martenfallsaccessroad.ca/>

Follow us on Facebook: <https://www.facebook.com/MFFNCommunityAccessRoadProject/>

Call us: 1 800-764-9114

Email us: info@martenfallsaccessroad.ca

ABORIGINAL AND / OR TREATY RIGHTS AND INTERESTS

WEBEQUIE SUPPLY ROAD (WSR) • MARTEN FALLS COMMUNITY ACCESS ROAD (MFCAR) • NORTHERN ROAD LINK (NRL)

YOU ARE INVITED!

ABORIGINAL AND / OR TREATY RIGHTS AND INTERESTS FORUM

Led by Webequie First Nation and Marten Falls First Nation

Funded by Ontario, our Treaty partner



Thunder Bay

Valhalla Inn, 1 Valhalla Inn Rd

November 21 - 23, 2023



Building on the momentum of the first Aboriginal and / or Treaty Rights and Interests Forum in February 2023, Webequie First Nation and Marten Falls First Nation encourage you to participate in a follow-up Forum to discuss potential impacts to northern Indigenous communities' Aboriginal and / or Treaty Rights and Interests as they relate to the following Projects:

Webequie Supply Road (WSR) • Northern Road Link (NRL) • Marten Falls Community Access Road (MFCAR)



Participant Funding

The Province of Ontario will fund up to 3 representatives from your community to attend the Forum, including travel, accommodation and meals. All questions about funding or the coordination of funding should be directed to the Province of Ontario at [REDACTED]

Additional community representatives are welcome to attend.



Purpose

The Purpose of this Forum is to create a respectful, culturally-sensitive, and collaborative space to develop and/or confirm our understanding of the Project areas (WSR, MFCAR, and NRL) as your Aboriginal and / or Treaty Rights and Interests may be impacted by these Projects. *Please note the purpose of this event is to discuss Aboriginal and / or Treaty Rights and Interests and not to collect Indigenous Knowledge.*



Who Should Attend from your Community

Representatives who are knowledgeable about and comfortable speaking to the Rights and Interests of your community in any of the Project areas. Representatives who can continue this dialogue with their community to better understand and share Rights and Interests in any of the Project areas are also encouraged to attend.

On Day 3 of the Forum, we will be hosting a half-day discussion on Cumulative Effects as they relate to the Projects.

RSVP to [REDACTED] by October 23rd, 2023 to reserve your room at the Valhalla Inn. (Later RSVP for Forum attendance is OK!)



MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD



Ontario

Marten Falls First Nation Community Access Road Update

Poulakas, Demetri [REDACTED]

Wed 2023-11-08 1:43 PM

To: [REDACTED] <[REDACTED]> [REDACTED]

📎 1 attachments (4 MB)

Invitation ATRI Second Forum - November 2023.pdf;

Good afternoon Chief Brennan Sainnawap,

I hope this email finds you well. I am emailing you to provide some updates regarding the MFFN Community Access Road Project and to highlight upcoming events for the Project.

Route Selection Webinar

- You are invited to join us for a webinar on Route Selection, that will take place Thursday, November 16, 2023, at 4:00 p.m. EST.
- Please Register [HERE](#).

ATRI Forum #2

- The ATRI Forum #2 will be held at the Valhalla Inn, in Thunder Bay from November 21 - 23. (Invitation attached)
- Building on the first Forum held in February 2023, this follow-up Forum provides an opportunity to identify and discuss potential impacts to northern Indigenous communities' Aboriginal and/or Treaty Rights and interests as they relate to the above Projects.
- Day 1 and 2 of the Forum will focus on Aboriginal and / or Treaty Rights and Interests. On Day 3, we will be hosting a half-day discussion on Cumulative Effects as they relate to the Projects.
- In addition, join us Tuesday Nov 21 at 7:00 at the Valhalla Inn for the movie screening of Bridges to the North - a story about Webequie and Marten Falls First Nation. Check out the Movie Trailer here: <https://www.youtube.com/watch?v=TDk14SrDdgo>

Climate Change Workshop

- Workshop on Climate Change to be held in Q1 2024 with interested Indigenous Communities. Dates and a more formal notice will be shared soon.

In addition, I wanted to follow up regarding the IK program. Please let me know if you are interested in participating in the program or if you have any questions.

Thank you and please let me know if you have any questions,

Demetri Poulakas

Senior Indigenous Engagement Specialist, Communication and Community Engagement
[REDACTED]
[REDACTED]

From: Poulakas, Demetri
Sent: December 7, 2023 2:44 PM
To: [REDACTED]
Cc: Trimble, Ingrid; Haalboom, Bethany; Fiske, Avril; McKinnon, Don; Qasim Saddique; Jennifer Bruin; lawrencebax
Subject: MFFN CAR Socio-Economic Interests Letter
Attachments: Wapakeka First Nation Socio-econ IC interest check letter - Dec 7.pdf

Dear Chief Brennan Sainnawap

Marten Falls First Nation (MFFN) is continuing the provincial Environmental Assessment (EA) and Federal Impact Assessment (IA) for the proposed Marten Falls Community Access Road (MFCAR) Project that is to provide all season access to the community. Attached is a letter requesting if your community has any interests or concerns regarding possible social-community and/or economic impacts as a result of the MFCAR project. Please also note that this request is different from other requests sent to your community regarding the collection of Indigenous Knowledge and information pertaining to the assessment of impacts to Indigenous rights.

Should your community have socio-economic interests or concerns related to the MFCAR project we would like to hear from you by December 30, 2023.

thank you

Demetri Poulakas
Senior Indigenous Engagement Specialist, Communication and Community Engagement

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7 December 2023

Wapakeka First Nation



Sent Via Email

Marten Falls First Nation Community Access Road Project – Socio-economic Assessment Interest

Dear Chief Brennan Sainnawap

Marten Falls First Nation (MFFN) is continuing the provincial Environmental Assessment (EA) and Federal Impact Assessment (IA) for the proposed Marten Falls First Nation Community Access Road (MFFN CAR) Project that is to provide all season access to the community. As per previous correspondence sent to your community, the Project is currently in the process of assessing alternative routes for the proposed access road. Most recently, Public Information Centres and webinars have been held to present information related to alternative route assessment. A preferred route is to be confirmed in early 2024.

Once the preferred route is selected, an assessment of possible Project impacts is to be undertaken. This impact assessment is to be completed in spring 2024 and a draft EA Report/IA Statement is to be completed and released in summer 2024.

The purpose of this letter is to again request if your community has any interests or concerns regarding possible social-community and/or economic impacts as a result of the MFFN CAR project? The construction of the Community Access Road has the potential to result in various social and economic effects, particularly for those communities that would be connected to or have access to the proposed road. This could include both potential positive and negative effects. Attached to this letter are a list of the possible social and economic effects of the Project that are to be assessed.

To meet the requirements of the federal IA process, we are required to assess potential social and economic effects of the MFFN CAR project on all communities that have been identified for engagement. If your community has interests or concerns regarding possible social and/or economic effects from the MFFN CAR Project then we would like to hear from you. We would like to understand your concerns and explore related information collection that might include interviews with community representatives and/or community surveys.





Please also note that this request is different than other requests sent to your community regarding the collection of Indigenous Knowledge and information pertaining to the assessment of impacts to Indigenous rights.

Please get in touch with Demetri Poulakas at [REDACTED] should you have interest in and or would like to talk about concerns related to potential social and/or economic impacts of the MFFN CAR project.

Yours truly



Lawrence Baxter

MFFN CAR Project Team Member/MFFN Community Member





What Are the Possible Social and Economic Effects of the Marten Falls First Nation Community Access Road Project?

Social:

- Community populations.
- Supply and demand for housing and community services like education and childcare.
- Change in volume of traffic on existing roads that would connect with the Marten Falls Community Access Road.
- Change in local air quality and noise levels that could result in nuisance effects.
- Changes to community wellbeing.

Economic:

- New business opportunities.
- Change in regional economic activity.
- Project procurement opportunities (goods and services required for the project).
- Changes to the price of goods in local communities, traditional economies, job opportunities and training opportunities.
- Government expenditures and tax revenue.
- Regional economy, including changes to: prices for goods and services.
- Impact to local business operations, the labour market including employment and training, and public finances.



From: Poulakas, Demetri
Sent: December 11, 2023 1:18 PM
To: [REDACTED]
Subject: Marten Falls First Nation Community Access Road Update

Dear Chief Brennan Sainnawap

I hope this email finds you well. I would like to provide you with an update of the upcoming activities that will be occurring regarding the Community Access Road.

- Route Selection Webinar

- The webinar on Route Selection took place Thursday, November 16, 2023, at 4:00 p.m. EST.
- Recording of the Webinar can be accessed [HERE](#).

- ATRI Forum #2.

- The ATRI Forum #2 was held at the Valhalla Inn, in Thunder Bay on November 21 - 23.
- During the forum we heard from various Indigenous communities' on their Aboriginal and/or Treaty Rights and interests as they relate to the Project.

- Milestone #2 Progress Report

- An updated link to your Milestone #2 Progress Report was shared with you on 29 November, 2023.
- The Milestone #2 Progress Report covers all consultation with Wapekeka First Nation from July 1, 2022, to May 31, 2023.
- We welcome any edits or comments to your community-specific section by February 15, 2024, before the reports are finalized and shared publicly with the Draft Environmental Assessment Report / Impact Statement.
- If you have any questions or would like to schedule a meeting to discuss the reports and timeline, please let me know, or reply to the email you received on 29 November, 2023.

- Socio-Economic Interest Letter

- We recently sent you a letter requesting if your community has any interests or concerns regarding possible social-community and/or economic impacts as a result of the MFFN CAR Project. Can you please confirm receipt of this letter?
- Should your community have socio-economic interests or concerns related to the MFFN CAR Project we would like to hear from you by December 30, 2023.

- Webinar Series

- Webinars regarding Climate Change, Engineering and Cumulative Effects will be held in Q1 2024 with interested Indigenous Communities. Dates and a more formal notice will be shared soon.

- IK Program

- The December 11, 2023 request for submission date of Indigenous Knowledge is approaching! It is important that this information is received so that it can be included in the *draft* Environmental Assessment / Impact Statement. Please let me know if you have any questions about this program, or feel welcome to reach out directly to Bob Baxter at [REDACTED] or Andrea Nokleby at [REDACTED]

thank you and I wish you a happy holidays!

Demetri Poulakas
Senior Indigenous Engagement Specialist, Communication and Community Engagement

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----- Forwarded message -----

From: **Nokleby, Andrea** [REDACTED]
Date: Thu, Dec 21, 2023 at 6:00 AM
Subject: For Review - Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report
To: [REDACTED]
Cc: Bob Baxter [REDACTED], Lawrence Baxter [REDACTED], Qasim Saddique [REDACTED], Jennifer Bruin [REDACTED], Poulakas, Demetri [REDACTED]

Booshoo / Wachea,

Hello, my name is Andrea and I'm working with Marten Falls First Nation. Marten Falls First Nation is completing a Federal Impact Assessment and Provincial Environmental Assessment for the Proposed Community Access Road Project.

Marten Falls First Nation is **required** to complete an Assessment of Potential Impacts on the Rights of Indigenous Peoples, as part of the assessment processes. Marten Falls First Nation also **wants** to understand your rights and how they may be affected by the proposed Project.

The Project Team has prepared the attached **Draft Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report**, which describes our current understanding of your community's Aboriginal and / or Treaty Rights and Interests as they relate to the proposed Project.

This report is important because it will be used for the future impact / environmental assessment (i.e., this report is not the assessment). In order to do a meaningful impact assessment in the future, the Project Team really needs to understand your community's rights and / or interests with respect to the proposed Project.

The Report has been prepared based on any information provided directly to Marten Falls First Nation and publicly available sources of information.

We want to work with you to update the Draft Preliminary Existing Conditions Report with information your community chooses to share with Marten Falls First Nation. Important dates to note:

- We are asking for communities to provide input on the draft report by **January 31, 2024**, where possible, so it can be woven into the Draft Impact Statement / Environmental Assessment Report (2024).
- Additional information, feedback, comments and edits can be shared after this date. This Draft Preliminary Existing Conditions Report will not be finalized until later in 2024.
- Information **received after January 31, 2024** will be woven into the next phases of the assessment processes including the Final Environmental Assessment / Impact Statement Report (2025).

We would be more than happy to meet with you to:

- Hear your feedback - what did we miss, what did we get wrong, what is correct?
- Discuss the best way to update the report; and
- Review and discuss the Project schedule and next steps.

It is important to note that this is an iterative process, and we will continue to update our understanding of your rights and / or interests as we work towards completing the Impact Statement / Environmental Assessment.

We hope all is well with you and your community. Have a wonderful holiday season,

Andrea

Andrea Nokleby
Partner
Dillon Consulting Limited

www.dillon.ca



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Ce message est destiné uniquement aux personnes indiquées dans l'entête et peut contenir une information privilégiée, confidentielle ou privée et ne pouvant être divulguée. Si vous n'êtes pas le destinataire de ce message ou une personne autorisée à le recevoir, veuillez communiquer avec le soussigné et ensuite détruire ce message.

From: Poulakas, Demetri
Sent: January 11, 2024 1:03 PM
To: [REDACTED]
Subject: Marten Falls First Nation CAR - Report Comments

Good afternoon Chief Brennan Sainnawap,

I hope this email finds you well.

I'm sending you a quick email to follow up on two reports sent to Wapekeka First Nation before the holidays.

Milestone #2 Progress Report

On November 27, 2023, we sent the Milestone #2 Progress Report for the Wapekeka First Nation Community Access Road (MFFN CAR Project), with an updated link to Wapekeka First Nation's community-specific report on November 29, 2023, for your review.

The Milestone #2 Progress Report covers engagement that occurred for the MFFN CAR Project between July 1, 2022, to May 31, 2023.

We welcome any edits or comments to the report by February 15, 2024.

ATRI Existing Conditions Report

On December 21, 2023, Andrea Nokleby sent the draft ATRI Existing Conditions Report to Wapekeka First Nation. The ATRI Existing Conditions Report describes our current understanding of Wapekeka First Nation's Aboriginal and/or Treaty Rights and Interests, as they relate to the proposed Project.

We are asking for communities to provide input on the draft report by January 31, 2024, where possible, so it can be included into the draft Impact Statement / Environmental Assessment Report.

If you have any questions or would like to schedule a meeting to discuss the reports and/or timelines, please let me know. I will reach out to you next week to discuss the reports as well as provide Project updates.

Thank you,

Demetri Poulakas
Senior Indigenous Engagement Specialist, Communication and Community Engagement

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From: Poulakas, Demetri
Sent: Thursday, January 25, 2024 12:26 PM
To: [REDACTED]
Subject: Marten Falls First Nation Community Access Road Update

Good afternoon Chief Brennan Sainnawap
Hope this email finds you well. I would like to provide you with an update of the upcoming activities that will be occurring regarding the Community Access Road.

- Climate Change Adaptation Webinar and Webinar Series
 - The Community Access Road webinar series is back. Our next webinar is on Climate Change Adaptation and the Community Access Road. The Climate Change Adaptation and Resiliency Study looks at the future climate to ensure the Community Access Road is prepared for and can withstand the future climate. We are also eager to hear about changes you have observed or experienced on the land over time.
 - Join us for the Climate Change Adaptation Webinar on Thursday, February 8 from 4:00 p.m. to 5:00 p.m. EST.
 - You can register for the webinar at this link:
https://us06web.zoom.us/webinar/register/WN_ze04DSZmSqSZS8c5kl9vRO
 - If there is someone else at Wapakeka First Nation who may be interested in this topic, please forward this information to them, or let me know and I can reach out to them.
 - Webinars regarding Engineering and Cumulative Effects will be held in Q1 2024 with interested Indigenous Communities. Dates and a more formal notice will be shared soon.

- Milestone #2 Progress Report
 - An updated link to your Milestone #2 Progress Report was shared with you on 29 November, 2023.
 - The Milestone #2 Progress Report covers all consultation with Wapakeka First Nation from July 1, 2022, to May 31, 2023.
 - We welcome any edits or comments to your community-specific section by February 15, 2024, before the reports are finalized and shared publicly with the Draft Environmental Assessment Report / Impact Statement.
 - If you have any questions or would like to schedule a meeting to discuss the reports and timeline, please let me know, or reply to the email you received on 29 November, 2023.

thank you,

Demetri Poulakas
Senior Indigenous Engagement Specialist, Communication and Community Engagement

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From: Cugnet, Jaimie [REDACTED]
Sent: Wednesday, 21 February 2024 00:11
To: [REDACTED]
Subject: Marten Falls First Nation Community Access Road - February Update

Dear Chief Brennan Sainnawap,
I hope this email finds you well.

My name is Jaimie Cugnet, and I will be replacing Demetri Poulakas as the primary contact for the Marten Falls First Nation Community Access Road project.

Please find an update of the upcoming activities occurring regarding the Community Access Road below:
Webinar Series:

Thank you to everyone who attended the Climate Change Adaption and the Community Access Road Webinar on February 8th, 2024.

For those who would like to watch the webinar again or did not have a chance to participate live, the link can be found on the Marten Falls First Nation Community Access Road website [here](#).

Your feedback, experience and insights are important to us. Please take 5 minutes to fill out the survey linked below and share how Climate Change has / is affecting you and your Community: [REDACTED]

Webinars regarding Engineering and Construction and Cumulative Effects will be held in Q1 2024 with interested Indigenous Communities. Dates and a more formal notice will be shared soon.

Aboriginal Treaty Rights and Interests (ATRI) Existing Conditions Report:

As noted in the email accompanying the ATRI Preliminary Existing Conditions Report, we were originally asking for communities to provide input on the draft report by January 31, 2024, *where possible*, so it can be woven into the Draft Impact Statement / Environmental Assessment Report (2024). The Project is continuing to welcome feedback, comments, and edits, and will work with Wapekeka First Nation to include them into the next phases of the assessment processes including the Final Environmental Assessment / Impact Statement Report (2025).

IK Program:

While the request for submission date has passed, we are still welcoming IK from Wapekeka First Nation to be included in the draft Environmental Assessment / Impact Statement. Please let me know if you have any questions about this program, or feel welcome to reach out directly to Bob Baxter at [REDACTED] or Andrea Nokleby at [REDACTED]

As always, I would also be happy to schedule a time to connect with you to discuss the Community Access Road.

Warm regards,

Jaimie Cugnet

Communication & Community Engagement Specialist, Environment
[REDACTED]

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My work day may look different than your work day. There is no need to read, act on or respond to my e-mail outside of your normal working hours.

From: Cugnet, Jaimie <[REDACTED]>
Sent: Tuesday, 19 March 2024 22:55
To: [REDACTED]
Subject: Marten Falls First Nation Community Access Road - March Update

Good afternoon Chief Brennan Sainnawap,

I hope this finds you well.

Please find an update of the upcoming activities occurring regarding the Community Access Road below:

IK Program
While the request for submission date has passed, we are still welcoming IK from Wapekeka First Nation to be included in the draft Environmental Assessment / Impact Statement. Please let me know if you have any questions about this program, or feel welcome to reach out directly to Bob Baxter at [REDACTED] or [REDACTED] or Andrea Nokleby at [REDACTED] or [REDACTED]

Updated Route Selection Video
As the Marten Falls Community Access Road progresses, we continue to use community feedback to revise the route for the road. An updated technically preferred route recommendation* has been identified. Please take a moment to watch our new video below:

[Marten Falls First Nation: Community Access Road Update](#)

**The technically preferred route recommendation is preliminary. The route will be further informed through consideration of Indigenous Knowledge.*

New Social Media Platforms
We are now on [LinkedIn](#) and [Instagram](#)! Follow us to stay up to date on the Community Access Road.

As always, I would also be happy to schedule a time to connect with you to discuss the Community Access Road.

Warm regards,

Jaimie Cugnet
Communication & Community Engagement Specialist, Environment
[REDACTED]

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From: Cugnet, Jaimie
Sent: April 25, 2024 3:54 PM
To: [REDACTED]
Subject: Marten Falls First Nation Community Access Road (MFFN CAR) - April Update

Dear Chief Brennan Sainnawap,
I hope this finds you well.

Please find an update of the upcoming activities occurring regarding the Community Access Road below:

Climate Change Webinar:

Following the Climate Change Adaptation Webinar, we released a survey on climate change. Your feedback, experience and insights are important to us. Please take 5 minutes to fill out the survey linked below and share how Climate Change has / is affecting you and your Community: [REDACTED]

IK Program

While the request for submission date has passed, we are still welcoming IK from Wapekeka First Nation to be included in the draft Environmental Assessment / Impact Statement. Please let me know if you have any questions about this program, or feel welcome to reach out directly to Bob Baxter at [REDACTED] or [REDACTED] or Andrea Nokleby at [REDACTED] or [REDACTED]

As always, I would also be happy to schedule a time to connect with you to discuss the Community Access Road.

Warm regards,

Jaimie Cugnet

Communication & Community Engagement Specialist, Environment
[REDACTED]

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My work day may look different than your work day. There is no need to read, act on or respond to my e-mail outside of your normal working hours.

From: Cugnet, Jaimie [REDACTED]
Sent: Friday, 28 June 2024 18:17
To: [REDACTED]
Cc: [REDACTED]
Subject: Marten Falls First Nation Community Access Road (MFFN CAR) - June Update

Dear Chief Brennan Sainnawap,
I hope this finds you well.

Please find an update of the upcoming activities occurring regarding the Community Access Road below:

Stage 1 Archaeological Assessment Report

The Stage 1 Archaeological Assessment Report documents the archaeological and land use history, to determine whether there is potential for archaeological sites in the additional areas required for aggregate impacts. It incorporates a review of recent mapping, previous archaeological reports, and incorporation of any information collected from Indigenous communities.

The Stage 1 Archaeology Assessment Report was sent out to communities on June 3, 2024. The reports are available for download here: [Draft Stage 1 Archaeological Assessment_May 2024 – Google Drive](#)

Feedback and comments on the report is requested by August 2, 2024.

To support your review, we encourage setting up a meeting with our team to help walk you through the reports, answer any questions you may have or as an opportunity to provide feedback.

IK Program

While the request for submission date has passed, we are still welcoming IK from Wapekeka First Nation to be included in the draft Environmental Assessment / Impact Statement. Please let me know if you have any questions about this program, or feel welcome to reach out directly to Bob Baxter at [REDACTED] or Andrea Nokleby at [REDACTED].

As always, I would also be happy to schedule a time to connect with you to discuss the Community Access Road.

Warm regards,

Jaimie Cugnet

Communication & Community Engagement Specialist, Environment
[REDACTED]

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My work day may look different than your work day. There is no need to read, act on or respond to my e-mail outside of your normal working hours.

From: Cugnet, Jaimie [REDACTED]
Sent: Wednesday, 31 July 2024 16:11
To: [REDACTED]
Subject: Marten Falls First Nation Community Access Road (MFFN CAR) - July Update

Dear Chief Brennan Sainnawap,
I hope this finds you well.

Please find an update of the upcoming activities occurring regarding the Community Access Road below:

Stage 1 Archaeological Assessment Report

The Stage 1 Archaeological Assessment Report documents the archaeological and land use history, to determine whether there is potential for archaeological sites in the additional areas required for aggregate impacts. It incorporates a review of recent mapping, previous archaeological reports, and incorporation of any information collected from Indigenous communities.

The Stage 1 Archaeology Assessment Report was sent out to communities on June 3, 2024. The reports are available for download here: [Draft Stage 1 Archaeological Assessment May 2024 – Google Drive](#)

Feedback and comments on the report is requested by August 2, 2024.

To support your review, we encourage setting up a meeting with our team to help walk you through the reports, answer any questions you may have or as an opportunity to provide feedback.

IK Program

While the request for submission date has passed, we are still welcoming IK from Wapekeka First Nation to be included in the draft Environmental Assessment / Impact Statement. Please let me know if you have any questions about this program, or feel welcome to reach out directly to Bob Baxter at [REDACTED] or Andrea Nokleby at [REDACTED].

As always, I would also be happy to schedule a time to connect with you to discuss the Community Access Road.

Warm regards,

Jaimie Cugnet

Communication & Community Engagement Specialist, Environment
[REDACTED]

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B17.2 Draft Aboriginal and / or Treaty Rights and Interests Preliminary Existing Conditions Report





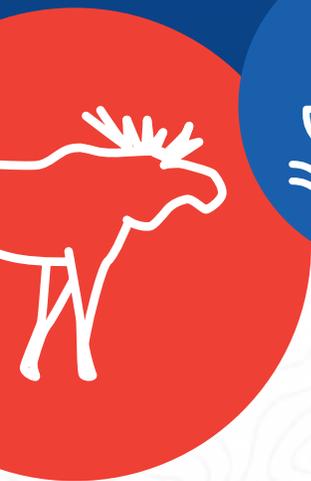
Wapekeka First Nation

Marten Falls First Nation

Aboriginal and / or Treaty Rights and Interests: Preliminary Existing Conditions Report

Marten Falls First Nation Community
Access Road Project

WORKING DOCUMENT



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December 21, 2023

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Introduction



Marten Falls First Nation is the Proponent of a proposed all-season Community Access Road (the Project). The Project would connect the community to the Ontario provincial highway network (**Figure 1-1**). The Project is subject to the federal *Impact Assessment Act* and the *Ontario Environmental Assessment Act* and associated regulatory processes. As part of these regulatory processes, the Proponent is required to assess the potential impacts of the Project on the rights and interests of Indigenous peoples, including on Aboriginal and / or Treaty Rights which are recognized and affirmed in Section 35 of the *Constitution Act, 1982*. The Project Team is currently consulting with 23 Indigenous communities, including Marten Falls First Nation, who may have Aboriginal and / or Treaty Rights and Interests that have the potential to be adversely impacted by the Project. As a First Nation Proponent, constitutionally protected rights are of the upmost importance and significance to Marten Falls First Nation.

The purpose of this *Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report* is to:



Share our current understanding of rights and interests within the Project area specific to each Indigenous community;

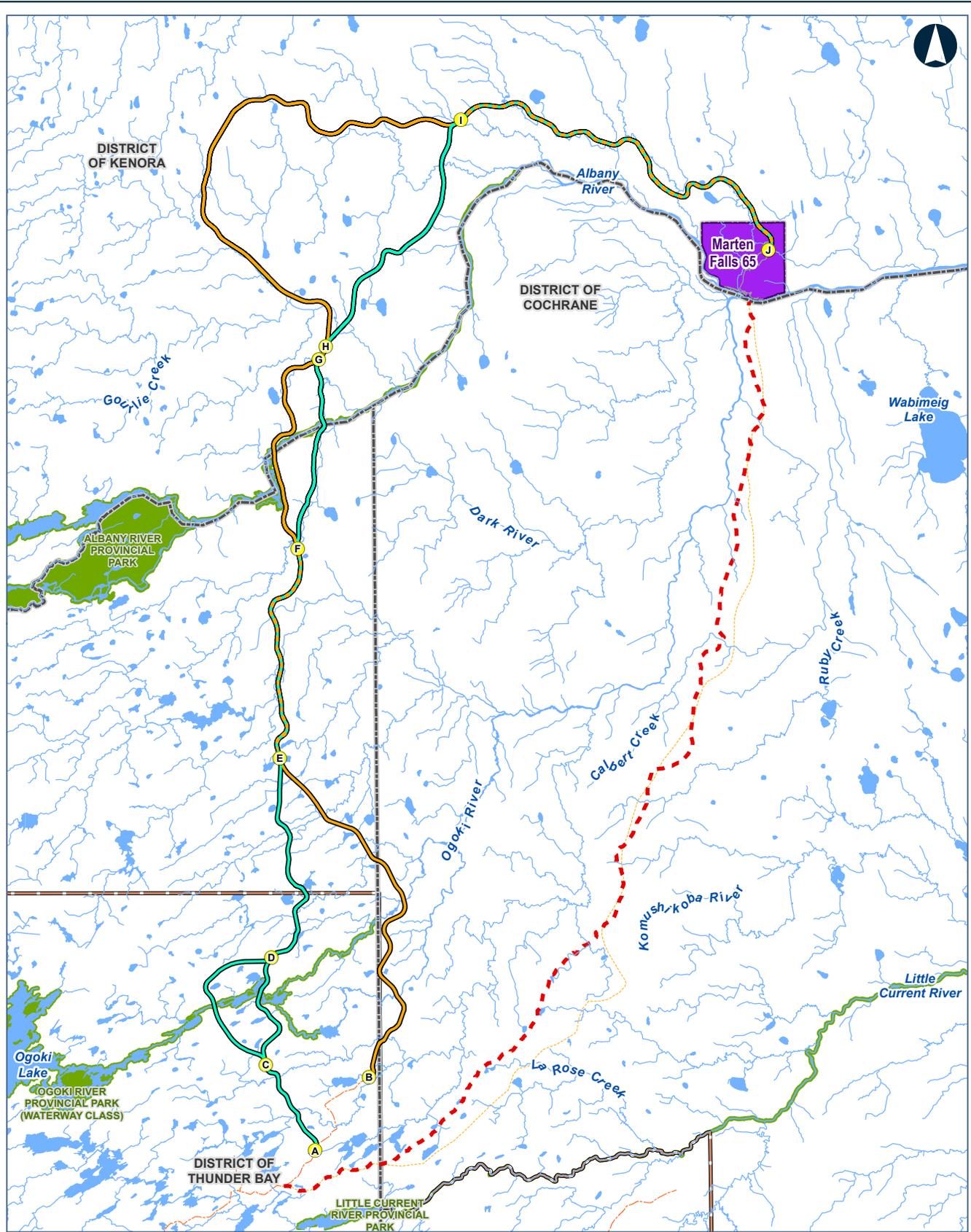


Provide our understanding of how rights are currently being exercised within the Project area; and



Seek your review and feedback on our current understanding.

The report begins with background information about the proposed Project and Aboriginal and / or Treaty Rights and Interests, and why it is so important to have a strong understanding of rights and interests relevant to the proposed Project (**Section 1**). This is followed by our understanding of the historical and regional context with respect to Aboriginal and / or Treaty Rights and Interests and how they have been cumulatively impacted to date (**Section 2**). The next section includes our understanding of your community today, including Aboriginal and / or Treaty Rights and Interests that have the potential to be impacted by the proposed Project (**Section 3**). The report concludes with an overview of the next steps in the regulatory processes and how Marten Falls First Nation will continue to work with Indigenous communities on assessing the potential impacts of the Project on the Aboriginal and / or Treaty Rights and Interests of Indigenous peoples (**Section 4**).



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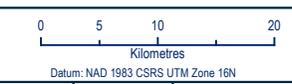
- Route Alternative Node
- - - Existing Winter Access Road
- Provincial Park
- Route Label**
- Alternative 1
- Alternative 4
- Alternative 1 and Alternative 4
- General Features**
- Local Road
- Winter Road
- Resource / Recreation Road
- Railway
- Watercourse
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Waterbody

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MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Project Overview



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Figure 1-1

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1.1 Imagining Access – Why the Project?

The Project will offer Marten Falls First Nation the opportunity to grow as a community but also be part of the social and economic fabric of the region and country. The Community Access Road will reduce transportation costs for goods and services, making food, gas, and other supplies cheaper. It will help families be together in the community and increase social interactions with other communities. It will also provide a vital connection to emergency, health, and social services.

The development of the Community Access Road will mean that Marten Falls First Nation can begin to forge partnerships with businesses and governments to grow social and economic development opportunities. Opportunities will mean more training and jobs for youth in the region. In the near future, Marten Falls First Nation members will be able to work from their home community and spend or save their hard-earned money at the nearest urban centres. The road will also allow for the continuation of Marten Falls First Nation people on the land because community members will be able to access the lands and waters at a fraction of the price it is now for transportation.

Presently, many Marten Falls First Nation members, especially the youth, have migrated to the cities and towns in search of a better life. It only makes sense that they get a chance at a better life right in their own territory. The Community Access Road will support Marten Falls First Nation in repatriating their members and youth, and in continuing to honour their role as stewards of the lands, waters, and resources as their ancestors did.

1.2 Aboriginal and Treaty Rights and Interests Overview

For the purpose of this report, Aboriginal and Treaty Rights and Interests are defined as follows.

Aboriginal Rights refer to the collective rights to practice traditions and customs that distinguish the unique culture of Indigenous groups and societies, which have been practiced since prior to European contact. These rights are grounded in the recognition of the status of Indigenous groups and societies as the original peoples of Canada, and their continued use and occupation of the land since before European contact; these rights flow to the descendants of Indigenous groups and societies on this basis. Aboriginal rights are not specifically defined under Section 35 as they can vary from group to group depending on the customs, practices and traditions that have formed part of their distinctive cultures, but they may include (CIRNAC, 2023):

- Indigenous title or ownership rights to land;
- Right to occupy and use lands and resources, such as hunting and fishing rights;
- Self-determination and self-government rights; and
- Cultural and social rights.



Treaty Rights are rights that are set out in historic and modern treaty agreements, including Treaty 9 and the Robinson-Superior Treaty, where the proposed Project is located. Treaties define specific rights, benefits, and obligations for the signatories of them, and vary depending on the time and circumstances in which they were negotiated (CIRNAC, 2023).

Aboriginal Interests refer to all requirements relating to Indigenous peoples required by both the federal *Impact Assessment Act* and the *Ontario Environmental Assessment Act*. In addition to an assessment on potential impacts to Section 35 Aboriginal and Treaty Rights, Interests also include impacts under federal jurisdiction with respect to Indigenous peoples, including impacts on (i) physical and cultural heritage, (ii) current use of land and resources for traditional purposes, (iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, and any change occurring in Canada to the health, social or economic conditions of Indigenous peoples in Canada (IAAC & BCEAO, 2022). Therefore, Interests include those identified by Indigenous groups with respect to potential economic, social, health, heritage, or environmental effects of the proposed Project, which may or may not be directly related to specific Aboriginal and / or Treaty Rights.

Note: Interests related to Aboriginal and / or Treaty Rights only are presented in this **Preliminary Existing Conditions Report**. Interests that are not specifically related to Aboriginal and / or Treaty Rights are presented in the existing conditions reports prepared by other disciplines (e.g., Socio-Economic, Land and Resource Use). Relevant information prepared by other disciplines will be used to inform the assessment on Aboriginal and / or Treaty Rights and Interests.





1.2.1 What is the Aboriginal and / or Treaty Rights and Interests Assessment Process?

The assessment of the potential impacts of the proposed Project on Aboriginal and / or Treaty Rights and Interests is intended to be flexible and adaptable. The impact assessment process is generally undertaken as a series of seven steps (IAAC, 2022), as shown in **Figure 1-2**. Steps may need to be revisited and revised based on inputs from, and the specific context of, potentially affected Indigenous communities.

Dialogue (and ideally collaboration) with Indigenous communities throughout the process enables modifications to the process, if and as needed, and promotes a holistic understanding and consideration of Indigenous community needs, protocols, rights, and interests.

It is important to note that the steps of the Aboriginal and / or Treaty Rights and Interests impact assessment are not completed in isolation of each other (i.e., step 1 does not need to be fully completed before moving onto the next step). This is because of the interconnectedness of the steps, the iterative nature of the process, the volume of information that is collected during the process, and the dialogue with Indigenous communities throughout the process.

Figure 1-2: Aboriginal and / or Treaty Rights and Interests Impact Assessment Process





The Marten Falls First Nation Project Team is currently working through Steps 1 to 3. This **Preliminary Existing Conditions Report** is a working document that has been developed based on dialogue with and inputs received from Indigenous communities to date and an extensive literature review of publicly available documents. By sharing this Preliminary Existing Conditions Report, we are wanting to work with Indigenous communities to validate, build on and / or revise our understanding of:

- Aboriginal and / or Treaty Rights and Interests relevant to the proposed Project (Step 1);
- The context in which impacts on these rights and interests have already occurred, and how the proposed Project may further impact rights and interests (Step 2); and
- The guiding values and topics associated with community well-being, cultural expression, and the preferred means of exercising rights (Step 3).

The next steps in the Aboriginal and / or Treaty Rights and Interests Impact Assessment process is to collaborate with Indigenous communities to grow the Proponent's understanding of:

- Pathways of potential impacts from the proposed Project (Step 4);
- Anticipated levels of impact that the Project may have (Step 5); and
- Measures and / or actions that can be taken to address potential impacts including the associated pathways (Step 6).
- The final step (Step 7) is to engage with communities to validate the outcomes of the Aboriginal and / or Treaty Rights and Interests Impact Assessment.





1.2.2 Proposed Study Areas for the Aboriginal and / or Treaty Rights and Interests Assessment

Study areas identify the geographic areas within which potential effects of the Project may occur. These study areas are used to guide the data collection and assessment processes.

The Project has both a general Study Area and a Project Development Area which are defined as follows:

- Project Study Area- includes the area within 2.5 km of each side of the centreline of each alternative route (resulting in a 5 km wide Study Area). The preliminary Study Area generally allows for the documentation of existing conditions and prediction of potential effects for the Project. A 5 km wide Study Area provides flexibility for route refinements that may arise during the Environmental Assessment process through advancement of design (e.g., adjustment of the road alignment to avoid features). The specific location of Project components, including the roadway, quarries, borrow areas, aggregate source areas and temporary infrastructure, are not yet known and will be determined in the Environmental Assessment.
- Project Development Area – encompasses the 100-metre-wide Community Access Road right-of-way, temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads.

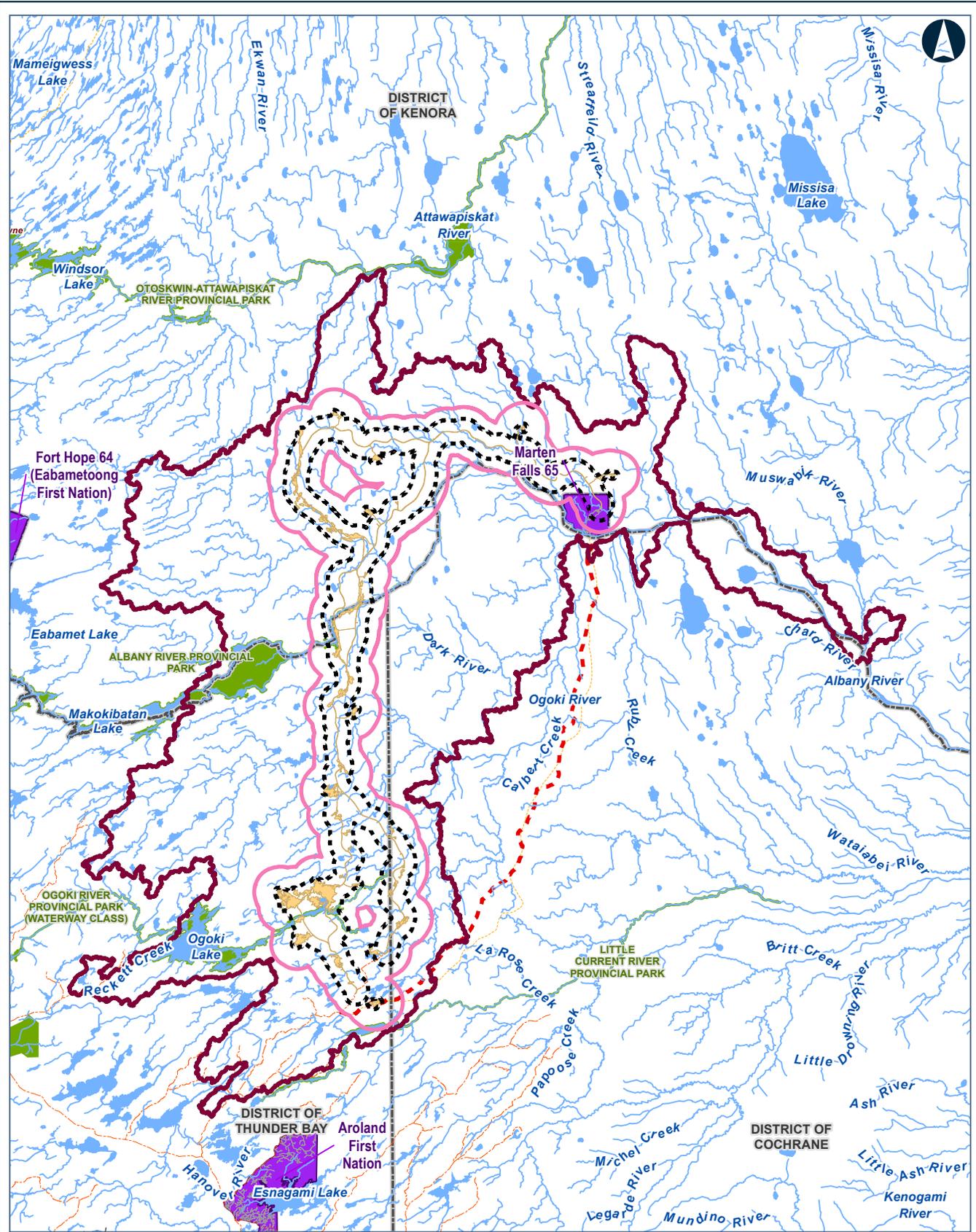


In addition to the Project Study Area and the Project Development Area, study areas have been identified for the Aboriginal and / or Treaty Rights and Interests assessment. Information on the proposed study areas for the Aboriginal and / or Treaty Rights and Interests impact assessment and associated requests for input have been previously shared with all potentially affected Indigenous communities, as follows:

- **August 2020:** The Project Team shared the Preliminary Aboriginal and / or Treaty Rights and Interests Study Areas Memo with Indigenous communities for review and comment.
- **September 2020:** The Project Team received valuable feedback from Indigenous communities on the preliminary study areas.
- **January 2021:** The Project Team revised the proposed study areas for the assessment based on feedback received and distributed an Update on the Proposed Aboriginal and / or Treaty Rights and Interests Study Areas Memo outlining the changes and requesting any feedback.
- **August 2022:** The Project Team revised the proposed study areas based on changes to the proposed Project Development Area for the Project. Changes to the Project Development Area resulted to changes in the proposed Local Study Area for the Aboriginal and / or Treaty Rights and Interests assessment only; there were no changes to the proposed Regional Study Area for the assessment. An Update on the Proposed Aboriginal and / or Treaty Rights and Interests Study Areas Memo, outlining the changes and requesting any feedback, was distributed to Indigenous communities.

The current study areas for the Aboriginal and Treaty Rights and / or Interests assessment (as of September 2023) are shown in **Figure 1-3**.





Legend

Project Study Area	General Features	First Nation Reserve
ATRI Local Study Area	Local Road	District Municipal Boundary
ATRI Regional Study Area	Winter Road	Waterbody
Project Development Area	Resource / Recreation Road	Provincial Park
	Existing Winter Access Road	
	Railway	
	Watercourse	

Notes:
1. Local and Regional Study Areas are Preliminary.

Data Source:
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**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

Study Areas for the Aboriginal and Treaty Rights and Interests Impact Assessment

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Figure 1-3

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1.3 A Shared Understanding – Working Together

Marten Falls First Nation is committed to developing a shared understanding of Aboriginal and / or Treaty Rights and Interests within the assessment study areas. The Project Team recognizes that there are things that may have been missed or misunderstood with respect to community Aboriginal and / or Treaty Rights and Interests, and the intent in preparing and sharing this **preliminary report** is to encourage the community to validate, build-on, and /or correct any misunderstandings.

This report sets the stage for the Project Team’s understanding of community Aboriginal and / or Treaty Rights and Interests and will be foundational to the impact assessment that will be completed in the future. By understanding the Aboriginal and / or Treaty Rights and Interests of communities in relation to the proposed Project, the Project Team will be better positioned to have informed conversations with potentially impacted Indigenous communities and their members.

It is the objective of the Project Team to avoid, mitigate or reduce potential negative impacts associated with the proposed Project while enhancing potential positive impacts related to Aboriginal and / or Treaty Rights and Interests.





Historical and Regional Context



The culture, knowledge, and history of Indigenous peoples is passed down through oral stories and accounts from generation to generation. The following chapter presents an historical and regional overview of the Indigenous peoples in the region. The information presented below was collected from written academic articles, journals, and other publicly available documents, many of which were informed by oral history. Indigenous authors and publishers were sought where possible to capture a more authentic understanding of the history, culture, rights, and interests of Indigenous peoples, both pre- and post-contact, and how Indigenous peoples and their rights and interests have been cumulatively impacted to date.

Note: the term “Indian”, which is the historical term used by the Crown for First Nations peoples in Canada, is used throughout **Section 2** when referencing historical documents and associated content.

2.1 Pre-Contact Context

Section 2.1.1 to **2.1.6** describe aspects of the societies of Indigenous peoples of the region prior to more consistent contact with Europeans (pre-contact), which occurred in the mid- to late-17th century.

The Indigenous peoples of what is now known as northern Ontario primarily consisted of the Anishinaabeg (which translates to ‘Original People’) and the Cree peoples (The Canadian Encyclopedia, 2023).

The Anishinaabeg in this region of Ontario have been referred to as the Northern Ojibwa. The Cree people of this region are known as the Omushkegowuk (‘People of the Muskeg’). Throughout **Section 2.1.1** to **2.1.6**, ‘Indigenous peoples’ refers to the Anishinaabeg and the Omushkegowuk peoples of the region specifically, unless otherwise stated. Information on the community as it is today – is provided in **Section 3**.



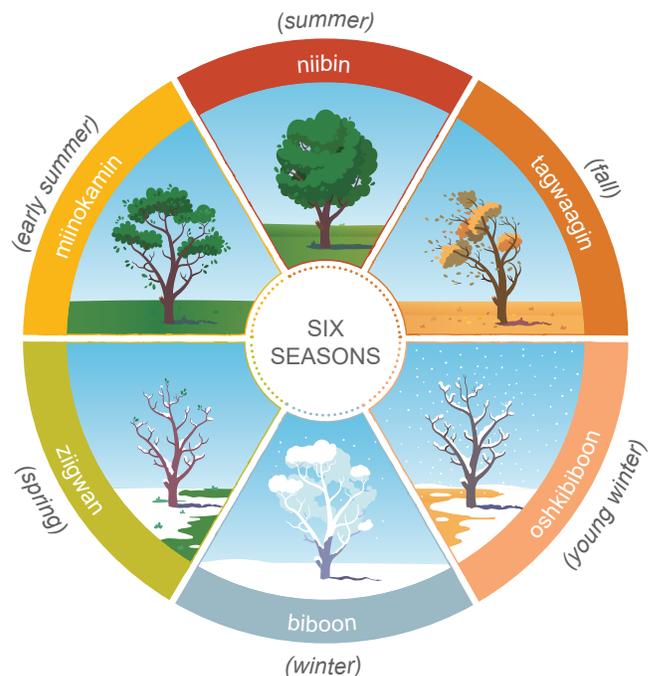


2.1.1 Seasonal Lifeways

Indigenous lifeways are typically shared and nurtured through culture, language, stories, and ceremony, and rooted in place and sacred relationship with the Earth, sky, sun, plants, animals, and water (Robertson, 2023). Prior to contact, Indigenous peoples lived their lives following the animals they hunted and according to the seasons. As noted by Davidson-Hunt and Berkes (2003), the Anishinaabeg have six seasons:

- *Ziigwan* (spring);
- *Miinokamin* (early summer);
- *Niibin* (summer);
- *Tagwaagin* (fall);
- *Oshkibiboon* (young winter); and
- *Biboon* (winter).

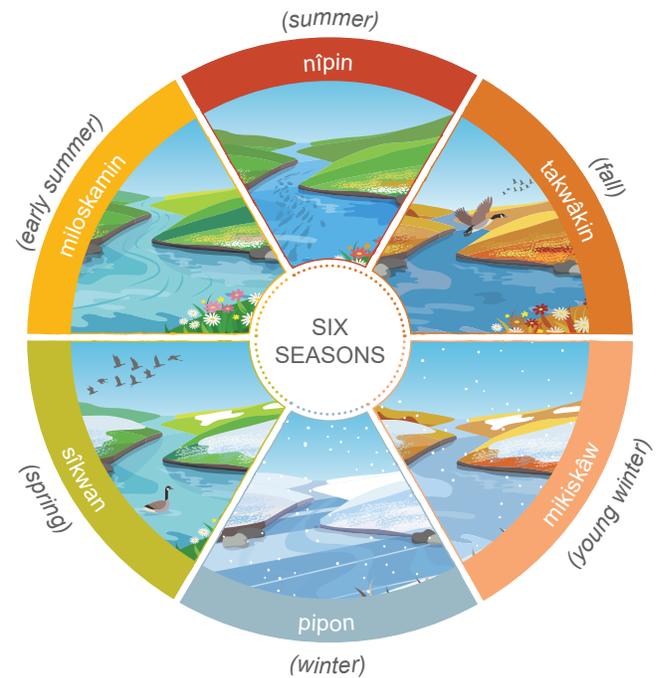
The seasons were denoted according to changes in the landscape. For example, *tagwaagin* begins when the leaves start to change colour and fall from the trees and turns into *oshkibiboon* when all the leaves have fallen off the trees and the first snows have fallen, while *biboon* turns to *ziigwan* when the ice on the lakes begin to melt and break up (Davidson-Hunt and Berkes, 2003).





The Omushkegowuk have described six seasons with several seasons reflecting the yearly melting and freezing of the waterways given their reliance on lakes and rivers for their livelihoods (Honigmann, 1948; Six Seasons of the Asiniskaw Īthiniwak, n.d.):

- *Sīkwan* (breakup, translates to “rattling feathers” because the geese fly in and it sounds like rattling);
- *Miloskamin* (spring, translates to “good moving water”);
- *Nīpin* (summer, translates to “gifts from the water” because of the fish that are offered);
- *Takwākin* (fall, translates to “gathering up” because e this is the season in which birds and people prepare for the coming winter);
- *Mikiskāw* (freeze-up, translates to “plenty of beads” because of the forming frost); and
- *Pipon* (winter).



Both the Anishinaabeg and the Omushkegowuk used the moon cycles to mark temporal dynamics of seasonal change, and to provide a more standardized way to note the passage of time during the year (Davidson-Hunt and Berkes, 2003; Six Seasons of the Asiniskaw Īthiniwak, n.d.).

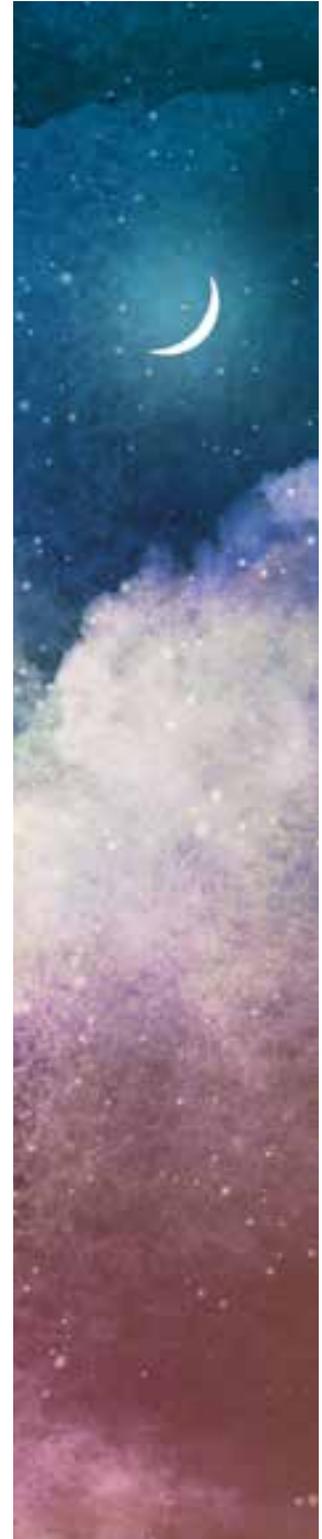




Indigenous peoples of the region were hunters and gatherers who travelled seasonally, following the important resources that sustained them in each season. They used birch bark canoes, rafts, snowshoes, and toboggans for easier travel depending on the season (Long, 2010). A rich variety of foods were available, including birds (e.g., duck, goose, and partridge), big game (e.g., bear, deer, moose, and caribou), furbearers (e.g., beaver, muskrat, marten, and wolverine), and fish (e.g., whitefish, pickerel, pike, trout and sturgeon) (Dawson, 1976; Long, 2011; Long *et al.*, 2017). Indigenous peoples also gathered berries, plants, medicines, and fuels (Long, 2011). *Manoomin* (wild rice) was an important staple food among the Anishinaabeg in the Great Lakes region (Desmarais, 2019). Kuhnlein and Turner (1991) noted that plants used in the Hudson Bay Lowlands, further north, included: the roots and sweet sap of large tamarack trees; rock tripe lichen; angelica (wild celery); wapato (arrowhead); the shoots, roots, and stems of fireweed; cattails; wild onions; and, the buds of juniper and spruce trees. Early accounts indicate that the Ojibwegowuk spent much of the year pursuing game over large areas in the north, while areas to the south provided food the Anishinaabeg were able to harvest in large quantities including fish, deer, moose, and caribou, requiring less travel (Bishop & Smith, 1975).

The division of labour was based on gender. The men were hunters and trappers (and butchers prior to returning to the group), and makers of toboggans, sleds and snowshoe and wigwam frames. The women fished and hunted and trapped small game, gathered plant foods and medicines, collected firewood, prepared meals, and created material goods for family and trade, in addition to their child caregiver duties (McMillan and Yellowhorn, 2004, as cited in Soloway, 2015). The role of women in preparing geese for future use by drying and smoking, and in preparing feathers and quills for sale, was especially important among the Ojibwegowuk, (Lytwyn, 2002).

Indigenous lifeways were intimately tied to the family (Long, 2010). The social organization consisted of community groups composed of immediate and extended families, which may have inhabited single or several drainage basins. Settlements consisted of small habitation sites and associated hunting camps (Dawson, 1987). Up to ten families lived and shared together, typically a group of brothers and their wives and children (Bohaker, 2020), depending on the season and circumstances (Long, 2011). Families resided in cone-shaped wigwams made of wood and moss, covered in moose or caribou hides (MFFN & OMNRF, 2020).





When studying traditional Omushkegowuk (Attawapiskat) land tenure, Cummins (1992) reported that two to five Omushkegowuk families lived and travelled together as a ‘microband’, and up to 15 families connected as a ‘macroband’. The macrobands in the region were aware of each other as they completed their seasonal rounds (Cummins, 1992).

Communities would come together in the summer, usually at a lake or shore within the territory where food was abundant; these areas were occupied annually for extended periods by clustered groups (Dawson, 1987). Summer gatherings were the largest, and hundreds of people (sometimes over a thousand) from several ‘bands’ would assemble for visiting, trade, marriage negotiations and to discuss issues of common concern (Leacock, 1981; Bohaker, 2020).

Small camps used on a temporary basis by community members to harvest resources in both summer and winter were also present around the larger summer gathering sites. Groups would disperse in the winter to their hunting areas (Dawson, 1987), and each family had a hunting territory (Oldmixon, 1931, as cited in Long *et al.*, 2017). According to anthropologist Edward Rogers (1963), hunting ranges (territories) were loosely managed and hunting groups returned to the same general area each year. Trapping was done mostly for subsistence as the hunter-gatherer lifestyle required seasonal movement to avoid resource depletion (Rogers, 1963).

Indigenous land use, cultural practices, and settlement systems were shaped primarily by the seasonal cycles of the region. During the summer, time was spent fish harvesting and drying, berry picking and drying, and collecting materials for building homes and utility items including wigwams, snowshoes and fish baskets (MFFN & OMNRF, 2020). Furbearer snaring and small bird hunting was also common (Long *et al.*, 2017). Summer was also a time for traditional gatherings for ceremonies including marriages, feasts, new friendships, naming ceremonies, and celebrations for community members who passed away (MFFN & OMNRF, 2020).

Fall was spent preparing for the winter hunting camps and season. This involved preserving food and preparing hides, making any utility items needed (e.g., moccasins and snowshoes), and making sure the dogs were fattened up for the coming winter sledding when it was time to move to the winter





areas (O mushkego Education & OCCC, 2006; MFFN & OMNRF, 2020). Fish were an important source of food during this time (O mushkego Education & OCCC, 2006), as were a variety of birds including waterfowl, grouse, and ptarmigan (O mushkego Education & OCCC, 2006; Long *et al.*, 2017). Caribou and moose provided additional sources of food during this time (O mushkego Education & OCCC, 2006).

During the early winter or freeze up, travel was limited until the rivers and streams were frozen and fishing and trapping were important for sustenance (O mushkego Education and OCCC, 2006). Winter was a prime time for hunting caribou and trapping furbearers (Long *et al.*, 2017). Winter gave people freedom as they could travel all over the land, and not worry about food spoiling (MFFN and OMNRF, 2020).

Breakup and spring (early summer) brought warmth. Areas for new shelters away from winter homes were scouted to prepare for the spring hunt (MFFN and OMNRF, 2020). Among the lowland O mushkegowuk, the spring harvesting of goose and duck was significant and was seen as a celebration for the survival of the family through the harsh winter conditions (Cummins, 1992). Canoes were used as a mode of travel as the waters of the rivers and streams started to flow again (O mushkego Education & OCCC, 2006). After the ice breakup was a time for fish harvesting and drying, and muskrat hunting and trapping (MFFN & OMNRF, 2020).





2.1.2 Culture and Worldview

Indigenous peoples of the region practiced a cultural way of living. The culture was, and continues to be, grounded in relationships with and knowledge of the environment, and shared through oral stories and practices (MFFN & OMNRF, 2020). When Europeans started to travel into the region, many viewed the land as something to be explored, owned, developed, and used for profit – this view was in contrast to the Indigenous’ world view that the land and its resources is something to be shared, cared for, and honoured (Tsuji & Tsuji, 2021). From an Indigenous way of life, Indigenous peoples did not own the land; they were connected to it and depended on its generation and empowerment of all life, including the intangible aspects like culture, language, and dream (Tsuji & Tsuji, 2021). Indigenous worldview and identity were, and continue to be, grounded in intimate relationships with the land and the natural world, and the principles of kinship, respect, reciprocity, and responsibility (Bell, 2013; Guido, 2021).

The perspectives of many Indigenous peoples were, and continue to be, rooted in a recognition of the inter-relation of all of creation – everything is considered to be connected, like the strands of a spider’s web (Bell, 2013). Moreover, many Indigenous peoples’ beliefs on the origin of humankind framed their perspectives on relationships between humans and other beings: plants and animals inhabited the land before humankind and assisted humans when they arrived on earth (Johnston, 2005; Luby *et al.*, 2021); and, all things in the natural world are valuable and equal (Simpson, 2000a).



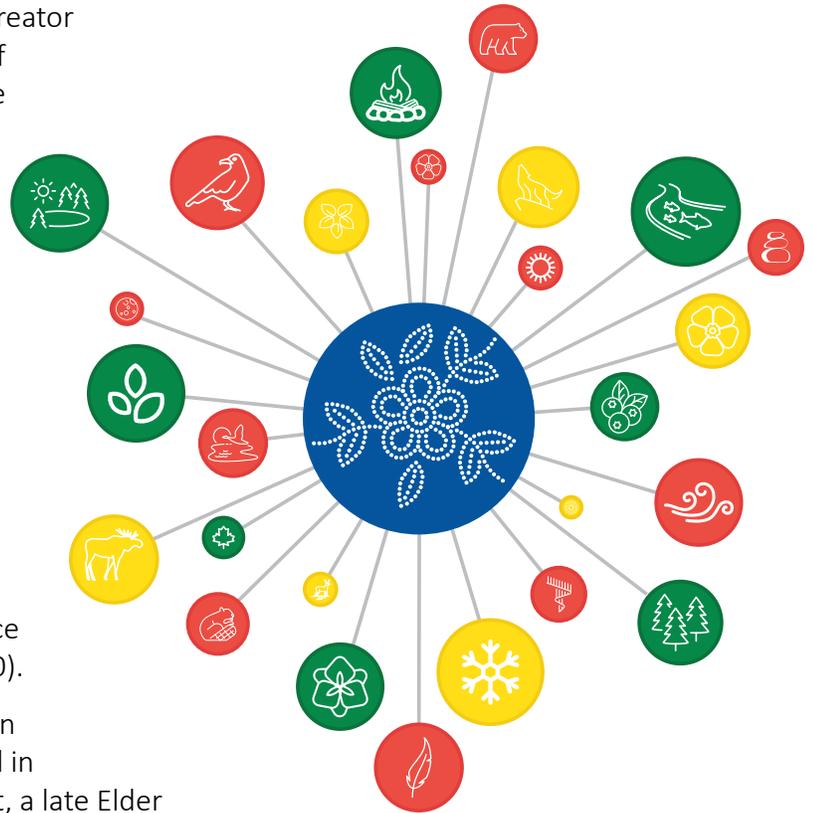


According to the Anishinaabe origin story, the Creator envisioned humankind in response to feelings of loneliness. However, the Creator did not provide humankind dominion over Creation, and instructed that humankind was to take care of Mother Earth (Luby *et al.*, 2021). The order of creation in the Anishinaabe creation story places humans last, as well as least in the order of dependence, and weakest in terms of bodily powers (Johnston, 1976). In addition, for the Anishinaabeg, all living beings were understood to have souls (and not just humans), and therefore personhood. Understanding the natural world and its inhabitants as kin, as brothers and sisters, was a critical piece of Anishinaabe culture and law; this is reflected in their presence in almost all Anishinaabe stories (Fontaine, 2020).

The important relationships and kinship between humans and the natural world are also reflected in Omushkego oral history. As told by Simeon Scott, a late Elder from Fort Albany First Nation, the first people were living in *the land above* when an unseen voice asked a man and a woman if they would like to go down and see *the land below*. They went to go see *the great net-maker*, a spider, to lower them down onto the land now called northern Ontario, but they did not heed his warnings that only one person may look down from the spider's line – they both looked down and fell. They were rescued from the eagle's nest in which they had landed by a bear and a wolverine. The first peoples then followed the bear, who taught them everything they needed to know to survive in their new home (Ellis, 1995).

The oral histories of Indigenous peoples of the region speak to the importance of respect, reciprocity, and responsibility.

- Among the Anishinaabeg, respect entails “a reverence for the diversity of life and peoples, for different ways of knowing, and for different ways of being” (Simpson in Bell *et al.*, 2010, p. 14). A deep respect for the natural world and the balance of all components of it underpins the worldview of Cree peoples (Preston, 2002), including the Omushkegowuk. The land and its resources had to be respected and sustainably utilized for the benefit of all, including ancestors and future generations (Honor the Earth, 2017).
- Indigenous peoples' relations with the land were primarily reciprocal in nature as this was considered critical to establishing and maintaining healthy relationships with the natural environment (Preston, 2002; Bell, 2013; Honour the Earth, 2017, Tsuji & Tsuji, 2021). If something





was taken or received, something had to be given back to give thanks. Gifts were offered for successful hunts and harvests; these included specific offerings that were often very private to the individual or group but they also entailed actions to sustain the life of a moose or caribou population from which they hunted (Tapestry Institute, n.d.).

- Indigenous stories also indicate important responsibilities to ensure healthy and balanced relationships with Creation. Anishinaabe teachings describe the gifts that each person is born with and responsibility of each person to “use their gifts to the best of their ability for the good of the community, and for the good of creation” (Bell, 2013, p. 103).

The perception of environments as social-ecological systems is an underpinning of an Indigenous worldview, and the spatial and temporal dynamics of the land were included in both memory and language (Davidson-Hunt & Berkes, 2003). As noted by Davidson-Hunt and Berkes (2003), Anishinaabe ways of remembering can be described as an experience of journeying within the land that is situated in both space and time: the journey is structured temporally according to the practices, seasons, moons, and ceremonies that mark of the passing of time and life stages, and spatially based on what is encountered and observed. This is evident in Indigenous place names, which provide a mental image of how a particular place in the landscape looks, how it relates to other places, and what occurred or might be found at the place (e.g., *Aagimakobawatig* describes a place where black ash grows beside a rapid). As noted by Berkes et al. (1998), the Anishinaabe notion of “land” is more akin to the concept of “ecosystem” but with the added dimensions of peoples, their culture and their history.

In addition to providing sustenance, the lands, waters, and their resources provided, and continue to provide, spiritual connection and well-being. Everything could be considered alive – both animate and inanimate objects were believed to have a spirit life (Simpson, 2000a). Many Anishinaabeg understood the world to be inhabited by spiritual beings known as *manidoos*, and these were known to be associated with places and seasons (Johnston, 2005). Moreover, the spiritual world was believed to exist as parallel world or plane of existence that could be accessed through prayer





or ceremony or that could manifest when it decided to do so (Honour the Earth, 2017). These beliefs remain an important part of Anishinaabe culture today.

In Anishinaabe culture, Johnston (2005, p. 17) describes that “there is an ongoing relationship between the Dead and the Living; between Ancestors and Descendent.” It was considered the obligation of the living to bury their relatives in a proper manner (in marked graves with commemorative and symbolic items placed on them) and in a proper place (in their place of origin and/or near their ancestors), and to protect them from disturbance or desecration; failure to do so was thought to harm both the dead and the living (Johnston, 2005). Many Anishinaabe believed that bodies have several souls: one of them remains in the bones after death and only leaves when it is “recycled” into a descendant; the other leaves the body after death and travels to rejoin other relatives who have died (Johnston, 2003, as cited in Bohaker, 2020). Feasting to celebrate the dead (Feast of the Dead) was important for the care and protection of deceased souls (Johnston, 2005). The feasts also had a function of perpetuating alliances among kin and initiating alliances with outsiders (Bishop, 1976). Based on available records, the Jesuit missionaries were “mystified by the care and attention that Aboriginal people showed toward their dead” (Johnston, 2005, p. 8).

Prior to contact, Indigenous lifeways were based on a deep connection with the lands and all its inhabitants. As noted by Cajete (2000), “Native people expressed a relationship with the natural world that could only be called ensoulment” (p. 186). They spent so much time on the land, interacting with the natural world, that “their landscapes became reflections of their very souls” (Cajete, 2000, p. 187). The mutual relationships between, and the value of, all things in the natural world (including celestial bodies, spirits, and natural forces), as well as the need for balance among them, were recognized and honoured (Honor the Earth, 2017).





2.1.3 Language

Indigenous culture is rooted in language (Wastesicoot, 2015). Both the Anishinaabeg and Omushkegowuk are Algonquian in terms of their language group, one of the most populous and widespread Indigenous linguistic and cultural groups in North America.

Anishinaabemowin (Ojibwe) was the language of the Anishinaabeg, while the Omushkegowuk spoke *Inilîmowin* (Swampy Cree).

Both languages are considered polysynthetic, which means that they have long, compound words to express complex meanings that would require many words, or even an entire sentence, in other languages (Oxford, 2019). A typical word is made up of several, or many small parts, with a variety of combinations that mean different things. For example:

- *Boozhoo* (“hello”) in *Anishinaabemowin* acknowledges the original spirit of *Nanaboozhoo*, and also conveys the process of using the breath of life (“*boo*”) to express the feeling of life (“*zhoo*”) (Horton, 2021); and,
- The *Inilîmowin* word *niwanahikân* means “I am setting my traps” (Omushkego Education, 2016).

Both *Anishinaabemowin* and *Inilîmowin* also organize their nouns according to animacy: whether the noun is referring to a living thing like a human or animal (animate) or an object (inanimate); this is analogous to the use of masculine and feminine nouns in French, just on a different axis. However, some non-living objects, like drum and tobacco, are treated as animate, and this may have to do with the spiritual significance of these objects (Oxford, 2019).

There was no written form for the Ojibway and Cree languages prior to contact, though European missionaries later created a system of writing (OCCC, 1986). By the early 1800s, European traders noted that a mixed Cree-Ojibway dialect was spoken by Indigenous people who lived in territories shared by the Lowland Cree and Northern Ojibway, where mixing and intermarriage was common (Lytwyn, 2002); this became what is today referred to as *Anishiniimowin* (Oji-Cree).

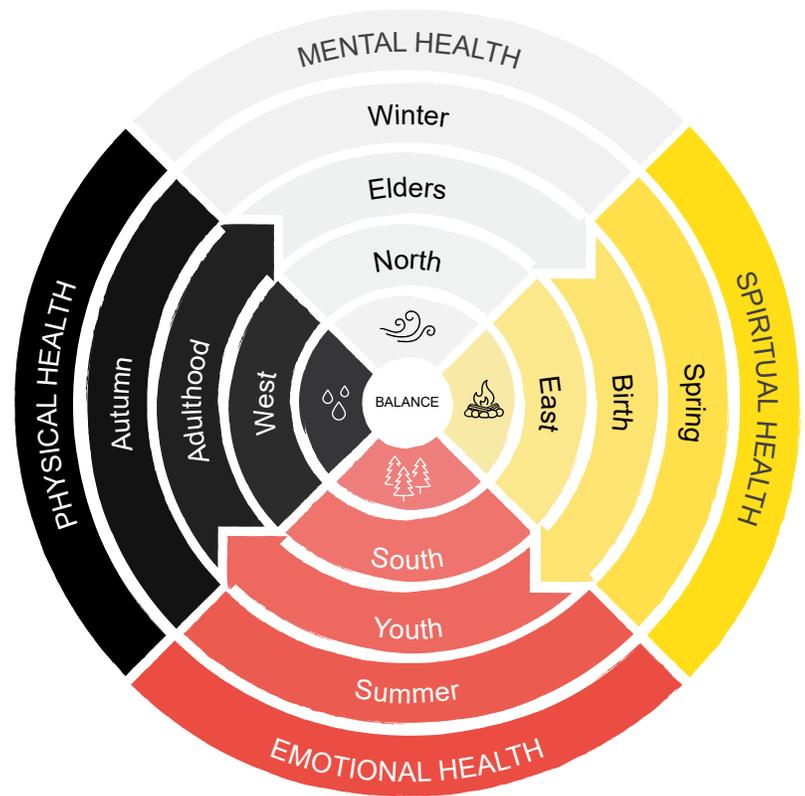




2.1.4 Learning and Knowledge Building

Indigenous educational traditions have been described as holistic whereby the learning process had to address the whole person, including the intellectual, spiritual, emotional, and physical dimensions (RCAP, 1996a). The process of learning and knowledge building among Indigenous people was considered a life-long process rooted in personal experience, ceremony, reflection and sharing (Simpson, 2000b), and recognition and honouring of the relationships with and within the natural world (McGregor, 2013).

Rituals, storytelling, and harvesting and gathering practices out on the land were foundational for conveying worldviews and handing down instructions for maintaining balance in the natural and spiritual worlds through the generations (Honor the Earth, 2017). As described by Johnston et al. (2018), Indigenous knowledge “originates in oral sources (conversations, stories, traditional teachings) in the day-to-day practices of Indigenous peoples according to Indigenous worldviews and including insights from the spirit world” (p. 4). The knowledge-transfer activities of rituals, ceremonies, storytelling and practices on the land were often directly tied to the place the knowledge relates to (Honor the Earth, 2017); that is, Indigenous knowledge sharing was not only relational in nature but also place-based.





Leanne Simpson (2000b) explored Anishinaabe ways of learning and identified a variety of important learning modalities, including dreaming, ceremonies, learning by doing (experiential learning), and storytelling. Dreaming, visioning, and ceremonies were considered important paths for knowledge transmission from the spiritual world to humans (Simpson, 2000b). Being on the land was considered critical for experiential learning, and young people learned how to participate by practicing the tasks and skills they would need to perform as adults (Antoine *et al.*, 2018). Learning by observation was an important component of experiential learning. The Anishinaabeg often relied on plants, animals, and spiritual entities as teachers, each offering gifts and lessons of caring and sharing that were accessed through careful observation (Simpson, 2000b). For example, plants and animals could offer lessons based on where and when they grow, how they multiply, how they provide food for others, and who they prefer the company of, and who they avoid (Raven *et al.*, 1998, as cited in Simpson, 2000b).



Storytelling was an important way to teach principles and values. There were various forms of stories, including stories of origin, sacred stories, stories of personal experience, and stories that convey laws, responsibilities, morals, values and life lessons, all of which were grounded in one's intimate relationship with the land (Fontaine, 2020). In oral tradition, storytellers may impart their own life and experience when telling stories, and the listeners filtered stories through their own experiences and reflective thinking to make them relevant to their own lives (Peltier, 2021). The meaning that was drawn from a story may depend on who was telling it, and the circumstances in which it was told in terms of time, place, and situation of the telling. Storytelling tradition is non-linear and cyclical in perspective. Time can be represented in different ways; while stories find their origins in the past, they can also speak to the present (RCAP, 1996b).

As described by Anishinaabe educator David Anderson (2002), traditionally children were often raised by their immediate and extended families, and taught the “big story” and the abstract messages of Anishinaabe being from infancy. Generally, children learned to listen and observe, and they watched as the community worked together to ensure the survival of all; role modelling was an important aspect of teaching (Bell, 2013). Children were expected to take the abstract concepts, morals, and values they were exposed to through storytelling, and develop them into their own meaningful relationships with all elements of the natural and spiritual world (Anderson, 200 2; Bell, 2013).





2.1.5 Governance and Legal Principles

Both the Anishinaabeg and the Omushkegowuk had their own forms of governance in place prior to contact with Europeans. As noted by Anishinaabe legal scholar John Borrows (2002), Indigenous peoples developed spiritual, political, and social conventions to guide relationships with each other and the natural environment, and “these customs and conventions became the foundations of many complex systems of government and law” (p. 47). Leadership among the Indigenous peoples in the region was observed to be markedly different from European societies, and European observers were “impressed by the lack of rigid, hierarchical political order among the Indians” (Lytwyn, 2002, p. 20).

The Anishinaabeg were traditionally governed by a hereditary clan system, the *Doodemaag*. Early accounts from the late 17th century indicate that the Anishinaabeg constituted their governments as *doodem* (clan) beings who met in council, and specific *doodem* beings took on responsibility for roles and places (Bohaker, 2020). *Doodems* were most often animals, but they could also be a tree or a *Manitou* (e.g., thunderbirds, mermen, underwater *manidoos*), and they tied people to specific places those *doodems* inhabited (Corbiere, 2019). Anishinaabe historian William Warren noted that Northern Ojibway *doodems* included Sucker, Goose, Beaver, Sturgeon, Gull, hawk, Cormorant, and Whitefish (Lytwyn, 2002). Each animal symbolized an ideal to be sought (Johnston, 1987). For example, “the leadership role in councils that was undertaken by members of the Loon *doodem* was visually reinforced by the fact that the common markings of loons has markings around its neck, resembling the wampum shell collars that leaders wore to indicate their status and political role” (Warren & Neill, 1885, as cited in Bohaker, 2020, p. 61).

The *doodem* was the foundation of Anishinaabe identity, exemplified by the fact that Anishinaabe leaders meeting in council signed colonial documents with imaged representing their *doodem* identities (Bohaker, 2020). Individuals were born into their *doodem*, which came from the father’s side of the family (Bohaker, 2020). However, people could be adopted into a willing clan when seasonal cycles led to movements inland or upriver that led to a summer identity and a winter identity (Witgen, 2013, as cited in Corbiere, 2019). Marriages often functioned as micro-alliances that brought different *doodemag* together, sometimes from considerable distances away, for important social and political connections.





Given the role marriage had as an alliance-making institution, it was reinforced by a taboo against marrying someone from within the same *doodem* (Bohaker, 2020).

Each *doodem* had its own leadership system (common council), which may have involved an *ogimaa* (chief), an *aanikeogimaa* (second chief, deputy), and *gichi-Anishinabek* (elders, councillors), all of whom were leaders of their own *indinaakonigewin* (those whom one overwintered with, a group of usually 20-40 people) (Miller, 2010). In addition to these leaders, women's councils and warrior councils served to advise and significantly influence decisions. Each of these councils also had leaders (Bohaker, 2020). According to Miller (2010), women's councils were a central component of Anishinaabe governance, and women had defined political roles. One woman, an *ogimaakwe* or chief woman, would present the results of the women's council findings to the men during gatherings (Miller, 2010). Women could also hold the role of the *ogimaa* (Bohaker, 2020). Warrior councils had a responsibility to protect their people (Bohaker, 2020).

Historically, common councils met regularly and were responsible for local affairs, including where and what to hunt, where family groups reside through the seasons, settling conflicts and disputes in the community, and family alliances (Bohaker, 2020). Both women's and warrior councils provided common councils with advice on these matters (Bohaker, 2020). General councils between common councils occurred at least annually if not semi-annually, as part of the seasonal round. General councils were places at which alliances between common councils were established and renewed (Bohaker, 2020).

As noted by Bohaker (2020), leaders were expected to be generous with their wealth and "good leaders accumulated wealth in order to give it away" (p. 139). Their intended role was as "stewards" who took care of the people and the land. Leadership was not absolutely hierarchical and individuals could hold several leadership roles, with their status depending on their own personal gifts, expertise, and their *doodem* (Bohaker, 2020). Governance practices were primarily consensus-based through councils and alliances (Bohaker, 2020); this is reflected in Anishinaabe oral histories that demonstrate consultative and consensus-based leadership models through story (Borrows, 2010). Common practice was for leaders to exercise their authority *with* their community, not *over* them (Mills, 2019). *Doodem* kin ties could create and sustain lateral connections between different councils, and reinforce the political principle of interdependence through alliance (Bohaker, 2020).



Anishinaabe *aadizookaanag* (sacred stories) explain the origins of the *doodem* tradition: human beings are descended from, and therefore kin to, the other-than-human beings who are their *doodem*. To share a *doodem* was to be immediate kin. Indigenous worldview on kinship may be reflective of the idea of shared souls rather than shared blood, and “understanding this distinction is critical for understanding the concept of personhood in Anishinaabe law” (Bohaker, 2020, p. 53).

The governance structure of the Anishinaabe people was formalized through the *Niswi-mishkodewinan* (Three Fires Confederacy) of the Ojibway (Chippewas), Odaawa and Potawatomi Nations. The three groups shared similar languages and territories, and met for military and political purposes. Each group had a distinct role in the confederacy: the Ojibway were the providers and knowledge keepers of medicine and faith, the Odaawa were the warriors and keepers of trade, and the Potawatomi were the firekeepers who took care of the three fires (nations) and made sure they were strong. The fire was central to the governance structure, and continues to be so to this day (Anishinabek Nation, 2023a; Anishinabek Nation, 2023b).

While the Omushkegowuk did not have a clan system like that of the Anishinaabeg, they did have a kinship system where the family was the major self-governing unit, and extended family were involved to support each member in living up to their responsibilities (RCAP, 1996c; Wastesicoot, 2015). Elders served various functions based on their skills, including as storytelling historians, advisors, and counsellors to young people and others (Wastesicoot, 2015).





The Omuškegowuk had a leadership structure with *okimâw* (leaders) who were respected for their ability to make good decisions with respect to hunting practices and rules (Lytwyn, 2002). The *okimâw* were not intended to rule with force or dictate the lives of those who followed them, but rather, they were expected to display leadership based on their life skills, experience, and wisdom (Lytwyn, 2002), and their exemplary connection with the land, knowledge of the animals (Preston, 1990, as cited in Brekes *et al.*, 1991). They did not have the right to impose decisions on others – leadership was meant to be consultative (Lytwyn, 2002), and decisions were accepted by consensus (Preston, 1990, as cited in Brekes *et al.*, 1991). Similarly to the *ogimaa* of the Anishinaabeg, generosity, compassion, and a strong capacity to care for others were important attributes of *okimâw* (Wastesicoot, 2015). Heredity was noted to be an important factor, with leadership observed to be passed down from fathers to sons (Lytwyn, 2002). However, leadership roles were not necessarily inherited, and the *okimâw* remained as leader as long as they were able to maintain the respect of community members; if they lost this, the next person with high standing could assume the leadership role (Mandelbaum, 1979, as cited in Wastesicoot, 2015).

Women played an important role in the kinship system and decision-making processes of the Omuškegowuk (Walker, 2021). Historically, women in Cree society were the keepers of all stories and laws. McAdams (2015) notes that within Cree culture existed the clan mothers or warrior women whose role was to provide the legal “system” of the Cree people, and they were respected for their ability to show compassion and care for the people. Women were highly respected for their sacred role as bearers and teachers of future generations, and they were not only in charge of the ‘household’, but also the well-being of the community (Hookimaw-Witt, 2006). The knowledge of men and women was often considered complementary, and both were important for leadership. As noted by Hookimaw-Witt (2006), in Cree society, while the men had more knowledge about resources in the hunting territory, women had more knowledge about the resources they harvested and managed (small mammals, fish, and plants). Thus, in the realm of Cree politics, both genders had decision-making powers in their own domains, and through interactions with the other gender’s decisions (Hookimaw-Witt, 2006). In addition, in both Anishinaabe and Mushkegowuk cultures it was women who were historically the voice for water, as both hold the important role of giver of life (Chief of Ontario, 2008; Chiblow, 2020).





Borrows (2002) suggests that “Indigenous laws originated in the political, economic, spiritual and social values expressed through the teachings and behaviour of knowledgeable and respected individuals and elders” (p. 13), and their principles are expressed through the stories, ceremonies, and traditions of Indigenous peoples across the country (Borrows, 2002). The instructions, laws, and ethics conveyed in Indigenous stories guided people on how to conduct themselves (McGregor, 2013). As noted by Borrows (2002), oral histories may inherently express Indigenous laws as they represent the accumulated wisdom and experiences of Indigenous peoples’ conflict resolution. They record patterns of past disputes and their solutions while allowing for re-creation to meet emerging needs more easily, and do not depend on finding the first telling of the event, as common law does (Borrows, 2002).

The requirements for maintaining harmonious relationships among all beings have been referred to as Indigenous ‘natural law’ (McGregor, 2013). Among the Anishinaabeg, understanding the natural world as kin, as brothers and sisters, was a critical piece to Anishinaabe law (Fontaine, 2020). This is reflected in the sacred law of *Nda-Nwendaaganag* (all my relations), which acknowledges that all things in the universe are gifts from the Creator and have meaning and purpose. Further, all things are interconnected and important to one another, and respect is afforded to all of Creation (Anishinabek Nation Legal Department, 2018).





According to oral history, it is said that sacred or natural law was given to the Anishinaabeg by the Creator through their *Mino-Bimaadiziwin* (way of living the good life), language, philosophies, and ceremonies (Watts, 2010). *Mino-Bimaadiziwin* is representative of the relationship that the Anishinaabeg have with everything around them, and the understanding that everything is alive, and everything is related (Bell, 2013). It is a traditional legal principle rooted in all Anishinaabeg (Anishinabek Nation Legal Department, 2018). *Mino-Bimaadiziwin* was expected to be lived according seven original (ancestral) teachings that provide guiding principles for the way in which individuals are to treat each other and the natural environment (Bell, 2013; Seven Generations Education Institute, 2021):



Debwewin (truth) – To speak only to the extent we have lived or experienced. Represented by the turtle as the turtle was here during the creation of Earth and carries the teachings of life on his back.



Gwayakwaadiziwin (honesty) – To live correctly and with virtue. Represented by either the raven or the sabel (sasquatch) as they both understand who they are and how to walk in their life.



Dabasendiziwin (humility) – To think lower of oneself in relation to all that sustains us. Represented by the wolf, who lives for his pack and the ultimate shame is to be an outcast.



Zoongide'ewin (courage) – To live with a solid, strong heart. Represented by the bear. The mother bear has the courage and strength to face her fears and challenges while protecting her young. To face life with courage is bravery.



Manaaji'idiwin (respect) – To go easy on one another and all of Creation. Represented by the buffalo as the buffalo gives every part of his being to sustain the human way of living, and respects the balance and needs of others.



Nibwaakaawin (wisdom) – To live with vision. The beaver represents wisdom because he uses his natural gift by altering the environment for his family's survival.



Zaagi'idiwin (love) – Unconditional love between one another including all of Creation, humans and non-humans. The eagle represents love because he has the strength to carry all of the teachings.



The Omushkegowuk shared similar natural law and legal principles. *Wahkotowin* (having relations to all) was a central aspect of Cree natural law, and speaks to the interconnectedness of all things (Cardinal, 2007). According to the late Cree scholar and lawyer Harold Cardinal (2007), *Wahkotowin* is one of the most comprehensive doctrines of law among Cree people, and it contains a subset of laws (values) that establish principles that govern the conduct and behaviour of individuals within the family environment, within their communities, and with others outside the community. These principles are enshrined in the seven sacred teachings, or the seven sacred laws (Wastesicoot, 2015):



Pakwaynamatowin
(sharing);



Sahkiwewin
(love);



Kistenchikewin
(respect;



Kiskentamowin
(wisdom);



Tapatenimowin
(humility);



Tapwewin
(honesty); and,



Sokenimowin
(courage).

Similar to the Anishinaabe concept of *Mino-Bimaadiziwin*, the Cree concept of *Mino-Pimatisiwin* represents the cyclical nature of life and provides guidance on how to live in a good way with oneself, their community, and the natural world (Gaudet & Chilton, 2018). Connection to the land is central to the concept of *Mino-Pimatisiwin* (Gaudet & Chilton, 2018), as is respecting natural law.

2.1.6 Resource Management and Stewardship

Communal management of resources was a common feature of many Indigenous resource-use systems (Berkes, 1989, as cited in Berkes *et al.*, 1991). Resources were considered the property and responsibility of all, and those that utilized them in an area were considered “stewards” who oversaw community norms and rules about their use, which were often comprehensive (Berkes *et al.*, 1991). Collective, consensus-based decision making and enforcement of agreed-upon rules among group members was often the norm (Feit, 1986, as cited in Berkes *et al.*, 1991).



Feit (2004) suggests that some form of hunting territories likely existed among Algonquian hunters in the northern Boreal areas. This would have enabled them to respond to disruptions caused by larger-scale forest fires, and / or resource depletions where groups displaced by these disturbances would have sought to resettle on lands used by adjacent groups of hunters and their families. In his study of hunting territories among the Northern Ojibwa, Bishop (1970) suggests that prior to settlement of interior northern Ontario by traders in the 1770s, hunting groups remained large throughout the year and moved *en masse* within a roughly defined region. Available records indicate a gradual stabilization of hunting groups in certain regions around major lakes and waterways following settlement in the region. By the late 1850s, there were fully developed hunting territories in the upper Albany River drainage area (Bishop, 1970). Leacock (1954, as cited in Bishop, 1970) suggests that the emergence of defined hunting areas held by family units after contact was driven by:

- Increasing scarcity in resources due to overharvesting, forcing bands to split into family units;
- Increasing access to store foods, enabling family units to be more self-sufficient;
- Weakened cooperative bonds among band members as economic ties were transferred from within the group to the trader;
- Non-migratory furbearers could be efficiently exploited by small family units;
- Preference among traders for dealing with individuals rather than groups; and,
- Hindered mobility with increasing dependence on single trading posts.



Within the literature, most available information on pre-contact land and resource management among the Indigenous peoples of northern Ontario pertains to the James Bay Cree, as these were among the first Indigenous peoples in northwestern North America to come in contact with Europeans. Comparatively, there is little information available on the social and economic life among the Ojibway north of Lake Superior in the early stages of contact because there were few literate traders in the area to describe it (Bishop, 1976) and few Europeans ventured inland from the coast until long after the trading posts had been settled (Lytwyn, 2002).

Lytwyn (2002) studied archived fur trade records of the Hudson Bay Company and reported that prior to contact, specific groups the Lowland Cree (O mushkegowuk) were usually named after prominent physiographic features, especially river basins. These basins were often used by winter hunting groups comprised of several related families (as described in [Section 2.1.1](#)), and led by a hunter or elder who was respected for their ability to make good decisions regarding hunting practices and rules (Preston, 1990, as cited in Berkes *et al.*, 1991). Within the hunting ranges, a smaller (core) area could be used



more intensively as a base camp from which hunters ventured over larger areas in search of big game (Preston, n.d., as cited in Tsuji *et al.*, 2011). The transmission of family-based hunting ranges was typically from father to son, but exceptions were documented (Cummins, 1992).

Based on the research of Lytwyn (2002), hunting groups did not have exclusive rights to their basins (hunting ranges), and there was considerable movement between the river-basin hunting groups. Early traders reported many examples of people moving back and forth between river basins, and commented on the freedom of Lowland Cree people (Omushkegowuk) to hunt and travel without restriction; this pattern of land use was also observed inland among the Upland Cree and Northern Ojibway (Lytwyn, 2002). As recorded by a trader named George Holdsworth in 1815:

“the tribes generally live in peace and friendship with each other, and altho the necessity of migration has caused them to encroach on each others territories the circumstances does not appear to have given rise to jealousies, and several tribes may be seen occupying the track of country in the utmost peace and harmony” (HBCA, B.135/e/1, fo. 4d, as cited in Lytwyn, 2002).

As cited in Tsuji *et al.* (2011), Honigmann (1956) contends that “the notion of territorial [i.e., circumscribed, rigid boundaries] ownership by families did not appear until after the arrival of the Hudson’s Bay Company” (p. 64); prior to this, boundaries were fluid.

The recognition of the inter-relation of all of creation, the dependence of humankind on other beings for survival, and the principles of respect, reciprocity, and responsibility (as described in [Section 2.1.2](#)) serve as underpinnings of Indigenous land stewardship –





something that was considered a sacred responsibility bestowed upon them by the Creator (Davidson-Hunt *et al.*, 2005; Tsuji & Tsuji, 2021). There was an understanding that without balanced relationships with the environment, their own generation as well as those in the future were at risk. As noted by Luby *et al.* (2021), “Anishinaabe Elders teach youth to live with humility and recognize that nonhuman lifeforms can survive without human intervention, but humankind depends on plants and animals for subsistence” (p. 5). According to the Anishinaabeg worldview, in return for the gifts provided to humankind, the Creator placed a moral, custodial responsibility on them referred to as the principle of *gimiinigoowizimin gaaganawendang*, which means ‘keeper of the gifts’ (Davidson-Hunt *et al.*, 2005). Among the Anishinaabeg, feasts were held to respect the beings who made life possible during the past season, and for the beings that were to sustain people in the coming season (Davidson-Hunt & Berkes, 2003).

The responsibility to be stewards of the lands was also prominent among the Omushkegowuk. Berkes *et al.* (1991) contend that “the core of Cree culture is traditionally based on land stewardship activities, skills, and ethics” (p. 15). As told by Fort Albany First Nation elders (see Tsuji & Nieboer, 1999), each season corresponded to a period of time when one or a group of species were abundant and accessible, and just enough animals of a particular species would be harvested for subsistence and sharing. As other species became more plentiful or accessible, harvesting of the next species would begin. This switching of harvesting pressures was intended to prevent overharvesting in one season, which could have negative consequences on that species and thus the community.

Stewardship responsibilities were often conveyed through stories. For example, as told by Geniusz (2015), the Anishinaabe story “The Year the Roses Died” teaches that the gift of Creation requires careful stewardship. Rabbit was blamed by a council of animals for eating all the roses. A *Manitou* (spirit) appears and tells the council (p. 14): “Killing the *Waabooz* [rabbit] will not bring back the roses. You all noticed that the roses were in trouble, and you all decided to take your own shares even if it meant killing the roses forever. There is no honor in this. This is not keeping creation in balance as you were told to do in the Beginning Time.” The story describes how the animals failed in the responsibility to consider the needs of others, and highlights the importance of relationality for stewardship (Campeau, 2019).





2.2 Post-Contact Context

Indigenous peoples interacted with European explorers as early as 1000 AD, but it was not until permanent settlements were established in the 17th and 18th centuries when prolonged contact occurred (CIRNAC, 2017). Soon after the establishment of British and French colonies in what is now eastern Canada, alliances with Indigenous peoples were established to support various interests, including the commercial interests of the newcomers. Utilizing existing Indigenous trade routes, a vast trade network focused on beaver pelts was established between the English and the French and their Indigenous allies. Trade spurred new exploration through the Great Lakes basin, and further east and south (CIRNAC, 2017). Explorers and trappers also became interested in the rich trapping grounds north of Lake Superior and beyond, but the overland journeys from the Great Lakes were challenging. As a result, French explorers sailed through the Hudson Bay in 1668 to establish trade relations and access the heart of fur country (McIntosh & Smith, 2022). This expedition led to the establishment of the Hudson's Bay Company in 1670 (Finch, 2013).

The profitability of the fur trade led to significant competition, and various European and Indigenous interests often clashed violently, with various Indigenous groups displaced from their territories as a result. In 1701, France and the 40 Indigenous groups around the Great Lakes basin entered the Great Peace Treaty to end the violence. Indigenous groups formed both military and commercial (trade) alliances with groups from England and France as power struggles between the two countries intensified (CIRNAC, 2017).

The fall of Montreal in 1760 put an end to French colonial efforts in what would become Canada. To establish peaceful relations with the Indigenous allies of France, the British undertook a series of "Peace and Friendship" treaties. In 1763, France officially ceded its colonial territories with the Treaty of Paris and ended over 150 years of European competition and conflict. That same year, King George III issued a Royal Proclamation, which specified how the British colonies were to be administered and established a framework for the British Crown to acquire Indigenous interests in land through treaties. The Proclamation also established strict protocols for dealing with Indians, including that only the Crown could purchase land from them. Thus, the Proclamation was the first public recognition of First Nations' rights to lands and title (CIRNAC, 2017).





For the next 120 years, the relationship between First Nations and the British Crown transformed from one of allyship to wardship, driven by the influx of newcomers following the American war of Independence (1775-1783) and the War of 1812 (1812-1815), greater demand for land by settlers as a result, increasing costs of supplying gifts to First Nations groups to ensure their loyalty, and declines in the fur trade (Pettit, 2016; CIRNAC, 2017). With a need for more land and military threats fading, the relationship between Indigenous peoples and settlers shifted from one where Indigenous peoples could be considered necessary allies, to one where they could be considered obstacles to growth. What followed was a series of treaties and legislative developments that increased Crown authority over First Nations and lands reserved for them (CIRNAC, 2017).

Section 2.1.1 to 2.2.10 describe the post-contact context, including: the fur trade; early legislation and policy and associated impacts on Indigenous peoples; the numbered treaties established in the region; perspectives on Aboriginal and Métis Rights; and legislative developments that have governed natural resource and land use.





2.2.1 Fur Trade and the Hudson's Bay Company

The Hudson's Bay Company was established by the King of England with a royal charter in 1670, recognizing the economic importance of the fur trade. The charter granted special powers to a corporation of established and wealthy gentlemen, who formed the Hudson's Bay Company. These special powers included exclusive rights to trade, mineral claims, and governance over the entire Hudson Bay drainage area (OCCC, 1986), which makes up a third of what is known today as Canada. However, the charter created no political or legal rights over Indigenous peoples living in the vast territory (Archives of Ontario, n.d.). The Charter named the vast area "Rupert's Land" after the King's cousin and the Hudson's Bay Company's first governor, Prince Rupert.

French fur trappers had already visited the region, but the Hudson's Bay Company was the first to establish permanent trading posts and presence in the region in 1679, with a trading post at Fort Albany on James Bay. The French-British competition for furs eventually led the Hudson's Bay Company to move inland to establish trading posts nearer to the Indigenous hunters who were supplying it furs, and settlements sprang up around the posts (CIRNAC, 2017). In 1743, the Hudson's Bay Company established the first inland trading post, the Henley House, on the north shore of the Albany River. It was moved further south in 1796 and remained operation until 1857. A trading post was first established at Martin's (Marten) Falls on the Albany River in 1794, although it was closed five years later in 1799. In 1818, the Hudson's Bay Company founded a new post at Marten Falls to take the place of Gloucester House, another nearby trading post which was established in 1774. This new post remained operational until 1924. Following the closure of the post, the Marten Falls First Nation community was relocated to the present-day community location of Ogoki Post, approximately 64 km downriver and east (Handfield, 2020). By 1870, the Hudson's Bay Company had 97 trading posts in Rupert's Land (Archives of Ontario, n.d.). A post was established at Fort Hope (present day Eabametoong First Nation) in 1894, and a post at Lansdowne House (present day Neskantaga First Nation) was established in 1900.





The trading posts became a centre for trade relationships and social gatherings during summertime. Pacts between Indigenous peoples living in the region and the Hudson's Bay Company made commerce possible (Archives of Ontario, n.d.). The early trading posts, including Fort Albany, became the base for an extensive trade alliance with the Cree, who became a sort of intermediary between the company and interior Indigenous groups (CIRNAC, 2017). The Albany River became a major east-west trading route as it linked James Bay with the Winnipeg River (Morse, 1968). The Hudson's Bay Company relied on Indigenous knowledge of the area, the animals, and the tools needed for travel and survival, as well as Indigenous trappers to supply valuable furs (OCCC, 1986).

For over 200 years, furs, meat, feathers and handmade objects were bartered at trading posts or factories set up at strategic locations, where dozens of families could gather for a few weeks in the summer to socialize and make collective decisions, including with respect to land use (Long, 2011). During this time, Indigenous peoples became increasingly more dependent on the fur trade, and supplies and items that were previously considered luxuries were now considered necessities; many aspects of Indigenous lifeways were changed by European products (OCCC, 1986). As a result, the traditional economies of Indigenous peoples, including the Anishinaabeg and the Omushkegowuk, began to change. With the introduction of money and European goods, Indigenous men began finding seasonal employment on the York boats (boats used by the Hudson's Bay Company for trade and the transport of goods) and steamboats on the Albany and Attawapiskat Rivers, or building Hudson's Bay Company forts. Some Indigenous people were taught how to keep stores (MFFN & OMNRF, 2020).

As the fur trade became more profitable, some free traders organized themselves to form the Northwest Company, which grew rapidly and became the Hudson's Bay Company's major rival, with open conflicts arising. The fur trade war intensified until 1821, when the Hudson's Bay Company merged with the Northwest Company (OCCC, 1986), extending the Hudson's Bay Company's fur trade monopoly to the Pacific Ocean (Archives of Ontario, n.d.). Without the competition that made them necessary, some trading posts were closed, and trading options for Indigenous peoples became fewer (Finch, 2013). The





Hudson’s Bay Company monopoly lasted until 1869, when the company transferred its deed for the area to the English Crown (Canada) for \$1.5 million to enable westward expansion and settlement. In the transfer, Canada had agreed to a “Protection Pledge” that ensured it would protect the interests of Indigenous peoples living in the territory. The transfer took place without consultation with the Anishinaabeg or Omushkegowuk, who didn’t believe that the Hudson’s Bay Company or the Crown had sovereignty over the land in the first place (Archives of Ontario, n.d.).

The presence of the Hudson’s Bay Company had profound effects on Indigenous peoples across Canada, including the Anishinaabeg and Omushkegowuk. In addition to the lifestyle changes associated with the economic transition, many Indigenous peoples of the region faced starvation in the 19th century, especially between 1820 and 1880. Animals important for both food and the fur trade became scarce because of natural population cycles, over-harvesting, and overhunting. The Hudson’s Bay Company reduced trapping operations in areas where beaver populations were exhausted. Moose almost entirely disappeared from what is now northern Ontario in the period from 1780 to 1930, shifting pressures to smaller game and fish and increasing reliance on foods purchased from trading posts (OCCC, 1986). Caribou also became increasingly rare. The disappearance of these animals meant leather and cloth had to be purchased to avoid cutting up pelts. The transition to small game and fish also led to more time spent settled in areas where these resources are found rather than out in the hunting territory (Bishop, 1970).

The influx of traders and settlers also brought new diseases such as measles, smallpox, whooping cough, influenza, and tuberculosis, all previously unknown to Indigenous peoples. This led to many deaths, especially among elders (OCCC, 1986). Alcohol was also introduced, with devastating effects on Indigenous populations (CIRNAC, 2017).

With the rapid spread of trade came missionaries dedicated to spreading and promoting their faith. Two religions were introduced to the Anishinaabeg and Omushkegowuk: Anglican by the English and Catholicism by the French. Much like how the English and French had competed in the fur trade, the two religions competed for the conversion of Indigenous peoples into their respective churches. This led to severe restrictions on Indigenous beliefs, ceremonies, and practices, such as drumming and dancing, as they were considered pagan and devil worship. Christian ceremonies replaced Indigenous ones, and missionaries encouraged the use of biblical or European names (OCCC, 1986).



2.2.2 Métis Peoples

Decades of intermarriage between English and French traders and explorers with First Nation women created new and distinct communities along waterways and trade posts and routes around the Great Lakes in what is present day Ontario (MNO, 2023a). These communities were historically referred to as “half-breed” or “Métis”, a word used to describe individuals with mixed Indigenous and European ancestry. The term half-breed was more commonly applied to English-speaking descendants of English or Scottish traders and explorers, who were often of the Anglican denomination, while the term Métis was more commonly applied to French-speaking descendants of French traders and explorers, who were often of the Catholic denomination (Foster, 1978). However, the term half-breed fell out of use as it became derogatory (racist) in nature and Métis is now used for people of both French- and English-speaking heritage (Gaudry, 2009).

The Cree had two names for the Métis: *âpihtawikosisân* meaning ‘half people’ and *otipêyimisowak* meaning the ‘independent ones’. The Ojibway referred to the Métis as *wisahkotewan niniwak* meaning ‘men partially burned’ (Teillet, 2013).

The origins of Métis peoples and communities are closely tied to the emergence of the fur trade in North America. The arrival of European explorers in eastern Canada in the 1600s led to unions with Indigenous communities through marriage (Dumont, 2017). As the fur trade and competition among the French, English, and Indigenous groups intensified through the 17th century, French traders were encouraged to seek marriage alliances with Indigenous peoples to establish the kinship basis for trade and military activities (Foster, 1978). These strategic alliances continued until French colonial efforts officially ended in 1763 with the ceding of New France to Britain (see [Section 2.2](#)), upon which time Indigenous peoples in the Great Lakes region rebelled against British rule. With increased hostility between Indigenous peoples and the British in the last few decades of the 18th century, the French practice of establishing alliances with Indigenous peoples through marriage and peace and friendship treaties was adopted (Surtees, 1975, as cited in Foster, 1978).



Initially, children of mixed European and Indigenous ancestry were classified as either Indian or European based on their way of life rather than race. The socio-cultural identity of children was primarily associated with that of their mother: if she remained with her Indian band, then the child was considered an Indian, but if she resided in a trading post for an extended period, the child was considered European (Brown, 1978, as cited in Foster, 1978). However, distinct Métis settlements began to emerge as the Métis population increased, and Métis people began to identify as a separate group rather than simply extensions of their maternal (First Nations) or paternal (European) relations (MNO, 2023a).

As the fur trade expanded north and westward, new trade routes were established, leading to new Métis communities along them (Dumont, 2017). Métis settlements emerged along waterways and watersheds in Ontario as an outgrowth of the fur trade. These settlements were part of larger regional communities, interconnected by (MNO, 2023b):

- The highly mobile lifestyle of the Métis;
- The fur trade network;
- Seasonal rounds;
- Extensive kinship connections; and,
- A shared collective history and identity.

Peterson (1985) described the Great Lakes Métis during the 18th century as “people in the process of becoming” given that although they may not have been self-consciously Métis before 1815, “their distinctiveness was fully apparent to outsiders, if not to themselves” (p. 39). By the early 19th century, there was a historically significant population of Métis descendants in the Great Lakes region of Ontario who had developed a network of trading villages and towns long the shorelines of rivers and lakes (Peterson, 1978, 1985). The Métis settlement at Fort Williams (in present-day Thunder Bay, historically known as Port Arthur) is recognized as one of the two first Métis settlements in Canada (Tronrud & Epps, 1995, as cited in Gale, 1998). According to Peterson (1978), this network of marital and fur-trade alliances among the Great Lakes Métis communities suggested that a larger regional Métis identity had developed.



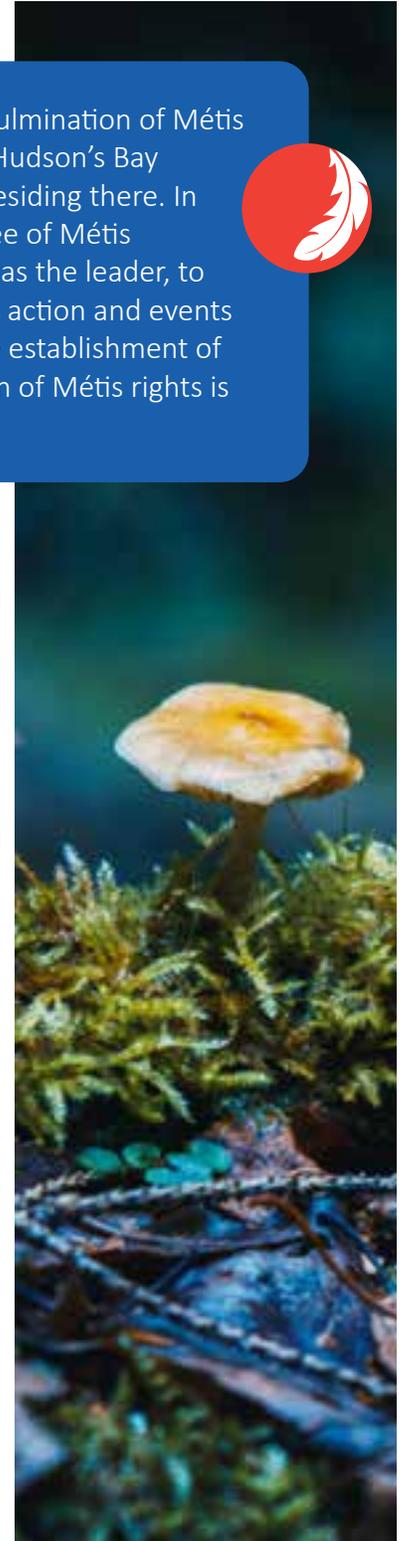


The Red River Métis Settlement has been regarded as the site of the culmination of Métis political consciousness. Canada's purchase of Rupert's Land from the Hudson's Bay Company in 1869 was undertaken without consultation of the Métis residing there. In response, and given concerns about Métis rights, a National Committee of Métis (effectively a provisional government) was established, with Louis Riel as the leader, to stop the land transfer until Métis rights and title were recognized. This action and events that followed became known as the Red River Rebellion and led to the establishment of the Province of Manitoba (Ouellet & Hanson, 2009). Further discussion of Métis rights is provided in **Section 2.2.10.1**.



Dickason (1985) contends that the Métis ethnic consciousness was crystalized in the new Far Northwest (present-day prairies region of Canada) where the pressures of settlement were much lower, Métis communities were far more isolated, and the fur-trade continued to flourish. Many French speaking Métis from the Upper Great Lakes region migrated north and west to the Red River Settlement (in present-day Manitoba) through the early- to mid-19th century. This migration was a result of increasing settlement in the Upper Great Lakes region, significant depletions in fur-bearing animals (Peterson, 1978), and a preference to continue fur-trade practices rather than adopt agricultural ones (Ens, 1996). The Métis of Red River and the Great Lakes Métis were often connected through marriage and kinship practices (Gaudry, 2009). By the mid-19th century, descendants with mixed ancestry were no longer being persuaded to make a choice between Indigenous and European identities, and a distinct and unified sense of Métis identity had emerged (Brown, 1985).

The early ethnic identity among Métis was based on a strong association with and reliance on the fur trade, an independent lifestyle, a lack of agricultural development, subsistence practices to provide clothing and tools, and a lack of established land rights (Peterson, 1978). Both Indigenous and European cultural traditions were adapted and merged into the clothing, food, medical practices, languages, beliefs, and customs of Métis communities (Peterson, 1978). Many First Nations women who were part of





Métis families maintained close ties with their ancestral communities, and many of their traditional lifeways and cultural practices were preserved in Métis communities. For example, Ojibway and/or Cree languages were spoken in many Métis communities in the Great Lakes (Foster, 1985). In addition, many Indigenous groups (including the Anishinaabe and Cree) had close relations with the Métis and shared the land and ways of life on it, as well as aspects of culture and language. Prior to the establishment of First Nation reserves (see [Section 2.2.6](#)), First Nations and Métis shared territory, usually peacefully (Teillet, 2013). It was also common for First Nations and Métis families to travel on hunting expeditions together (Chartrand, 2007).

According to Chartrand (2017), while the identity boundaries between First Nations and Métis were porous and there was a lot of transfer between them, the core identity distinctions were present. An important distinction with respect to legal traditions related to land was that the Métis did recognize individual title and ownership (unlike the collective ownership perspectives of First Nations), which was part of their European heritage understanding (Chartrand, 2017).



Many Métis families flourished and spread further west and north with the expansion of the fur trade. The genetic diversity of Métis peoples enabled them to be more resilient to European diseases, and the Métis also had many allied First Nations families. In addition, the Métis were able to serve as intermediaries between European and First Nations cultures, enabling them to work as guides, interpreters, fur traders, and suppliers of goods to new forts and trading companies. As a result, the Métis became the largest Indigenous merchant family in North America, and strong competition against less acclimatized Europeans (Carrière, 2017). The transportation of goods and the development of many settlements could be attributed to the hard work of the Métis (Redbird, 1980, as cited in Peressini, 2000).

Prior to the 1800s, the British government was largely unaware of the existence of the Métis (Hayter, 2017). In 1810, the Royal Society reported the successes of the Métis to the British Crown, which set the stage for the primary policy of the British to remove the Métis as a threat to settlement (Carrière, 2017).



By the mid-19th century, British authorities had developed a policy of Métis collective non-recognition. In addition to the perceived threat that the Métis posed to colonial expansion, the Métis also posed a potential threat to colonial aspirations for civilization. To acknowledge the Métis as a distinct group could have been likened to acknowledging the failures of colonial policy to assimilate and “civilize” First Nation peoples, which would be inconsistent with colonial objectives of progress (Chartrand, 2017).

In 1884, in the face of increasing settlement in the west following Canada’s purchase of Rupert’s Land, and in defense of Métis ancestral rights, the leader of the National Commission of Métis (Louis Riel) organized a petition to the Government of Canada. The petition requested (Ouellet and Hanson, 2009):

- Title to the lands already occupied by Métis families;
- Provincial status for Saskatchewan, Alberta and Red River; and,
- Better treatment of all Indigenous peoples.

An unsatisfactory response from the government led to the Northwest Rebellion or Riel Rebellion of 1885, leading to hundreds of deaths and defeat by federal troops. For their roles, Riel and other Métis and First Nations leaders were arrested, and Riel was subsequently hung as a message to the Métis who challenged Canada’s western expansion goals (MNO, 2023a). Following the rebellion, the first Prime Minister of Canada, Sir John A. McDonald, in effect denied the existence of the Métis as a distinct group when he stated that they must consider themselves either Indian or white (Sealey, 1980, as cited in Peressini, 2000). In response to the public backlash from these events, many Métis in Ontario were disinclined to self-identify and covertly continued to practice their culture and lifeways (MNO, 2023a).

Today, the Historic Métis Nation refers to itself and is referred to by others as the Métis Nation. According to the Métis Nation of Ontario Registry Policy (June 2023 Version) (2023c), “Métis means a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation” (p. 2). To apply for citizenship within the Métis Nation of Ontario, individuals must meet and follow the requirements of the Métis Nation of Ontario Registry Policy which includes key measures related to self-identification, proving historic Métis Nation history, community acceptance, and provides provisions for appeals and the Harvesters Registry (MNO, 2023c).





2.2.3 Early Legislation and Policy

As the British need for the military allyship of Indigenous peoples waned, an emerging perspective from the British reflected a belief that British society and culture were superior. As a result, the Indian Department of the colonies of Upper and Lower Canada was tasked with a plan of “civilization”, and Indian agents began encouraging Indigenous peoples to abandon their traditional lifeways and beliefs and adopt more agricultural and settled ways of life. Legislation was also introduced in support of the “civilization” program, starting with the *Crown Lands Protection Act* of 1839. The Act made the British government the guardian of all Crown lands, including Indian Reserve lands; this statute was the first to classify Indian lands as Crown lands to be protected by the Crown (CIRNAC, 2017).

As noted by Parrott (2022), the 1850 *Act for the better protection of the Lands and Property of the Indians in Lower Canada* was one of the first pieces of legislation that included a set of requirements, based on blood, for a person to be considered a legal Indian — a precursor to the concept of “status.” These requirements essentially said that people were considered Indian if they were of “Indian blood” and were members of a “Body or Tribe of Indians.” Descendants of such people were Indian, as were non-Indians who “intermarried with such Indians,” people whose parents (one or both) would have been considered Indians, and “all persons adopted in infancy by any such Indians” (Parrott, 2022). Thus, early definitions of “Indian” were inclusive of Métis people.

Enfranchisement refers to the process that resulted in a person becoming of “citizen” of the country and no longer being considered an “Indian” under legislation, thus losing all benefits associated with that status. Enfranchisement was not abolished until the Indian Act was amended in 1985 through Bill C-31.



The British government introduced the *Gradual Civilization Act* in 1857, which offered 50 acres of land and monetary incentives to literate and debt-free Indians provided they abandoned their traditional way of life and adopted a civilized life as a “citizen”. The Act had as its premise “that by eventually removing all legal distinctions between Indians and non-Indians through the process of enfranchisement, it would be possible in time to absorb Indian people fully into colonial society” (RCAP, 1996b, p. 249). This was followed by the *Management of Indian Lands and Property Act (Indian Land Act)* in 1860, which transferred exclusive authority for Indians, lands reserved for Indians, and Indian affairs from the Crown to the colonies, and then the new Dominion of Canada under the 1867 *Constitution Act (British North America Act)*.

Assimilation became the fundamental principle of federal policy through the *Gradual Enfranchisement Act* in 1869, which aimed to remove any special distinction or rights of First Nations people to assimilate them into settler society. This marked the beginning of federal government efforts to legislate and regulate First Nations’ identity (APPA, 2019). Between 1869 and 1985, an Indian woman marrying a non-Indian man would be enfranchised (AFN, 2020a).



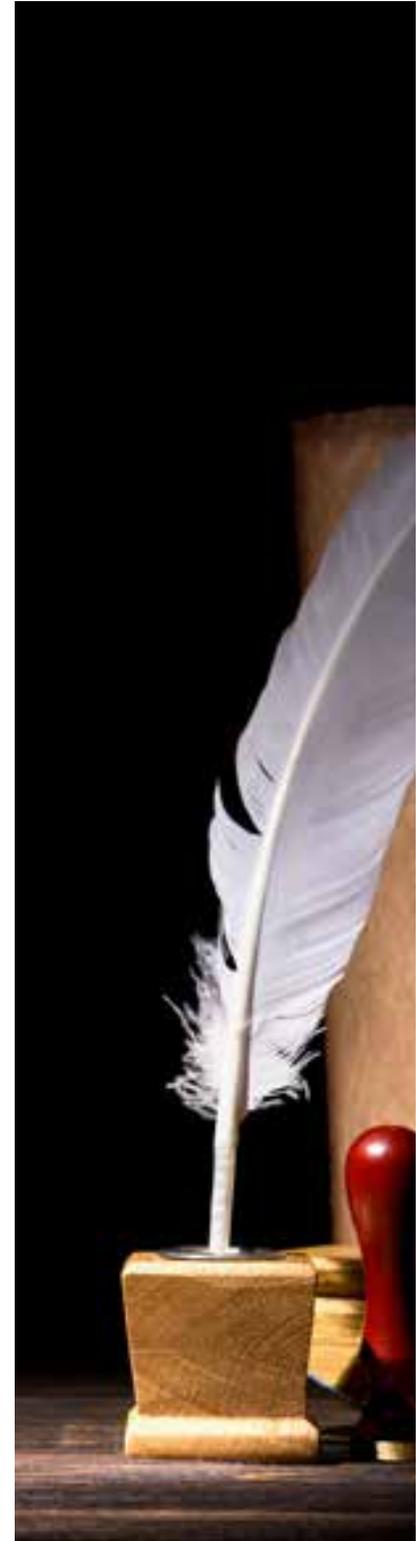
2.2.4 The *Indian Act*

The *Indian Act* was introduced in 1876 to consolidate all previous regulations pertaining to Indians and provide greater authority to the Department of Indian Affairs. The Act enabled the Department to (CIRNAC, 2017):

- Intervene in a wide variety of band issues including governance structure;
- Make sweeping policy decisions, including who was considered to be a “Status Indian”;
- Manage Indian lands (see [Section 2.2.6](#)), resources, and moneys;
- Control access to intoxicants, including alcohol; and,
- Take measures to promote “civilization”, including mandating Indigenous children into government-sanctioned schools (see [Section 2.2.7](#)).

The *Indian Act* was based on the premise that it was the Crown’s responsibility to protect Indian interests and thus the Crown would act as a “guardian” until such time that Indians could fully integrate into society (CIRNAC, 2017).

The Act has largely excluded Métis individuals since its enactment. The 1876 *Indian Act* simplified and further restricted the definition of “Indian” compared to definitions in earlier legislation (see [Section 2.2.3](#)). It excluded Métis who had received “half breed scrip” (individual land grants to Métis on the prairies beginning in the 1870s). It also excluded the children of Indian women who married non-Indian men (including Métis men). These exclusions effectively served to reduce the size of the category of Indian while increasing the size of the non-Indian category, which, in turn, reduced the amount of land necessary for Indians and enabled increasing settlement by Euro-Canadians (Hayter, 2017). Amendments to the Act beginning in 1879 increasingly excluded Métis people, with far reaching exclusions added through amendments up to and including 1951 (Teillet, 2013). While the result has been that Métis people have been largely excluded from the Act, many individuals who self-identify as Métis are today registered as Indians under the *Indian Act*.





According to Hanson (2009a) and CIRNAC (2017), throughout its history, the *Indian Act* has been highly invasive and paternalistic, and increasingly restrictive, imposing ever-greater controls on First Nations peoples. Between 1876 and 1920, individuals were automatically enfranchised and removed from their band lists if they (AFN, 2020a):

- Got a university degree and joined the medical or legal professions;
- Got any university degree and met the “fit” or “civilized” enfranchisement requirements; or,
- Became a priest or minister.

An amendment to the Act in 1880 marked the beginning of gender-based restrictions to First Nations status – women lost their Indian status if they married and non-Indian man (Hanson, 2009a). In the 1880s, a new system of band councils and governance was imposed, with the final authority resting with Indian agents. Outright bans on spiritual and cultural ceremonies were also imposed.

An amendment in 1927 forbid fundraising by First Nations for the purpose of pursuing a land claim without the permission of the Department of Indian Affairs, preventing First Nations from pursuing land claims of any kind (CIRNAC, 2017). It was not until significant amendments in 1951, as Canadian society became more aware of the concept of human rights following World War II, that (Hanson, 2009a):

- It was no longer illegal to practice Indigenous customs and culture;
- First Nations people were allowed to enter pool halls, gamble, appear off-reserve in ceremonial dress, and organize and hire legal counsel; and,
- First Nations women were allowed to vote in band councils.





Gender-based restrictions in the Act were in place until amendments were undertaken in 1985 to align with the equality rights guaranteed by Section 15 of the *Charter of Rights and Freedoms* (Bill C-31). The amendments enabled women who had previously lost their Indian status as a result of marriage to a non-Indian to regain it, as well as their children’s status, and prevented a person’s marriage from affecting their receipt or loss of status. However, the amendments created new forms of discrimination with the introduction of a “second-generation cut-off”. Several cases were brought to court and as a result, Bill C-3 was passed in 2011 to address these issues and enable Indian status to grandchildren of women who regained status in 1985 (AFN, 2020b). Enfranchisement was also not abolished until the 1985 amendments.

2.2.5 Treaties

Canada undertook a series of treaties with First Nations with the aim of extinguishing title to large swaths of Indigenous land to enable settlement and resource development in western and northern Canada (Archives of Ontario, n.d.), and to reduce possible conflicts between First Nations and settlers (CIRNAC, 2017). When the Dominion of Canada was created in 1867, the Province of Ontario was a fraction of the size of the present-day province, and both legislation and the signing of treaties with Indigenous groups served to incrementally increase the landmass of Ontario (CIRNAC, 2021, as cited in Tsuji & Tsuji, 2021).

The Anishinaabeg and Omushkegowuk of the region are signatories to the Robinson-Superior Treaty (1850) and James Bay Treaty Number 9 (1905).

Although the Project is wholly contained in James Bay Treaty 9 boundaries, information on the Robinson-Superior Treaty is included in **Section 2.2.5.1**, as some of the Indigenous communities that are part of the Project Consultation and Engagement Program are signatories to the Robinson-Superior Treaty. While most Indigenous communities and groups in the area of the proposed Project are signatories to James Bay Treaty Number 9, an overview of the Robinson-Superior Treaty is presented first, in line with the chronological order of the treaties.

2.2.5.1 Robinson-Superior Treaty

Anishinaabeg requests for a treaty began in the 1840s when copper and iron deposits were discovered on the south and north shores of Lake Superior and the government started to issue mining leases; by 1846, 64 mineral licenses had been issued on the south shore of the lake, and surveying of the north shore had begun. In response, the Anishinaabeg and Métis seized the Montreal Mining Company site at Mica Bay, Lake Superior in 1849, forcing the government to negotiate treaties (Hele, 2020).

As of May 2023, there is an ongoing Ontario Superior Court trial related to the Robinson-Superior Treaty and the escalator clause for annuities. Communities associated with the treaty are seeking compensation for nearly 150 years of annuities without any increase in payments (Hopkins, 2023).





In September 1850, the Anishinaabeg of the Upper Great Lakes signed two separate but interconnected treaties: the Robinson-Superior Treaty, and the Robinson-Huron Treaty. These treaties provided Canada East and Canada West (the future Quebec and Ontario, respectively) with access to the north shores of Lake Huron and Lake Superior for settlement and mineral extraction. In exchange, the Anishinaabeg gained recognition of hunting and fishing rights, a one-time payment of £2000, an annual payment or annuity of £500 and £600 (respectively), and large reserves set aside specifically for First Nations from the surrender of specific lands for each signatory community. The treaties also contained an “escalator clause” for the annuity, which meant that the Crown would increase the annuity as revenues from lands increased (Hele, 2020).

While the recognition of the Métis in the Robinson-Superior Treaty was urged by the Indians (Gale, 1998), they were omitted as the treaty commissioner had no mandate to deal with the Métis (MNO, 2023a). The treaty commissioners informed the Métis that they were not empowered to deal with them as collective, and they could only choose to identify as either Indian or white for the purposes of the treaty (Teillet, 2013). The Hudson’s Bay Company did pay some “half breeds” annuities under the treaty between 1851 and 1875, as recorded in treaty annuity lists for the Lake Superior region (MNO, 2023a). However, all Métis were later excluded from the annuity lists when the Government of Ontario argued an error had been made when some Métis were included as beneficiaries in the treaty (McNab, 1985, cited in Peressini, 2000). As noted by Peressini (2000), this action established a precedent for the exclusion of the Métis from Aboriginal rights in Ontario.

The Robinson-Superior Treaty covers the north shore of Lake Superior from Batchewana Bay to Pigeon River at the western end of the lake, and the lands to the north up to the Hudson Bay watershed (**Figure 2-1**). Indigenous peoples residing in the area covered by the treaty at the time of signing include ancestors of the Animibiigoo Zaagi Igan Anishinaabek First Nation, Long Lake #58 First Nation, and the Red Sky Métis Independent Nation.

The Robinson treaties were the first to lead to the surrender of huge tracts of land with different and disparate Indigenous groups; previous treaties in Upper Canada negotiated for relatively small and compact parcels of land. They also established payments to individual band members instead of yearly lump sums paid to the band, formalized the setting aside of reserve lands for each individual signing group, and acknowledged ongoing rights to hunt and fish throughout traditional territories including a provision that lands could be “taken up” by the Crown for settlement, mining, lumbering, trading, or other purposes (referred to as the Taken Up Clause). These treaties became the model for subsequent treaties (CIRNAC, 2013), including the James Bay Treaty Number 9.



2.2.5.2 James Bay Treaty Number 9

By the late 1800s, many Indigenous peoples, including the Anishinaabeg and Omushkegowuk of the region, were facing significant challenges including:

- Declining animal resources;
- Starvation;
- Illnesses brought by Europeans; and
- Unwelcome poachers and mining prospectors with the newly established railroads.

With problems worsening, some Indigenous peoples of the region began to press Canada to enter a treaty, with an aim of ensuring protection and economic security as settlement and development intensified. While initial requests for a treaty were not supported by Canada, the discovery of minerals in the region, combined with interests in further expansion of the railway network, timber development, and hydro-electric production, led to negotiations of the James Bay Treaty Number 9 (Treaty 9) (Archives of Ontario, n.d.).

Similar to the Robinson-Superior Treaty, Treaty 9 set aside reserve lands for First Nations and granted them annuities and the continued right to hunt and fish on unoccupied Crown lands in exchange for Aboriginal title (CIRNAC, 2017), and the surrender of over 230,000 km² of territory (OCCC, 1986). In addition, the treaty included: schools and teachers to educate First Nations children on reserve; and ceremonial and symbolic items such as medals, flags, and clothing. During negotiations, First Nations were encouraged to settle on reserve lands, take up agriculture, and receive an education (CIRNAC, 2017).

Treaty 9 was unique among the numbered treaties in that there was a requirement for the concurrence of the Province of Ontario given extended boundaries of the province west and north to the Albany River. However, based on oral history and available written records, the Indigenous signatories were not informed of the negotiations between Canada and Ontario with respect to the treaty (Armstrong, 2008, as cited in Tsuji & Tsuji, 2021). The terms of the treaty were finalized in advance by the Dominion of Canada and the Province of Ontario, and presented to Indigenous leaders; government representatives were not permitted to change the terms during the treaty expedition. The Ontario government had a series of demands, including that one of the three commissioners would represent the province, and that no Indigenous reserves in the treaty territory would be located in areas with hydro-electricity development potential greater than 500 horsepower (Archives of Ontario, n.d.).

Treaty 9 was the first major treaty in Ontario in which treaty signing took place in many locations rather than one (Archives of Ontario, n.d.). During the treaty expedition in 1905 and 1906, treaty commissioners travelled to trading posts along the rivers in what is now northern Ontario and met with Cree and Ojibway peoples. While the Indigenous people encountered at the trading posts at the time of the expedition were not necessarily part of a “band”, they were designated as such for administrative convenience. Each trading post was to give advance warning as to when the treaty party would arrive, but as it turned out, many Indigenous people were not present upon their arrival (OCCC, 1986).



The intent of the commissioners was to describe the contents of the treaty, establish reserves and associated boundaries, and obtain the signatures of Indigenous leaders. At each stop, the commissioners requested the community to select representatives who heard the treaty explained to them by interpreters (generally Hudson’s Bay Company employees or clergy), as the document was provided in English only. Most community members received an \$8 gift and the promise of a \$4 annuity in perpetuity. It was noted in the Treaty 9 Commissioners’ official report that the reserves were generally selected by the commissioners after conference with Indigenous people (Tsuji & Tsuji, 2021), but very little was actually described within the report (Morrison, 1986). Commissioners neither provided a full version of the treaty translated into the languages of the local Indigenous peoples, nor did they leave the document or a copy for review (Archives of Ontario, n.d.).

Treaty 9 covers most of present-day Ontario north of the height of land dividing the Great Lakes watershed from the Hudson and James Bay drainage basins (**Figure 2-2**). Signatories to Treaty 9 between 1905 and 1930 included the following:

- Marten Falls Band of Oji-Cree (Marten Falls First Nation);
- Osnaburgh Band of Ojibway (Mishkeegogamang First Nation);
- Fort Hope Band of Oji-Cree (Eabametoong First Nation, Neskantaga First Nation, Nibinamik First Nation, and Webequie First Nation);
- English River Band of Oji-Cree (Constance Lake First Nation);
- Fort Albany Band of Cree (Fort Albany First Nation, Kashechewan First Nation, Aroland First Nation);
- Long Lake Band of Ojibway (Ginoogaming First Nation);
- Big Trout Lake Band of Oji-Cree (Kasabonika Lake First Nation, Kingfisher First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Wapekeka First Nation, Wawakapewin First Nation, and Wunnumin Lake First Nation);
- Winisk Band of Cree (Weenusk First Nation); and,
- Attawapiskat Band of Cree (Attawapiskat First Nation).

Ontario’s northern border was extended from the Albany River to its present day location in 1912, leading Indigenous peoples in the newly acquired areas to petition the government for a treaty. Formal adhesions to Treaty 9 were made in 1929-1930 as a result (Archives of Ontario, n.d.).



Treaty 9 was considered to be one of the least generous of the numbered treaties: the monetary gifts and annuities were much lower than Treaty 8 or Treaty 10, and there was to be no distribution



of ammunition or net twine, no farm implements or cattle, no carpentry tools, and no salaries of clothing for the chiefs and councillors (Ry, Miller, & Touch, 2000, as cited in Long, 2011). In addition, as noted by Long (2010), Treaty 9 historians contend that the treaty was flawed due to the lack of oversight by the people who drafted it, and it may have been the first of the numbered treaties that lacked the oversight of the Colonial Office in Great Britain. The conditions and factors present when the treaty was signed were also problematic (Archives of Ontario, n.d.; OCCC, 1986):

- The treaty commissioners could not speak any of the local Indigenous languages;
- Many Indigenous signatories didn't speak, read or write English so interpreters selected by the commissioners were used;
- Indigenous peoples lacked an understanding of the Canadian legal system and were not provided with lawyers to advise them; and,
- The worldviews, culture, history, and ways of knowing land ownership of Indigenous signatories and the commissioners were very different.

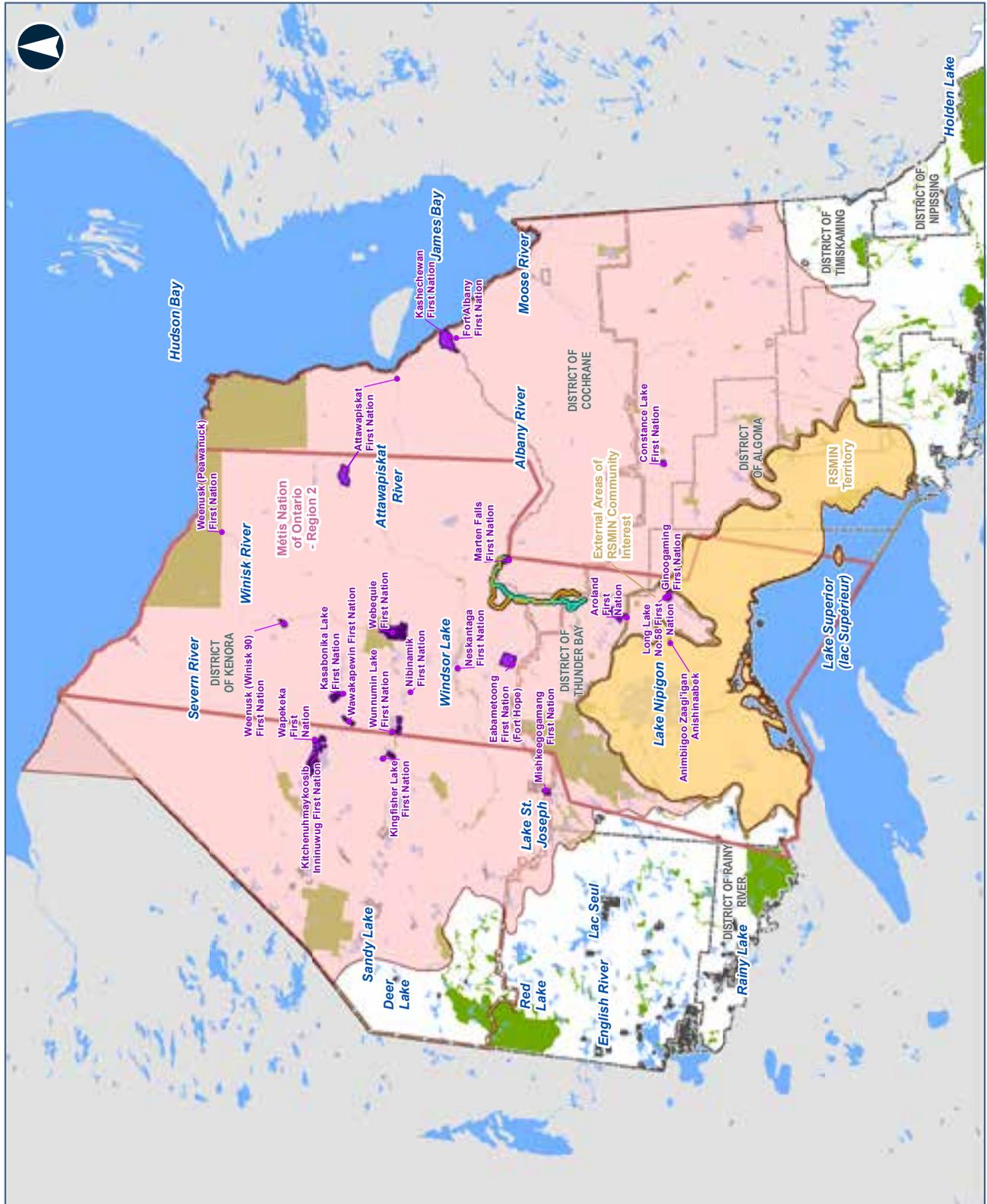


Long (2006) contends that there were two treaties: the official written version, and the one that was orally described to Indigenous peoples. This has been substantiated by Indigenous oral history and the Treaty 9 commissioners' own writings, which indicate that the commissioners told the Elders two key things:

- The treaty would last as long as the sun shines, the grass grows, and the winds blow; and,
- Traditional and cultural activities of Anishinaabe and Mushkegowuk signatory communities would be protected.

The Indigenous signatories understood, through oral promises, that the treaty would help them achieve *Mino-Bimaadiziwin* and *Mino-Pimatisiwin* (Archives of Ontario, n.d.).

Archival records also suggest that the commissioners did not explain the "Taken Up Clause" (see [Section 2.2.5.1](#)) – if they had, it is possible that Indigenous representatives would never have signed the document (Archives of Ontario, n.d.).



- Legend**
- Treaty 9
 - Robinson-Superior Treaty Boundary
 - Approximate Métis Nation of Ontario - Region 2 Boundary
 - Red Sky, Métis Independent Nation
 - Route Label
 - Alternative 1
 - Alternative 4
 - Alternative 1 and Alternative 4
 - First Nation Reserve
 - Far North Boundary
 - District Municipal Boundary
 - Provincial Park
 - Waterbody

DRAFT

**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

Treaty 9 Boundaries



Data Sources:
 DATUM: NAD 1983 Ontario NMR Lambert
 Provided by MNRF 2019; Route infrastructure - Provided by AECON 2019
 Contains information licensed under the Open Government Licence Ontario.

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Figure 2-2



2.2.6 Damming and Diversion

Today, not all of the water that would normally flow to Hudson’s Bay remains within the watershed. The damming and diverting of waterways in the area has occurred at various scales over time. Demand for water in the Great Lakes region for shipping and hydropower has led to diversion from the Albany River watershed to the Great Lakes in the form of three key projects: one from the Kengami River; one from Lake St. Joseph; and one from the Ogoki River (Garrick, 2020). The Long Lake Diversion Project included the construction of the Kenogami Lake Dam and the Long Lake Diversion Dam, undertaken in 1937. The Ogoki Diversion Project, in the early 1940s included the construction of the Waboose and Summit Dams to divert water to Lake Superior through Lake Nipigon. The Lake St. Joseph Diversion Project was built to divert water from Lake St. Joseph to Lac Seul in the late 1950s (Garrick 2020; Creger, 2018). In discussion about the potential development of more waterway diversion projects in the 1960s, Marten Falls First Nation Councillor Sam Achneepineskum commented “Our community would have been a lake where it is now... I think that is part of the reason why Nishnawbe Aski Nation came to be, all the chiefs got together and they started to push back on trying to kill the project. It was called Damn the Dams” (Garrick, 2020, p. 15).

2.2.7 The Reserve System

The reserve system concept evolved from the early settlements created by missionaries. As more newcomers were arriving, they began occupying the traditional territories of Indigenous peoples in increasing numbers, and reserves were initially considered a pragmatic solution to land disputes and conflicts between Indigenous peoples and settlers. As treaties began to be reached with Indigenous peoples, provisions were included for the creation of reserves. The reserve system was formalized under the *Indian Act*, which permitted the government to determine the land base of First Nations in the forms of reserves set aside for their exclusive use (Hanson, 2009b).

While Treaty 9 specified that First Nations would choose the location of their reserves, the Ontario Order-in-Council later changed the terms – the commissioners would now decide, and one of the three treaty commissioners would be appointed by the Government of Ontario (Matheson, 1905a, as cited in Tsuji & Tsuji, 2021). The size of the reserves was based on the number of people in the band; however, the population data at the time for these communities could not be considered accurate and many people were not at the trading post during treaty deliberations because of the late start to the treaty expedition (Tsuji & Tsuji, 2021). This led to many reserve locations and sizes being determined based on local settler demand. Even in areas covered by the numbered treaties, reserve size was calculated differentially, ranging between 160 and 640 acres per family of five (Smith, 2009, as cited in Smith, 2016).

As noted by Smith (2016), even as the land base of First Nations was reduced through the reserve system, reserves were still vulnerable to surrounding land uses. Demands for mineral, forest, and agricultural lands; the construction of transportation routes or military sites; and other purposes that arose, often led to the alienation of reserve lands under the jurisdiction of the Canadian Government.



While consent from First Nations was often sought, this consent was regularly acquired under what could be considered questionable circumstances. The sale of reserve lands was consistently presented as being in the long-term interest of the First Nation community, yet railway and corporate executives, and other members of the settler elite (including Indian Affairs Department staff and other public officials), often gained possession of alienated reserve lands (Smith, 2016).

The creation of the reserve system had far-reaching implications for Indigenous peoples, including the Anishinaabeg and the Omushkegowuk. As noted previously, the land base of First Nations was significantly reduced: the reserve system dispossessed the Anishinaabeg of all but one percent of their traditional territory (Pitawanikwat, 2009). Under the reserve system, which provided First Nations with fragments of their ancestral territory, Indigenous residents held the right to occupancy only, which ownership and title remained in the hands of the Crown (Smith, 2016).

As noted by Hanson (2009b), the reserve system was essentially a government-sanctioned displacement of First Nations people, with reserves dividing up not only lands but also peoples and communities that had existed for hundreds, if not thousands, of years. Many families and clans that had hunted, gathered, and celebrated together for generations were abruptly and arbitrarily joined with other families and clans, disrupting long-established social networks and kinship systems that determined who could hunt, fish, and gather in particular areas (Hanson, 2009b).

Amendments to the *Indian Act* led to a requirement for First Nation reserve residents to secure a permit before selling or giving away any goods located or produced on reserves or by reserve residents (Smith, 2016), further restricting the lives of Indigenous peoples. This disruption of traditional networks and the significant changes to Indigenous traditional lifeways contributed to disproportionate levels poverty on many reserves; however, leaving reserves often meant facing discrimination, relinquishing one's First Nations status, and / or losing or jeopardizing connections to family and territory (Hanson, 2009b).





2.2.8 Residential School System

One of the most infamous consequences of the *Indian Act* was the promotion of the residential school system for Indigenous children. This was an extensive school system set up by the Canadian government and administered by churches, with intent to: indoctrinate Indigenous children into Euro-Canadian and Christian ways of living; and assimilate them into mainstream Canadian society (Hanson *et al.*, 2020). Duncan Campbell Scott, Head of Indian Affairs from 1913 to 1932, famously said in 1920 that “the goal of the Indian Residential School is to kill the Indian in the child” (Wilson & Hodgson, 2018).

The system originated from the mission system in the 1600s, when missionaries made plans to establish schools and farming settlements to try to educate, change, and settle Indigenous peoples. However, managing the schools and associated supplies proved challenging for the missionaries to carry out alone (OCCC, 1986). Following confederation, Canada’s first Prime Minister, John A. Macdonald, commissioned a study of industrial schools established for Indigenous children in the United States, and a recommendation to follow their approach to “aggressive civilization” led to the creation and funding of the residential school system (Hanson *et al.*, 2020), although some schools were funded by provincial governments or by the various religious orders (Union of Ontario Indians, 2013). An amendment to the *Indian Act* in 1894 made it mandatory for Indigenous children to attend school (TRC, 2015a). Further amendments to the *Indian Act* in 1920 and 1933 reinforced the requirement for every Indian child between the ages of 7-16 to attend a residential school, and led to the legal guardianship of Indian children attending a school being assumed by their principals upon the often forcible surrender of legal custody by their parents (Union of Ontario Indians, 2013).





The residential school system was primarily located off-reserve (and often far from Indigenous communities), and children generally attended for 10 months of year, although some children lived at the school year round (Union of Ontario Indians, 2013). A primary purpose of the schools was to systematically dissolve all aspects of Indigenous cultures and languages. English, and in some cases French, were the only languages allowed. Indigenous languages and practices were forbidden, with punishments – often severe ones – for children who broke these rules (TRC, 2015a). Students had their long hair cut short as a way to strip away their personal and cultural identities, and they were stripped of their clothing and dressed in uniforms (Hanson *et al.*, 2020). Their days were long and strictly regimented between academic learning, religious prayer, and manual labour and tasks (Union of Ontario Indians, 2013). Boys and girls were kept separate, and as a result, siblings rarely interacted, further weakening family ties (Hanson *et al.*, 2020).

It is estimated that over 150,000 Indigenous children attended one of the almost 140 residential schools established by Canada and the Catholic, United, Anglican, and Presbyterian churches across the country between 1857 and 1996 (CIRNAC, 2017); 16 of these schools operated in Ontario (Auger, 2005). Some Métis children also attended residential schools (APPA, 2019). Children living in the Treaty 9 area attended residential schools at Moose Factory, Chapleau, Pelican Lake, and Fort Albany (Archives of Ontario, n.d.). The St. Anne's Residential School in Fort Albany ran from 1910 to 1963, and was attended by children from the Fort Albany, Weenisk, Attawapiskat, Fort Hope, and Ogoki (Marten Falls First Nation) communities. It is estimated that by 1945, approximately 170 children attended the school, with half of their days spent doing schoolwork and the other half spent on manual labour and domestic tasks (Auger, 2005).

The residential school system struggled with funding, often resulting in poor and unsuitable nutrition, unsanitary conditions, and inadequate medical care. With crowded dormitories, infectious diseases like tuberculosis were rampant, often leading to death. The education received was generally insufficient as many teachers assumed that Indigenous children were unfit for anything more than a basic education which focused on practical skills and religious training.

Messages of the inferiority of Indigenous peoples, their culture, and lifeways were commonplace (TRC, 2015a). Emotional and psychological abuse was commonplace, physical abuse was considered standard punishment, and sexual abuse was common (Hanson *et al.*, 2020). Survivors of the school at St. Anne's in Fort Albany have described serious physical and sexual abuse at the hands of school staff (Roman, 2013), leading to criminal charges of former school staff in the 1990s. The abuses combined with the poor living conditions resulted in an extremely high death toll. In 1907, government medical inspector P.H. Bryce reported that 24 percent of previously healthy Indigenous children across Canada were dying in residential schools, and this figure did not include children who died at home where they were frequently sent when critically ill (Hanson *et al.*, 2020).





2.2.9 The Sixties Scoop

The Sixties Scoop refers to the mass removal of Indigenous children, including Métis children, from their families into the child welfare system, without the consent of families or communities in most cases. As the government began phasing out compulsory residential school education in the 1950s and 1960s, residential schools persisted as a boarding school, primarily for children whose families were deemed unsuitable to care for them. An amendment to the *Indian Act* in 1951 enabled the province to provide services to Indigenous peoples that were not available federally, including child protection (Hanson, 2009c).

Provincial social workers assigned to reserves often assessed child safety and welfare by mainstream cultural standards, without adequate education and training to recognize the problems rooted in generations of trauma related to residential schools. As a result, thousands of Indigenous children were removed from their homes and placed into the child welfare system starting in the 1960s and continuing up to 1990 (TRC, 2015a). By the 1970s, roughly one third of all children in care were Indigenous (Johnston, 1983, as cited in Hanson, 2009c). Many children lived in institutionalized care, or floated between foster homes, where incidences of physical and sexual abuse were not uncommon but often covered up (Fournier & Crey, 1997, as cited in Hanson, 2009c). Similar to the impacts of residential school, the ensuing cultural suppression (denial of their Indigenous identity) and abuse among Indigenous children in the welfare system led to significant impacts on psychological and emotional health (Hanson, 2009c).

2.2.10 The *Constitution Act, 1982* and Aboriginal Rights

Between 1977 and 1981, the federal government entered into discussions with the provinces to reform and take authority of the Constitution from the British government. Aboriginal political organizations were unsuccessful in getting a seat at the negotiations table, and the first proposal for the Constitution put forward in 1981 excluded Aboriginal and Treaty Rights. However, several months of lobbying by First Nations, Inuit, and Métis organizations led to the inclusion of two clauses in Section 35 of the Constitution: recognition of “existing Aboriginal and Treaty Rights”; and, definition of Aboriginal peoples that included all three groups (CIRNAC, 2017). The presence of the word “existing” means that section 35 only applies to Aboriginal and Treaty Rights that were not extinguished when the *Constitution Act, 1982* came into effect. Therefore, if a right was previously extinguished (e.g., through surrender to the Crown), it is not revived by Section 35 (Centre for Constitutional Studies, 2021).





While attempts were made to define existing Aboriginal Rights between 1983 and 1987, they remained undefined because of disagreements between Canada, Indigenous groups, and the provinces. As a result, responsibility to define the extent and scope of Aboriginal Rights, and to direct government policies and programs so that they respect these rights and prevent infringement on them, has fallen to the courts (CIRNAC, 2017).

Several Supreme Court cases have reaffirmed Indigenous rights to harvesting activities. The *R. v. Sparrow* (1990) was a precedent-setting case and the first decision by the Supreme Court to interpret Section 35. In 1984, Ronald Sparrow from the Musqueam Indian Band was arrested for fishing with a net longer than was permitted by his food fishing license. The Supreme Court of Canada ruled that Musqueam's Aboriginal Right to fish had not been extinguished and was an existing right. The court also ruled that the government cannot override or infringe on these rights without justification. This ruling led to what is now known as the "*Sparrow Test*", which sets out a list of criteria that determines whether a right is existing, and if so, how a government may be justified to infringe on it (Salomons & Hanson, 2009).

The *R. v. Van der Peet* (1996) case was pivotal in further defining Aboriginal Rights under Section 35. Dorothy Van der Peet, a member of the Stó:lō Nation, was charged with selling salmon that had been caught under a food-fishing license. The court ruled that fishing constitutes an Aboriginal Right, but the sale of the fish does not. The ruling led to what is now known as the "*Van der Peet Test*" or the "Integral to a Distinctive Culture Test", which establishes ten criteria that must be met for a practice to be affirmed and protected as an Aboriginal Right (Hanson & Salomon, 2009):

1. The perspective of Aboriginal peoples themselves.
2. The precise nature of the claim (what is being claimed as a right).
3. The practice, custom, or tradition must be of central significance to the society in question.
4. The Aboriginal Right must have continuity with the practices, customs and traditions that existed prior to contact.
5. Courts must take challenges with evidence into account (e.g., oral history of Indigenous peoples rather than written records).
6. Claims must be specific and not general.
7. The practice, custom, or tradition must be of independent significance to the group (i.e. central to the group's identity).
8. The practice, custom, or tradition be distinctive (i.e., characteristic part of the culture).
9. European influence is only relevant if the practice, custom, or tradition is integral to the Indigenous society because of that influence.
10. Courts must take into account both the relationship of Aboriginal peoples to the land and their cultures.



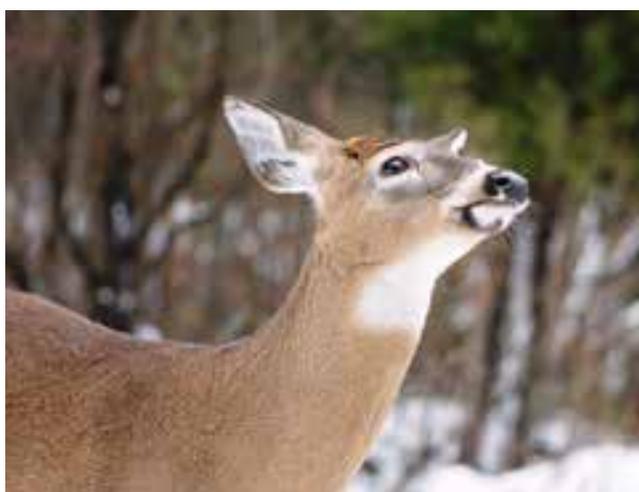


Critics of the *Van der Peet* Test point out that the test situates Aboriginal cultural practices in the past and ignores the dynamic, adaptive nature of culture by treating Aboriginal cultures and traditions as static and unchanging (Hanson & Salomon, 2009).

2.2.10.1 Métis Rights

The rights of Métis communities and individuals were historically excluded or simply ignored by the government, contributing to vulnerabilities and marginalization (Teillet, 2013). Miner (2022) notes that Métis providing for their families and communities were often charged with poaching and illegal fishing throughout the 20th century. The rights of the Métis were not formally recognized until Section 35 of the *Constitution Act, 1982*.

Since the early 2000s, two major Supreme Court of Canada decisions have initiated the long process of defining Métis rights, as well as highlighted the complexities associated with defining Métis identity in



the context of these rights. The first was *R. v. Powley* (2003), which forever transformed Métis harvesting rights. Two Métis hunters, Steve Powley and his son were charged with hunting a moose near Sault Ste. Marie without a license under the Ontario *Game and Fish Act*. They pleaded not guilty and asserted their Aboriginal Right to hunt. After a decade of court proceedings and a series of appeals by the Crown, the Supreme Court confirmed that as Métis people and members of a Métis community, the Powleys' right to hunt in the area was protected by Section 35 (Teillet, 2013). The evidence in the *Powley* case also showed that after the economic migration of Métis from the Great Lakes to the prairies in the early 19th century, a significant Métis population remained in the Great Lakes-Boundary Waters regions of Ontario (Teillet, 2013).



During the *Powley* case, the Supreme Court determined that the appropriate way to define Section 35 Métis rights is to modify the test used to define the Aboriginal Rights of First Nations, as determined *R. v. Van der Peet* (1996). The test to define Métis rights is now called the Powley Test and it includes ten components (Teillet, 2013):

1. The characterization of the right, including reason for harvesting (e.g., for food, for ceremonial purposes, etc.), the location of harvesting and other contextual information.
2. Verification of membership in the contemporary Métis community.
3. Identification of the historic rights-bearing Métis community with a distinctive collective identity that existed prior to when Euro-Canadians effectively established political and legal control in that area.
4. Identification of the contemporary rights-bearing community that is a continuation of the historic community.
5. The historical timeframe for the practice, which must have been undertaken post-contact but before Euro-Canadian political and legal control.
6. Whether the practice was integral to the claimant's distinctive culture.
7. Whether the practice is continue by the Métis community.
8. Whether the right was extinguished by the Crown by constitutional enactments, federal legislation, or by agreement with the Aboriginal people.
9. Whether the right was infringed upon for any reasons.
10. If the right was infringed upon, whether the infringement was justified.





In 2016, following a 17-year court battle, the Supreme Court of Canada ruled in the *Daniels v. Canada* case that Métis and Non-Status Indian are considered “Indians” under Section 91(24) of the *Constitution Act, 1867* (Gaudry, 2009). This interpretation means that the federal government holds the legal responsibility to legislate on issues related to Métis and Non-Status Indians rather than provincial governments. The case ended a long standing situation of legal uncertainty where neither levels of government took responsibility for the Métis and Non-Status Indians (Roy, 2021). The Supreme Court commented that Métis and Non-Status peoples had been essentially in a “jurisdictional wasteland with significant and obvious disadvantaging consequences” (*Daniels v. Canada*, 2016, para. 14). While the ruling does not grant Indian Status, as defined by the *Indian Act*, to Métis and Non-Status peoples, the ruling has resulted in new discussions and negotiations with the federal government over land claims, rights, self-governance, and access to education, health programs, and other government services (Roy, 2021).

Canadian legal definitions of Métis have further complicated the situation with respect to Métis Rights. The *Powley* case established who can legally qualify for Métis Rights and specific criteria to be considered Métis: the individual must self-identify as Métis, have an ancestral connection to a Métis community, and be accepted by that community as a member. However, in the *Daniels* case the Federal Court defined Métis as “a group of native people who maintained a strong affinity for their Indian heritage without possessing Indian status” (cited in Teillet, 2013). As noted by Teillet (2013), this definition separated individuals from Aboriginal collectives and held that there is no need for any ancestral connection to a Métis group and no need for community acceptance, and ultimately eliminated the Métis as a separate Aboriginal people. Regardless, the criteria of the *Powley* decision still define which Métis communities have Aboriginal Rights.

The *Powley* Test has been identified as problematic in that the criteria for being Métis is exclusionary to urban Métis families who may have lived in the city for generations, as well as people who have mixed Aboriginal and non-Aboriginal ancestry yet are not connected to a contemporary Métis society. This has contributed to tensions between different Métis groups (Ouellet & Hanson, 2009), and heated debate among many Métis people in Canada (Gaudry, 2009). As noted by Ouellet and Hanson (2009), it is expected that “the issue of Métis identity will continue to be the topic of much debate and discussion since Métis Rights depend on identifying the people who are entitled to such rights, and then specifying what those rights are” (para. 6).





2.2.11 Legislative Developments

In the period following the signing of Treaty 9, further British and later Canadian Governments laws, regulations, and policies on northern Ontario, contributed to growing intervention and regulation of Indigenous peoples by both the federal and provincial governments. This section reflects on some of the key legislative developments that have governed natural resource and land use, and the associated effects on the rights of Indigenous peoples in the region. It is important to note that this section is not exhaustive nor reflective of all legislation that may have impacted Indigenous peoples in the region.

2.2.11.1 Fish & Game Regulations

At the time of the Robinson treaties (1850), there was very little, if any, competition for fish resources from European fisherman, particularly in Lake Superior and areas to the north. There was also no comprehensive legislation pertaining to fish in place at the time. For varying periods of time, and depending on the location, the government generally did not restrict the full and free privilege to fish provided for by the Robinson treaties. However, changes occurred with the passage of comprehensive fisheries legislation and the drafting of subsequent treaties, including Treaty 9 (Hansen, 1991).

The first passage of comprehensive fisheries legislation came in 1857 with the *Fisheries Act*, under which the Department of Crown Lands became responsible for fisheries in Upper and Lower Canada. The Act did not contain any specific references to Indigenous people. An amendment in 1859 provided for the first time for special fishing

Treaty 9 was negotiated between Canada and Ontario at a time when federal-provincial jurisdiction over fisheries was well established. One of the treaty's provisions full reflected the state of fisheries legislation, in that the right to hunt, trap and fish is subject to regulations that may be made by "the government of the country".





licenses and leases on lands belonging to the Crown, with no specific reference to Indigenous people. Shortly after this, an agreement between the Department of Crown Lands and the Indian Department “for the protection of the interest of native tribes” was reached (as cited in Hansen, 1991, pg. 6). The agreement suggested that Indigenous people were considered subject to the regulations of the Act since they were exempt from paying fees for fishery leases anyways. However, they were exempt in cases of fishing for domestic consumption only, and they were subject to the regulations otherwise (i.e., when fishing commercially or for trade). Thus, fishing rights were being interpreted as domestic consumption fishing rights only (Hansen, 1991).

Amendments to the *Fisheries Act* in 1865 provided a regulation with respect to Indigenous fisheries for the first time. The regulation specifically referred to the allowance of ‘certain Indians’ to fish for their own use as food, reinforcing the interpretation of Indigenous fishing rights as rights related to domestic fishing purposes only. It also added a new component – an open season – which reflected developing conservation principles (Hansen, 1991). After confederation, Canada implemented the first federal *Fisheries Act* in 1868. The Act maintained the provisions of the preceding acts, including the licensing of Indians to fish for their own use. In addition, Indian fishermen were considered to be subject to all regulations (Hansen, 1991).

The government of Ontario was not involved in the legislative aspects of resource management until 1885 with the passage of the *Ontario Fisheries Act*. It contained several provisions from the federal act, and like his federal counterpart, the Ontario Commissioner of Crown Lands was authorized to establish licensing (Hansen, 1991). In 1890, a royal commission on game and fish was appointed to make recommendations with respect to these resources in the province.

The overlapping jurisdictional issues with respect to federal and provincial fisheries legislation were eventually resolved through the courts, where it was ruled that Canada had the authority to enact legislation for inland fisheries and Ontario had proprietary interests in fisheries and the authority to issue licenses for fisheries in the province (Hansen, 1991).





The expansion of the railway network led to new settlement in the region, which in turn led to an increase in the number of sportsman and tourists visiting the region and increased pressures on fish and wildlife. Upon recommendation by the commission, Ontario created the *Game and Fisheries Act* in 1892, replacing the previous fisheries legislation. In turn, the Act intensified enforcement for First Nations in Ontario (Calverley, 2009).

Under the new legislation, a series of law changes were enacted to address declining game populations, including: a new range of closed seasons for some of the most desirable species, such as deer, moose, and elk; new seasons for game birds; and complete hunting bans on certain species. In addition, new license requirements were introduced for non-residents and system of game overseers were established to enforce game laws and penalties (Calverley, 1999). Regardless of these efforts, wildlife populations continue to decline (Bate, 2023).

Initially, the *Game and Fisheries Act* contained a clause exempting treaty Indian hunters from the legislation based on their Treaty Rights. However, the clause referencing Treaty Rights was eventually removed from the Act in 1914 and by 1927, all hunting exemptions for First Nation hunters had been removed from the Act – all “persons” affected by the Act were now defined to include “Indians”. By this time, game laws in Ontario included complete hunting bans on moose and deer, bag limits, quotas, required licensing, and hunting seasons (Bate, 2023). As a result of the hunting regulations, Indigenous hunters’ control over resources, secured through treaty, was restricted, impacting their cultural lifeways.

A jurisdictional challenge arose with the application of the provincial Act to Indigenous peoples with Treaty Rights, which were under federal jurisdiction. Indian Affairs began to take increased interest in securing Indigenous peoples harvesting rights, as Indian Agents increasingly became allies to communities in the north.





As noted by Calverley (1999), after almost three decades of complaints, letters and petitions from the Anishinaabeg, some Indian Agents came to understand Indigenous perspectives on the application of provincial legislation; in part, the Act was taking food out of the mouths of Indigenous people. In terms of game depletion, the agents generally believed the increase in settler hunter and sportsman were the main conservation threat. Indian Affairs generally adopted a more proactive approach in relation to Indigenous hunting and trapping rights for a period. However, Indian Affairs was not completely opposed to regulating Indigenous hunting, and they would not openly challenge the Ontario government over treaty rights (Calverley, 1999).

In response to the *Sparrow* ruling (see [Section 2.2.9](#)), the Ontario Ministry of Natural Resources issued an *Interim Enforcement Policy on Aboriginal Hunting and Fishing* in 1991 that states Aboriginal people harvesting game or fish for personal consumption or social or ceremonial purposes in their treaty areas or traditional lands will generally not be prosecuted. However, this policy was meant to be an interim measure and when the province enacted a new *Fish and Wildlife Conservation Act* in 1997, neither it, nor the detailed regulations under it, make any reference to Treaty or Aboriginal Rights to harvest.

2.2.11.2 The Registered Trapline System

In response to declining populations of fur-bearing species, and complaints from Indigenous trappers about other trappers encroaching into their territories, the government of Ontario issued new game regulations under the *Game and Fisheries Act* of 1946 that included the creation of the Registered Trapline System (Finch, 2020; Sutherland, 2020). While it was first implemented in southern Ontario, by 1948 the regulations applied to the north. Traplines established in the north were based on watersheds rather than the township system used in the south, as directed by the Department of Indian Affairs (Finch, 2020).

In the years following the introduction of the system, Indigenous trapping was impacted by several key factors such as new wildlife laws, changing lifeways, increased wage labour opportunities, increasing government aid, and multiple outbreaks of tularaemia, an infectious disease that affects beaver and muskrat (Finch, 2020). Input from Indigenous communities, including concerns that the established



trapping seasons did not work in the north because of the different climate in the James Bay region, were not reflected in trapping regulations (Sutherland, 2020). In addition, the Registered Trapline System involved licenses, registration, and quotas, all of which was foreign to Indigenous trappers (AMEC, 2004b, as cited in Tsuji *et al.*, 2011).

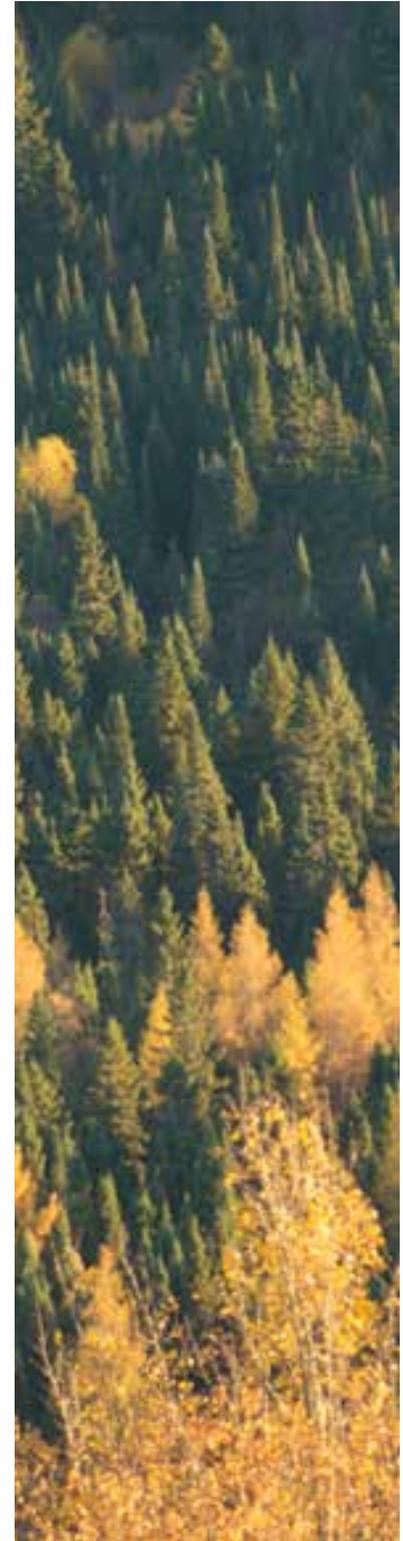
2.2.11.3 Ontario *Far North Act*

In response to the need to balance development potential with conservation in the north, the provincial government launched the *Far North Planning Initiative* in 2008 (Bowie, 2017). The purpose of the initiative was to direct economic development, support conservation, and address Aboriginal and Treaty Rights through the development of community-based land use plans for the Far North region – an area that represents over forty percent of the province (MNR, 2011, as cited in Bowie, 2017).

The purpose of the 2010 *Far North Act* is to provide community-based land use planning in the Far North region that (*Far North Act*, 2010, s.1):

- Sets out a joint planning process between First Nations and Ontario;
- Supports the environmental, social and economic objectives for land use planning for the peoples of Ontario; and,
- Is done in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights.

The land use planning process established under the Act entails the development of a terms of reference by a First Nations community interested in participating, which must then be approved by the Minister of Natural Resources, who then designates a planning area for the Community Based Land Use Plans (*Far North Act*, 2010, s. 9). The plans are intended to include maps that show historical and contemporary Indigenous use in the area. Communities can designate areas of significant cultural value such as burial sites, waterways and travel routes to be protected, caribou migration routes and areas to be considered open for or closed to mineral exploration. At least one protected area must be identified through the planning process (*Far North Act*, s. 9(9)(c)(d)). However, the plans must be jointly approved by the First Nation and the Ministry,





and once the final plan is approved, all decisions to authorize land use activities must be consistent with the land-use designations in the plan. For First Nations communities in the Far North, community-based land use plans signify inherent jurisdiction over lands and the authority to make decisions on contested land uses (Scott *et al.*, 2018).

The legislation has been contested by First Nations and their regional organizations based on the level of and approach to consultation undertaken by the province, and concerns about how the recommendations provided by First Nations were incorporated. While amendments were made, including the addition of “joint bodies” that could be established with interested First Nations, the province retains ultimate decision-making powers related to amendments, policy documents, and exemption orders related to land use strategies (Gardner *et al.*, 2012).

The Act was recently amended in December 2021, following the recommendations identified in a joint process with Nishnawbe Aski Nation and the Ministry of Northern Development, Mines, Natural Resources and Forestry, and in consultation with First Nations and stakeholders in the region. Amendments were made to “encourage collaboration between Ontario and First Nations on land use planning and foster economic growth in the region while maintaining critical cultural and environmental protections” (Environmental Registry of Ontario, 2021).





2.3 Cumulative Effects to Aboriginal and Treaty Rights and Interests

For roughly seven generations nearly every Indigenous child in Canada was sent to a residential school. They were taken from their families, tribes and communities, and forced to live in those institutions of assimilation. The results while unintended have been devastating. We witness it first in the loss of Indigenous languages and traditional beliefs. We see it more tragically in the loss of parenting skills, and, ironically, in unacceptably poor education results. We see the despair that results in runaway rates of suicide, family violence, substance abuse, high rates of incarceration, street gang influence, child welfare apprehensions, homelessness, poverty, and family breakdowns. Yet while the government achieved such unintended devastation, it failed in its intended result. Indians never assimilated.

– Honourable Justice Murray Sinclair speech to the United Nations, 2010

The long history of colonialism in Canada and associated actions, legislation, and policy has involved both recognition of, and infringement on, the Aboriginal and / or treaty rights of Indigenous peoples in the region and across the country. This history has also been described as constituting cultural genocide (TRC, 2015b). The traditional lifeways, culture, and language of Indigenous peoples, including the Anishinaabeg, Omushkegowuk, and Métis of the region, have been forever transformed, in part because of centuries of displacement from their traditional land bases and use of resources. When combined with ongoing colonial structures and approaches that continue to overlap with the Aboriginal and Treaty Rights and Interests of Indigenous peoples, these changes impact cultural continuity and well-being as the ability of Indigenous peoples to transmit Indigenous knowledge, culture, and lifeways out on the land is increasingly challenged.



Colonial systems of governance and justice that have superseded and / or failed to respect the inherent jurisdiction of Indigenous peoples, and the spirit and intent of the treaties with the Crown, have been imposed on Indigenous peoples in the region for centuries (Anishinabek Nation Legal Department, 2018). Moreover, attention to Indigenous men rather than women and the application of patriarchal assumptions and approaches by European traders, missionaries, and political leaders have exacerbated violations to Indigenous governance by overlooking a segment of the population (i.e., women) that prior to contact, held important roles in leadership.

The impacts go well beyond Aboriginal and / or Treaty Rights and Interests. While Canada has become a member of the world's leading nations, Indigenous peoples, including the Anishinaabeg and Ojibwegowuk, continue to experience disproportionate inequities to the general Canadian population (OCCC, 1986). As noted by Matheson *et al.* (2022), the ongoing implications of various systemic structures experienced by Indigenous peoples has resulted in poor housing conditions, food insecurity, and the absence of potable water on some reserves. Many Indigenous people continue to experience the long term and often debilitating impacts of residential schools, and those that survived were often unprepared to succeed in the market economy or to pursue traditional activities such as hunting and fishing. In many cases, family connections were permanently broken. The overall suicide rate among First Nations communities is about twice that of the total Canadian population (TRC, 2015a). Indigenous peoples face higher rates of infant mortality, a greater burden of disease, and reduced life expectancy (Smylie & Firestone, 2016). In addition, Indigenous peoples are significantly overrepresented in the Canadian criminal justice system (RCAP, 1996, as cited in Government of Canada, 2023). Despite all of these atrocities and outcomes, Indigenous peoples are reclaiming their rights and reconnecting to their cultural roots.





2.4 Reconciliation and Looking to the Future

In more recent decades, there is increased awareness about colonization and its ongoing effects on Indigenous peoples. These efforts began with the establishment of the Royal Commission on Aboriginal Peoples in 1990, whose mandate was to study the evolution of the relationship between Indigenous peoples, the government of Canada, and Canadian society as a whole (Doerr, 2006). The Commission released a five-volume report in 1996 that ultimately noted that a complete restructuring of the relationship between Indigenous peoples and non-Indigenous peoples in Canada is needed (Doerr, 2006); the findings of the Commission’s report have informed this one.

In 2008, the Truth and Reconciliation Commission was established as part of the Indian Residential School Settlement Agreement. The Commission was established to guide Canadians through the difficult facts of the residential school system, and to “lay the foundation for lasting reconciliation across Canada” (Moran, 2015, para. 1). The Commission conducted community hearings across the country to hear from Indigenous peoples directly. A six-volume final report documents the experiences of Indigenous peoples and identifies 94 Calls to Action to advance the process of reconciliation was released in 2015; the findings of the Commission’s report have also informed this one. .

While there has been a recent focus, including efforts and actions on reconciliation with Indigenous peoples, many Indigenous communities, including Marten Falls First Nation, continue to experience day-to-day challenges with access to basic human rights including health services, education, personal and community safety, food security, and more. For Marten Falls First Nation, the development of the Community Access Road is an act of reconciliation – it helps to address access to basic rights while providing an opportunity to support Marten Falls First Nation’s self-determination and their ability to pursue economic prosperity, social and community well-being and cultural continuity.



Wapekeka First Nation



The information presented in this section of the report is based on the Proponent's current understanding of Wapekeka First Nation's rights and interests in relation to the study areas for the Aboriginal and / or Treaty Rights and Interests impact assessment.

The information presented here is from secondary sources, given that at the time of writing, limited to no information on Wapekeka First Nation's rights and interests had been provided to the Proponent. Wapekeka First Nation was, and continues to be invited to share Indigenous Knowledge and information on Indigenous land and resource use related to the proposed Project.

It is the objective of the Proponent to share this information with Wapekeka First Nation early in the assessment processes to enable collaboration and discussion. The overarching goal is to enhance the Project Team's understanding of Wapekeka First Nation Aboriginal and / or Treaty Rights and Interests in relation to the proposed Project.

Imagining Access – Why the Project?

The Project will offer Marten Falls First Nation the opportunity to grow as a community but also be part of the social and economic fabric of the region and country. The Community Access Road will reduce transportation costs for goods and services, making food, gas, and other supplies cheaper. It will help families be together in the community and increase social interactions with other communities. It will also provide a vital connection to emergency, health, and social services.





3.1 Community Profile

Wapekeka First Nation (formerly Angling Lake Band) is an Oji-Cree community (Robidoux, et al., 2021) located on two reserves at Angling Lake and Otter Lake in the Far North region of Ontario (**Figure 3-1**). Angling Lake is located approximately 25 km northeast of Big Trout Lake, 450 km northeast of Sioux Lookout, and 345 km northwest of Marten Falls First Nation. The community of Angling Lake was originally settled in 1947 as a winter settlement for families from Big Trout Lake whose traplines were nearby (Hedican, 2017).

Wapekeka First Nation has 502 registered members. Of these, 485 members (97%) live on the reserve at Angling Lake, and 17 members live off-reserve (Government of Canada, 2021a).

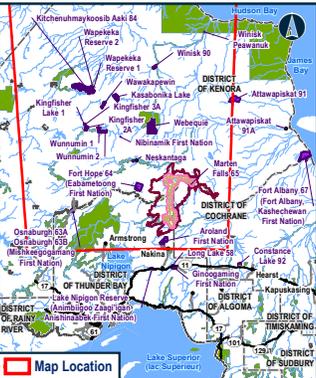
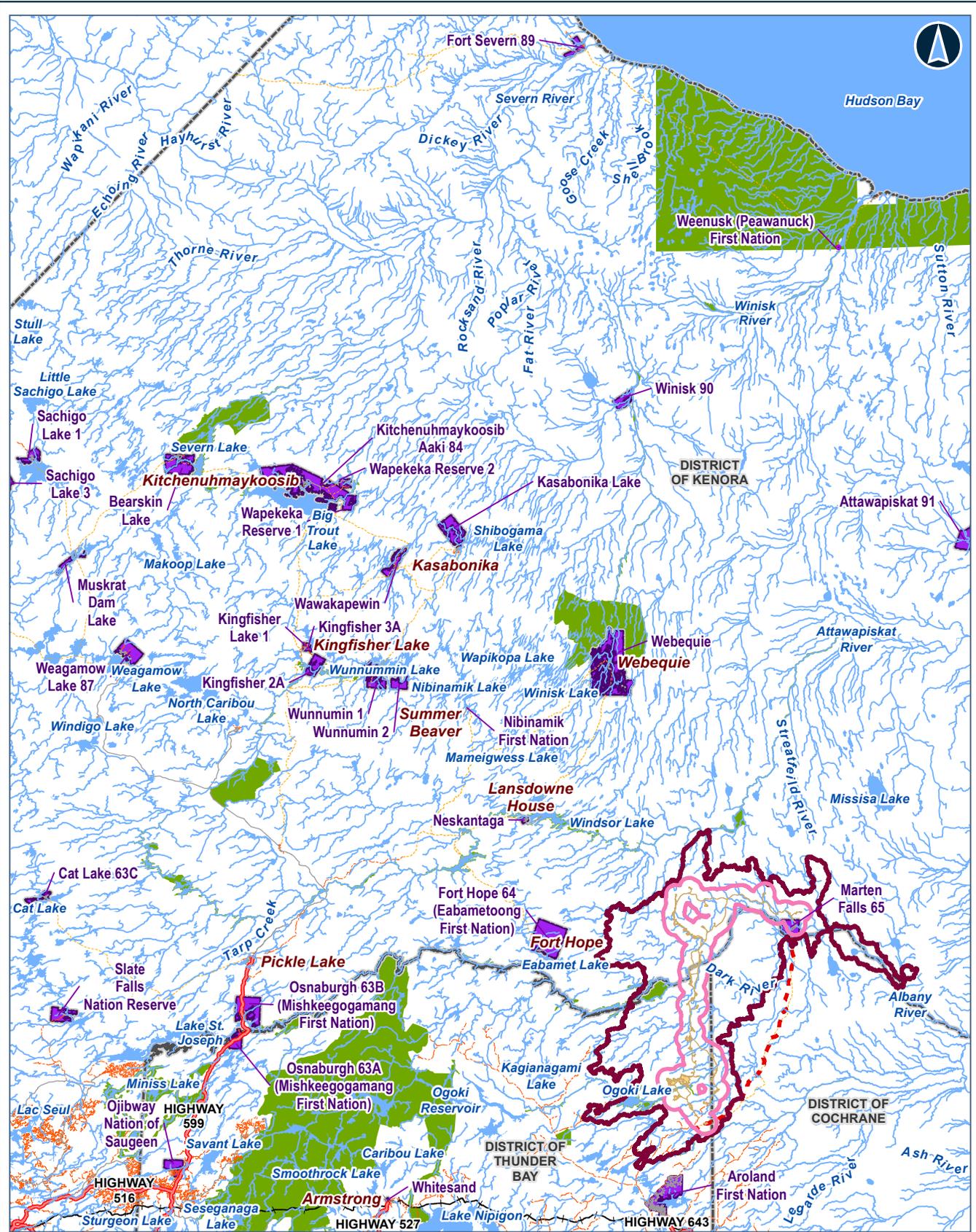
Wapekeka First Nation is a remote fly-in community, with seasonal winter road access. In the winter, the community is connected to Kitchenuhmaykoosib Inninuwug First Nation and Kingfisher Lake First Nation by winter roads (Nishnawbe Aski Development Fund, n.d.). An airstrip was built in 1991, providing regularly scheduled flights six days a week (Wapekeka First Nation, n.d.).

The community has a health clinic (with rotating medical staff), a small independent grocery store, two confectionaries, a gym, two schools, and an administrative / community hall (Loukes, et al., 2022). Angling Lake has a network of roads, so within the community people travel by car, truck, and all-terrain vehicles, however, most residents walk during the summer and use snowmobiles in the winter (Wapekeka First Nation, n.d.). Access to Kitchenuhmaykoosib Inninuwug First Nation during the winter road season, provides Wapekeka First members with additional grocery options (Loukes, et al., 2022).

The remote nature of the community means that the cost of goods is very high (Robidoux, et al, 2021) due to the cost of transporting food (Thompson, et al., 2018).

Section 3.1.1 to **3.1.5** provide information about Wapekeka First Nation's pre- and post-contact history, reserve lands, language, and governance.





Legend

First Nation Reserve	Highway	District Municipal Boundary
ATRI Local Study Area	Major Road	Waterbody
ATRI Regional Study Area	Local Road	Provincial Park
Project Development Area	Winter Road	Resource / Recreation Road
	Alleyway	Existing Winter Access Road
	Railway	Watercourse

Data Source: Base Data Provided by MNR/2019; Route Infrastructure - Provided by AECOM 2019. Contains information licensed under the Open Government Licence Ontario.

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

General Location of Wapekeka First Nation

0 10 20 40 60 80
Kilometres

Datum: NAD 1983 CSRS UTM Zone 16N

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Figure 3-1

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3.1.1 Pre-Contact History

In 1988, gravesites were uncovered at Wapekeka First Nation near Weir Lake dating back approximately 7,000 years, indicating a long period of habitation in the area (Hamilton, 2004). Before contact with Europeans, First Nations in the region around Big Tour Lake, including the ancestors of Wapekeka First Nation, hunted in small family groups of 15 to 20 people, dependent on the availability of game for survival (Robidoux, et al., 2021).

Currently, there is no further pre-contact history information specific to Wapekeka First Nation.

A more comprehensive overview of the pre-contact context, including seasonal lifeways, culture and worldview, learning and knowledge building, governance and legal principles, and resource management and stewardship, is provided in [Section 2.1](#).

3.1.2 Post-Contact History

Across northern Ontario, because of the establishment of fur trade outposts and the signing of Treaty 9, the small family groups who once travelled to follow resources (e.g., big game), transitioned to living in settlements over time (Robidoux, et al, 2021). Permanent settlement at Angling Lake began in 1947, as people from the area of Big Trout Lake would winter there to tend to their traplines in the area (Hedican, 2017).

Kitchenuhmaykoosib Inninuwug First Nation signed Treaty 9 in 1929 (Government of Canada, 2022). Since Wapekeka First Nation was considered to be part of Kitchenuhmaykoosib Inninuwug First Nation, they are considered to have signed the treaty at this time.

In 1979, Wapekeka First Nation acquired band status and two reserves, and was recognized as a separate First Nation (Hedican, 2017). Wapekeka First Nation upholds governance ties to other First Nations as a member of the Shibogama First Nations Council (Shibogama First Nations Council, 2023).





In recent years, Wapekeka First Nation has faced several challenges including suicides, the loss of a school due to a fire in 2015, and a housing shortage. Between 1989 and 1999, fifteen young people committed suicide in the community. Following the death of three more young people in 2017 by suicide, Wapekeka First Nation declared a state of emergency (APTN National News, 2017). Wapekeka First Nation continues to face a housing shortage, overcrowded homes, food insecurity due to the high cost of food, and underfunded and limited health services (Loukes, et al, 2022). In 2023, a new school opened to replace the Reverend Eleazar Winter Memorial School that was lost in the fire, replacing the temporary school that was used in the meantime (Law, 2023).

In 2023, Wapekeka First Nation signed a Mutual Cooperation Agreement with Kitchenuhmaykoosib Inninuwug First Nation, Neskantaga First Nation, and Asubpeeschoseewagong Anishinabek First Nation. The agreement sets a course to work to “protect their lands and waters in the face of mounting concerns about encroachment on their territories by mining exploration companies” (Free Grassy Narrows, 2023). The development of the agreement was motivated by the current provincial mining claim system which allows for claims to be staked without the consent of local First Nations (Canadian Press, 2023).

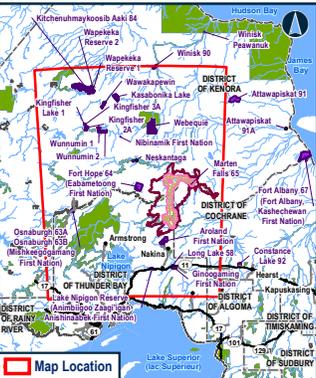
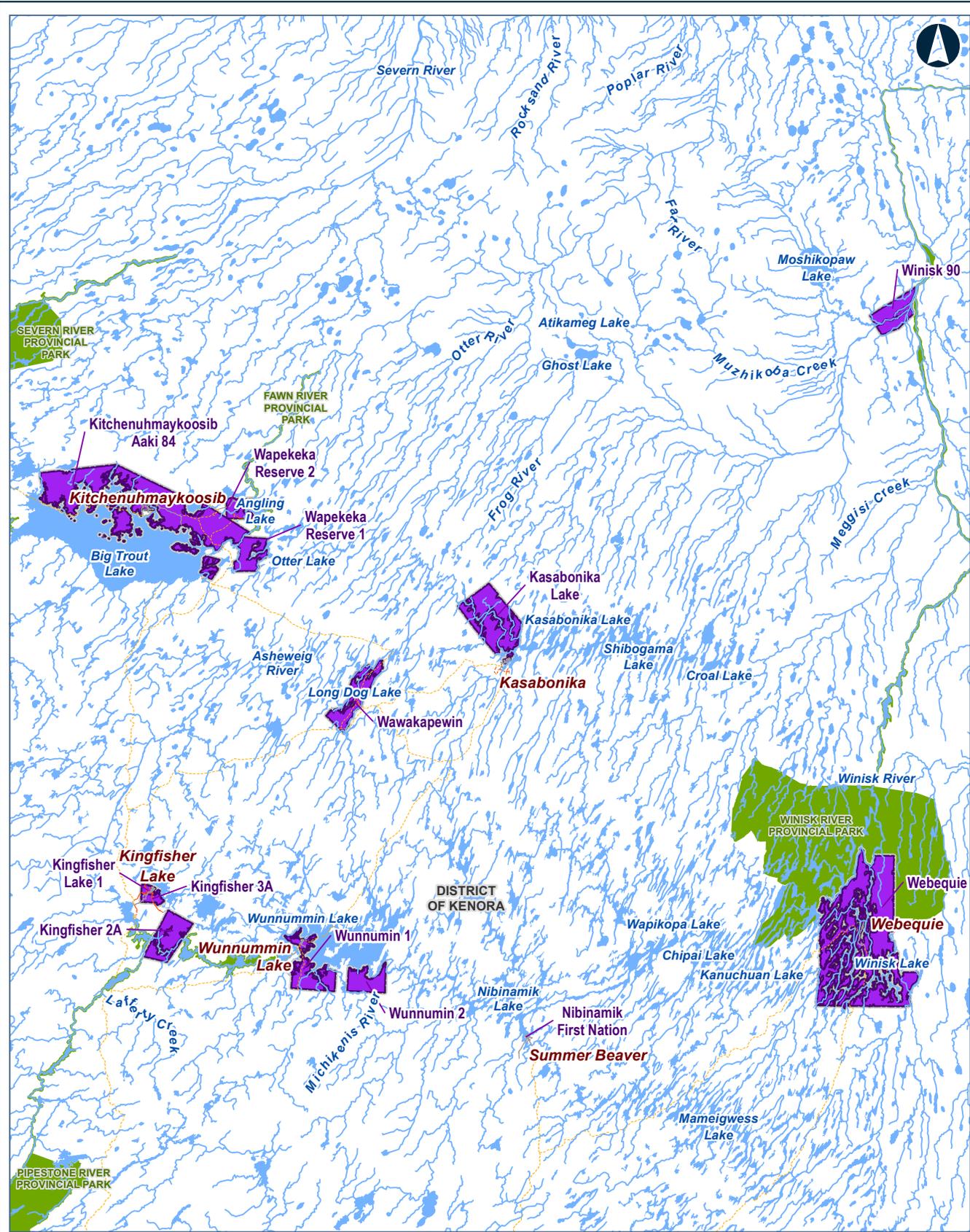
A more comprehensive overview of the post-contact context, including the fur trade, early legislation and policy and associated impacts on Indigenous peoples, the numbered treaties established in the region, perspectives on Aboriginal Rights, and legislative developments that have governed natural resource and land use, is provided in [Section 2.2](#).

3.1.3 Reserve Lands

Wapekeka First Nation has two reserves, Wapekeka 1 and Wapekeka 2 ([Figure 3-2](#)) (Wapekeka First Nation, n.d.). Wapekeka 1 is 3,605 hectares and Wapekeka 2 is 2,026.5 hectares (Government of Canada, 2021b).

Wapekeka 1 is located on the shores on Otter Lake. Five kilometres north of Wapekeka 1 is Wapekeka 2, which is located along the shores of Angling Lake and Weir Lake. The main community for Wapekeka First Nation is at Angling Lake on Wapekeka 2. Both reserves are adjacent to the Kitchenuhmaykoosib Aski 84 Reserve (Kitchenuhmaykoosib Inninuwug First Nation).





Legend

- First Nation Reserve
- ATRI Local Study Area
- ATRI Regional Study Area
- Project Development Area

General Features

- Local Road
- Winter Road
- Resource / Recreation Road
- Watercourse
- District Municipal Boundary
- Waterbody
- Provincial Park

Data Source: Base Data Provided by MNR 2019; Route Infrastructure - Provided by AECOM 2019. Contains information licensed under the Open Government Licence Ontario.

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Wapekeka First Nation Reserve Lands

0 5 10 20 30 40
Kilometres

Datum: NAD 1983 CSRS UTM Zone 16N

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Figure 3-2

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3.1.4 Language

Wapekeka First Nation is an Oji-Cree speaking community. Although the community speaks English, many members speak Oji-Cree as their everyday language (Jaguar Bird, 2023).

According to the 2016 Census (Government of Canada, 2021c):

- Approximately 73% of the population has knowledge of the Oji-Cree language;
- Approximately 68% of the population reported Oji-Cree as their mother tongue (the first language they learned and still know); and
- Approximately 63% of the population speaks Oji-Cree at home.

3.1.5 Governance

As noted in [Section 3.1.2](#), Wapekeka First Nation is a signatory to Treaty 9, signing in 1929 (Government of Canada, 2021d). See [Section 2.2.5.2](#) for more information on Treaty 9.

Wapekeka First Nation has a Custom Electoral System with a three-year election cycle. Leadership includes a Chief, Deputy Chief, and four Councillors (Government of Canada, 2023). Wapekeka First Nation is affiliated with the Shibogama First Nations Council and Nishnawbe Aski Nation (Shibogama First Nations Council, 2023; Nishnawbe Aski Nation, 2023).





3.2 Understanding of Rights & Interests in Relation to the Project

Section 3.2.1 and **3.2.2** describe the current understanding of Wapekeka First Nation's Aboriginal and / or Treaty Rights and Interests in relation to the proposed Project. As noted in **Section 3.0**, this understanding was developed based on a comprehensive literature review of publicly available sources of information given that at the time of writing, no information on Wapekeka First Nation's rights and interests had been provided to the Proponent.

3.2.1 Aboriginal and Treaty Rights Relevant to the Project

It is anticipated that Wapekeka First Nation asserts its Treaty 9 and Section 35 rights. According to the Declaration of Nishnawbe-Aski Nation (The People and the Land), the rights of the Nishnawbe-Aski Nation people include (Nishnawbe Aski Nation, 1977):

- The right to receive compensation for our exploited natural resources;
- The right to receive compensation for the destruction and abrogation of hunting, fishing and gathering rights;
- The right to renegotiate the Treaty as understood by Nishnawbe-Aski Nation people; and
- The right to approach other world nations to further the aims of the Cree and Ojibway Nations of Treaty 9.

As a member of the Nishnawbe Aski Nation, it is assumed that these rights may be declared by Wapekeka First Nation.

According to the Elder's Proclamation of the Shibogama First Nations Tribal Council (Shibogama First Nations Council, 1999), the following rights, commitments, and general directions regarding policy related to economic development, inter-community governmental affairs, and lands and resources development apply to Shibogama First Nations Tribal Council communities:

- Health is a treaty right;
- Establish sound environmental practices and measures for their grandchildren and future generations;



- Encourage and support the orderly, environmentally sound, and sustainable development of natural resources;
- Maintain unfettered access to practice their treaty and / or aboriginal rights to hunting, fishing, trapping and gathering;
- Teach their children the traditional values and practices in relation to wildlife, waterfowl, and marine life;
- Not to tolerate the misuse and abuse of natural resources;
- Recommend Chiefs and Councils to establish government to government protocol arrangements with the Ontario government on all matters pertaining to lands and resources, including revenue sharing;
- Encourage their grandchildren to secure their rightful place in society through learning and education, including and beyond secondary education;
- To get their young people to learn and to keep one of the foundation stones of their traditional values, which is to share with one another; and
- Remind their Chief of each of their First Nations to respect one another and to always try to reach a consensus on any given issue, particularly that are common in nature to all of their First Nations.



As a member of the Council, it is assumed that these rights and responsibilities may also be declared by Wawakapewin First Nation.

At a minimum, it is assumed that Wapekeka First Nation Aboriginal and / or Treaty rights include the right to hunt, trap, fish, and gather materials that are of importance to Wapekeka First Nation cultural traditions and lifeways, as well as the right to cultural continuity and wellbeing (ability to practice and transmit cultural traditions). These rights are considered Valued Components, which means that they are important elements of Aboriginal and / or Treaty Rights that have the potential to be affected by the proposed Project. The potential impacts of the proposed Project on these Valued Components / rights will be assessed in the future.

General information on Wapekeka First Nation's use of lands, waters, and resource for traditional purposes is presented in **Section 3.4**. Information on the Project Team's understanding of Wapekeka First Nation's use the lands, waters, and resources for traditional purposes in relation to the proposed Project is presented in **Section 3.5**.



General perspectives on the cultural continuity and wellbeing of Wapekeka First Nation are presented in [Section 3.6](#). Information on the Project Team’s understanding of what is important for Wapekeka First Nation cultural continuity and wellbeing is presented in [Section 3.7](#).

3.2.2 Interests Related to the Project

The information on potential interests of Wapekeka First Nation with respect to the proposed Project is largely based on three secondary sources (although other supporting sources have been used and referenced throughout):

- An article by Timothy A. Seabert, et al., “Elevated Contaminants Contrasted with Potential Benefits of ω -3 Fatty Acids in Wild Food Consumers of Two Remote First Nations Communities in Northern Ontario, Canada” (2014) which discusses levels of contaminants in game meat;
- An article by Michael A. Robidoux, et al., “Assessing the contribution of traditional foods to food security for the Wapekeka First Nation of Canada” (2021), which discusses traditional food harvests; and
- An article on the Free Grassy Narrows website, *Grassy Narrows hosts Historic Alliance!* (2023), which describes a mutual agreement between four First Nations to protect their waters from development.

It is anticipated that Wapekeka First Nation’s interests in the proposed Project may include:

- Potential adverse effects to moose and caribou populations (Robidoux et al, 2021 and Thompson, 2018);
- Potential conditions that could increase already high concentrations of contaminants in moose meat (Seabert, et al., 2014);
- Potential adverse effects to plant populations, especially blueberries and those used for traditional medicine (Robidoux et al., 2021); and
- Potential adverse effects on waterways and water quality (Free Grassy Narrows, 2023).

These interests will inform the overall impacts assessment, including the assessment on Wapekeka First Nation Aboriginal and / or Treaty Rights.



3.3 Area of Interest

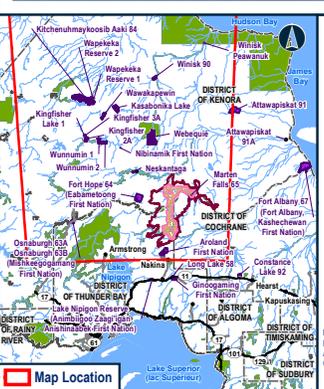
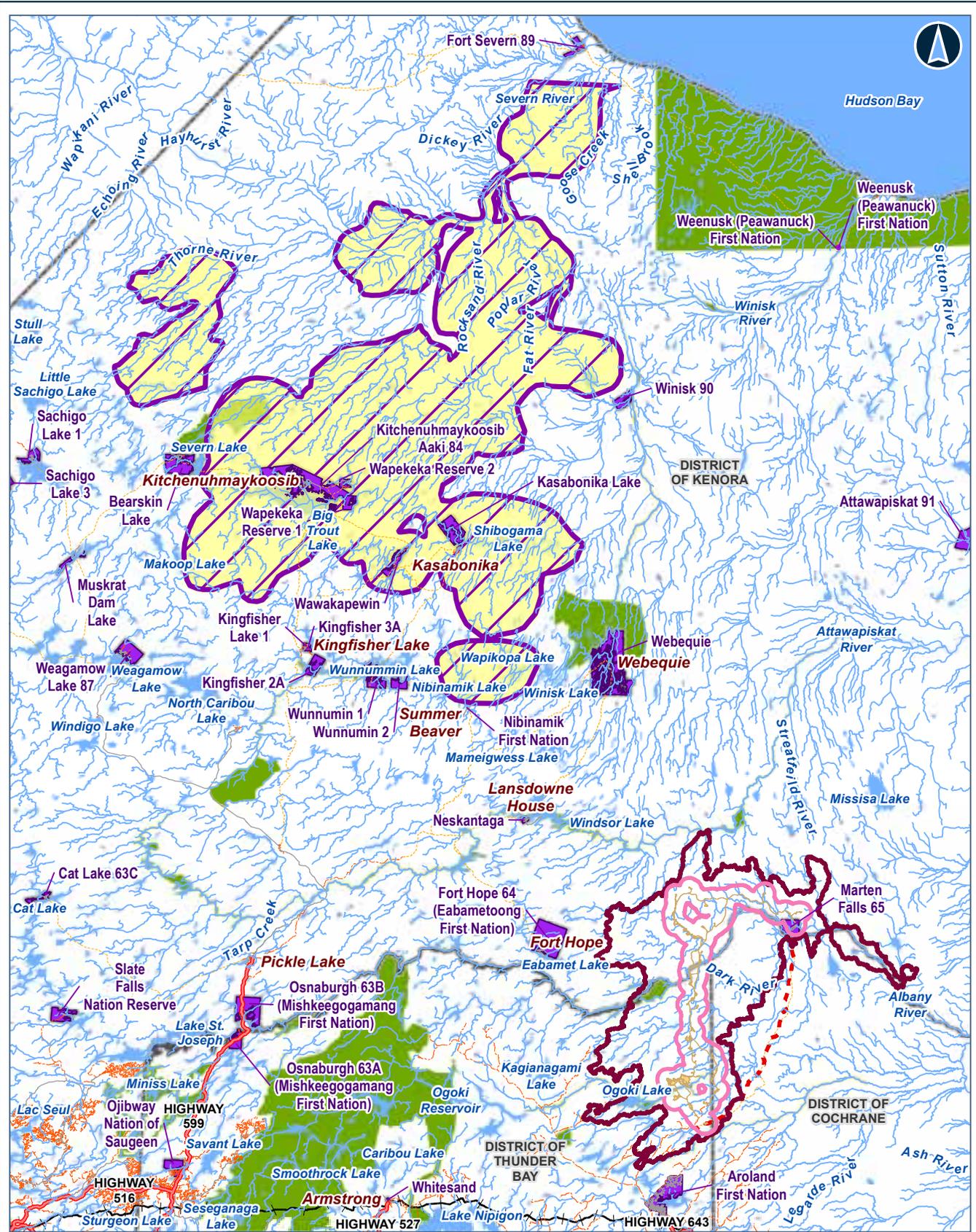
A preliminary Area of Interest has been identified for Wapekeka First Nation, as shown in **Figure 3-3**. The preliminary Area of Interest is intended to identify where Wapekeka First Nation may exercise / hold Aboriginal and / or Treaty Rights and Interests that are relevant to the proposed Project.

The preliminary Area of Interest is based on information on Wapekeka First Nation's area of use for trapping, hunting, fishing, and travel identified in *The Kayahna Region Land Utilization and Occupancy Study* (Sieciechowicz, 1985). The preliminary Area of Interest is anticipated to include the area surrounding the Fawn River Provincial Park, extending west towards Big Trout Lake, Dinwiddie Lake, and Misikeyusk Lake, as well as to the south and east to include the Mishwamakan River, Nemeigusabins Lake, Long Dog Lake, Kasabonika Lake, Shibongama Lake, Croal Lake, and Nibinamik Lake. To the north, the preliminary Area of Interest includes the Fawn River, Poplar River, Witegoo River, Ghost Lake, Moshikopaw Lake, the area around the confluence of the Sachigo and Severn Rivers, and areas along the Severn River north of Limestone Rapids. The preliminary Area of Interest also includes an area along the Sachigo River downstream from Withers Lake and upstream of its confluence with the Thorne River.

The Wapekeka First Nation preliminary Area of Interest does not overlap with the Project Development Area, or the Local or Regional Study Areas for the assessment (see **Figure 3-3**).

The Impact Assessment Agency of Canada (2023), notes that an Indigenous community's "long-standing connection to, use of, or occupation of an area is indicative of a community's rights". It is the Proponent's understanding that an Indigenous community can assert an area of interest or traditional territory and that these assertions may consider many factors including, but not limited to, hunting and trapping areas, wildlife migration patterns, travel routes, watersheds, etc. However, these assertions "may not be well understood by all parties, they may raise uncertainty as they lack information, or there may be differing interpretations" (IAAC, 2023). Therefore, it is important to note that for the purposes of identifying a preliminary Area of Interest for the proposed Project, Marten Falls First Nation is strictly presenting information that has been provided by an Indigenous community or has been identified in publicly available data sources. By presenting this information, Marten Falls First Nation is neither validating nor confirming information regarding the assertion of areas of interest or traditional territories.





Legend

- Preliminary Area of Interest for the Proposed Project
- First Nation Reserve
- ATRI Local Study Area
- ATRI Regional Study Area
- Project Development Area
- Wapekeka First Nation Land Utilization (Kayahma Region Land Utilization and Occupancy Study, 1985)
- District Municipal Boundary
- Waterbody
- Provincial Park

General Features

- Highway
- Major Road
- Local Road
- Winter Road
- Resource / Recreation Road
- Alleyway
- Existing Winter Access Road
- Railway
- Watercourse

Data Source:
 Base Data: Provided by MNR 2019; Route Infrastructure: Provided by AECOM 2019; Land Utilization: Provided by Kayahma Tribal Area Council Land Utilization and Occupancy Study (1985). Contains information licensed under the Open Government Licence Ontario.

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Wapekeka First Nation Area of Interest

0 10 20 40 60 80
Kilometres

Datum: NAD 1983 CSRS UTM Zone 16N

Nov, 2023	1:2,000,000	
Rev:00	^a when printed 11°17'	

Figure 3-3

DRAFT PRELIMINARY DOCUMENT

Contains information provided by Ontario Ministry of the Environment, Conservation and Parks or by Ontario Ministry of Natural Resources and Forestry (Ontario). Crown's Printer of Choice 2020. Through a Creative Commons License Agreement. This drawing has been prepared for use of AECOM client and may not be reproduced or relied upon by third parties, except as approved by AECOM and its client, as required by law or by the client's government regulatory agencies. AECOM accepts no responsibility, and denies any liability whatsoever, to any party that modifies this drawing without AECOM express written consent. The use of Satellite Data in this drawing does not constitute an endorsement by the Ministry for this drawing by AECOM of the Satellite Data.



3.4 Use of Lands, Waters, and Resources for Traditional Purposes

Available information on Wapekeka First Nation land, water, and resource use is presented in **Sections 3.4.1 to 3.4.5**. The information presented in this upfront section is general to Wapekeka First Nation. Information on Wapekeka First Nation land, water, and resource use for traditional purposes in relation to the proposed Project is provided in **Section 3.5**.

The information presented is largely based on five secondary sources of information (although several other supporting sources have been used and referenced throughout):

The Kayahna Region Land Utilization and Occupancy Study (Sieciechowicz, 1985) by the Kayahna Tribal Area Council, which describes areas used by Wapekeka First Nation members for hunting, fishing, trapping, and travel;

- Michael Liebovitch Randazzo’s Master’s thesis, *Land-Based Food Initiatives in Two Rural and Remote Indigenous Communities*, (2017) which documents the costs of traditional harvesting and examines overall diet at Wapekeka First Nation;
- Heather Thompson’s Master’s thesis, *Beyond Subsistence: Understanding Local Food Procurement Efforts in the Wapekeka First Nation in Northern Ontario* (2018), which discusses traditional foods and barriers to obtaining them;
- An article by Thompson, *et al.*, “Hoop House Gardening in the Wapekeka First Nation as an Extension of Land-based Food Practices” (2018), which details food sources and declines in harvesting; and
- An article by Michael A. Robidoux, *et al.*, “Assessing the contribution of traditional foods to food security for the Wapekeka First Nation of Canada”, in *Applied Physiology, Nutrition, and Metabolism*, (2021), which discusses part and current food sources and preferences.





It is important to note the following about the information available on Wapekeka First Nation's land, water, and resource use for traditional purposes:

- There was little information on present-day land, water, and resource use by Wapekeka First Nation available at the time of writing;
- Information on the role of members within the community (e.g., women, men, elders, youth, people with disabilities) is provided, where possible;
- For the purposes of the future Environmental Assessment / Impact Statement, it is assumed that the general practices and preferences of Wapekeka First Nation community members described in this report are still relevant to the community today; and
- Information on resource thresholds that the community requires to exercise their rights is limited or absent.

In the early 1800s, big game populations in northwestern Ontario, such as caribou and moose, declined due to overharvesting, which caused a shift in hunting to smaller game (Randazzo, 2017). The smaller game was used for commerce and for food. The shift from large game to smaller game resulted in a shift from living and hunting in large families to living on small, individual parcels of land (Randazzo, 2017). Fewer opportunities to hunt big game also resulted in a reliance on non-traditional foods and foods procured at the trading posts, as there were times of food shortage (Randazzo, 2017). The Canadian government told the First Nations in northwestern Ontario, including Wapekeka First Nation, that the times of shortage would be alleviated if land were ceded for provisions, leading to Treaty 9 (Randazzo, 2017).

As First Nations (including Wapekeka First Nation) transitioned from travelling to access food resources to living permanently in settlements, there was an increased pressure on animal populations in the areas around the settlements. Hunting and gathering became more concentrated around the settlements, as opposed to spread across wider areas, as had traditionally been the case. Colonization, along with climate change and environmental contaminants has negatively affected the traditional food system of hunting, fishing, and gathering that had sustained community members in this region. Many First Nations including Wapekek now rely more heavily on the market food system (Thompson, et al., 2018). These changes have led to a decrease in traditional food availability. The lack of





traditional food availability, along with the need to travel further distances to hunt game, sometimes hundreds of kilometres on snowmobile or in a float plane, and the increased costs associated with travelling further distances, has reduced the consumption of traditional foods (Thompson, 2018 and Robidoux, et al, 2021).

Today, Wapekeka First Nation members get most of their food from the Northern Store or other grocery stores, rather than from hunting (Geller, 2016). Of the traditional food diet, fish make up approximately half of the food consumed, with large game accounting for 30%, birds 15%, and small mammals 15% of the diet (Robidoux, et al, 2021).

Wapekeka First Nation members see culture expressed in the community through food gathering and / or harvesting and in food sharing practices (Thompson, 2018). Feasts were identified as popular events and expressions of Wapekeka First Nation culture, as they provide an opportunity for consuming traditional foods, sharing, and socializing (Thompson, 2018).

Additional information on the cumulative effects that may have already interfered with the ability of Wapekeka members to use their lands and resources for traditional purposes is provided in [Sections 2.2](#) and [2.3](#).





3.4.1 Hunting and Trapping

Wapekeka First Nation members hunt moose and caribou, as well as smaller mammals including muskrat, rabbit, and beaver; waterfowl including Canada geese and snow geese; and ducks such as mallards (Randazzo, 2017; Thompson, et al., 2018; Robidoux, et al., 2021).

Beaver and moose are harvested in the winter. Caribou are hunted during the two migration periods; once in the fall and once in the winter (Randazzo, 2017). Geese are harvested in the spring and fall. In recent years, a community hunter noted that the geese migration is happening later than it has in previous years (Loukes, et al., 2022).

The number of Wapekeka First Nation hunters has declined over the past several decades with only ~ 10 households having a member who hunts year-round (Thompson, et al., 2018). Very few Wapekeka First Nation members hunt more than once a week (Randazzo, 2017). Even with the decline in hunting, there is still significant value placed on a successful moose hunt, including sharing the meat with others (Thompson, 2018). Generally, men hunt and women process the traditional game; however, women in the community also hunt (Loukes, et al., 2022). During the COVID-19 pandemic, a group of seven hunters convened to hunt for traditional foods to supply the community (Loukes, et al., 2022).

Today, the traditional diet of members is similar to that of the past, though there has been a reduction in the hunting and consumption of caribou, due to member preference rather than a reduction of caribou population (Robidoux, et al., 2021). While bear is a popular food source in other communities, it is not eaten at Wapekeka First Nation as it is associated with scavenging garbage (Robidoux, et al., 2021). Members typically eat all parts of an animal (e.g., skeletal muscles and organ tissues) (Robidoux, et al., 2021). However, in a study of Wapekeka First Nation and Kasabonika First Nation members, Seabert, et al. (2014) found members who frequently consumed wild foods often





exceeded Canadian and international health guidelines for environmental contaminants, such as polychlorinated biphenyls, mercury, and persistent organic pollutants.

The main trapping areas of Wapekeka First Nation members include the areas near the southern tributaries of the Severn River and Fawn River and north of Angling Lake and Otter Lake (Sieciechowicz, 1985). To maximize yield and the variety of game trapped, many of the traplines north of the Wapekeka First Nation reserves cross a mix of swamp, lowlands, and higher ground (Sieciechowicz, 1985). More northerly traplines tend to be less productive and are more elongated than other traplines (Sieciechowicz, 1985). According to Sieciechowicz, a typical Wapekeka First Nation trapping area would include a high and medium intensity use area, with a perimeter of low intensity use (Sieciechowicz, 1985, p. 43).



When hunting and trapping takes place a greater distance from Wapekeka First Nation, hunters and trappers travel by snowmobile or floatplane, especially when high numbers of game are harvested (Randazzo, 2017). The areas further from the community generally produce larger yields in catch and reduces the overall cost of food (Randazzo, 2017). As hunting can be costly, hunters sometimes hunt as a team, chasing a moose to other hunters waiting ahead.

Generally, members hunt within their trapping areas, sometimes hunting and trapping on the same trip (Sieciechowicz, 1985; Randazzo, 2017). As hunting is allowed outside of one's trapping territory, there are specific important hunting areas for Wapekeka First Nation which include (Sieciechowicz, 1985):

- An area northeast of Otter Lake where moose are known to gather;
- The Bug River – Mishwamakan River area;
- A large area west of the Wapaseese River in the Sachigo Lake area; and

For families with connections to Wawakapewin First Nation, an area southeast of Big Trout Lake is also used.

Randazzo (2017) estimated that the cost of procuring traditional food, after accounting for the costs of fuel, plane rental, ammunition, and tools varies on the yield of the trip and distance traveled but was generally in line with store bought meats and fish. Beaver, moose, whitefish, walleye, and lake trout were more expensive than the store-bought equivalents, whereas caribou, geese, sucker, and sturgeon were cheaper.



A summary of wildlife of potential importance to Wapekeka First Nation based on Randazzo (2017), Thompson, et al (2018), Robidoux, et al., (2021), and Loukes, et al. (2022) is provided in **Table 3-1**.

Table 3-1: Wildlife of potential importance to Wapekeka First Nation

Common Name	Oji-Cree Translation
BIRDS	
Canada goose	<i>nikah</i>
Snow goose	
Ducks	<i>shesheeb</i>
Mallard duck	
Pintail duck	
Bluebill duck	
Partridge (ruffed grouse)	
BIG GAME AND FURBEARERS	
Moose	<i>mooz</i>
Caribou	<i>atik</i>
Beaver	<i>amik</i>
Muskrat	
Rabbit (snowshoe hare)	<i>wabooze</i>





3.4.2 Fishing

In the twentieth century, Big Trout Lake, Angling Lake, Fawn River, Bug River, and Mishwamakan River areas were heavily used for fishing (Sieciechowicz, 1985). Some families fished in the Otter River and in lakes while traveling to Kasabonika Lake First Nation. Single households were known to fish at Long Dog Lake, the Winisk River area, and the Rocksands stretch (Sieciechowicz, 1985). Small lakes located along Wapekeka First Nation traplines were fished in the winter for dog feed. However, these fish were sometimes used for human consumption during difficult circumstances (Sieciechowicz, 1985).

Fish species harvested today include walleye, whitefish, pike, sturgeon, lake trout, sucker, and burbot (Robidoux, et al., 2021). Burbot is prized by Elders for its taste and nutritional value. However, consumption of this species is low; reasons for the low consumption rate is not known (Robidoux, et al., 2021). Today, suckers are harvested less than in the past due to a preference in taste (Randazzo, 2017).

A summary of fisheries of potential importance to Wapekeka First Nation based on Robidoux, et al. (2021) is provided in **Table 3-2**.

Table 3-2: Fisheries of potential importance to Wapekeka First Nation

Common Name	Oji-Cree Translation
Whitefish	<i>atikameg</i>
Jackfish (northern pike)	<i>ginozhe</i>
Trout (lake)	
Walleye (yellow pickerel)	<i>okaas</i>
Ling (burbot)	<i>mihzhash</i>
Sucker (carp)	<i>namebin</i>
Sturgeon	<i>nameh</i>



3.4.3 Berry and Plant Gathering

Most of the traditional food diet of Wapekeka First Nation is animal based, with berries and plants comprising a smaller part of the diet (Robidoux, et al, 2021). Plants, generally blueberries, are harvested in the summer (Robidoux, et al, 2021), as well as cloudberry, raspberries, and gooseberries (Randazzo, 2017). Berries are not sold, but either given to community members in need or traded for other food or hunting equipment (Randazzo, 2017). While the consumption of plants is low, they are still considered part of the traditional diet (Thompson, et al, 2018).

A summary of berries and plants of potential importance to Wapekeka First Nation based on Randazzo, (2017) and Robidoux, et al. (2021) is provided in **Table 3-3**.

Table 3-3: Berries and plants of potential importance to Wapekeka First Nation

Common Name	Oji-Cree Translation
BERRIES	
Blueberry	
Cloudberry	
Gooseberry	
Raspberry	



3.4.4 Travel

The *Kayahna Region Land Utilization and Occupancy Study* (Sieciechowicz, 1985) details travel routes used in the twentieth century (1930s – 1970s) by Wapekeka First Nation members. Heavily traveled routes in the summer, via boat, include:

- Between Wapekeka First Nation and Kitchenuhmaykoosib Aski 84 reserves and Big Trout Lake;
- Along the Fawn River to north of Atikameg Lake (though some travellers continue to Fort Severn);
- Route(s) to Kasabonika Lake; and
- Route(s) to Bearskin Lake.

Other less traveled routes include along the Sachigo River to Makoop Lake, along the southern tributaries of the Fawn River, south of Shibogama Lake, routes to Wunnumin Lake First Nation, Nibinamik First Nation, and Neskantaga First Nation, and routes along the Severn River, Thorne River, Swan Lake, Long Dog Lake, Kasabonika Lake, and Nibinamik Lake. These routes are generally used by individuals who have primary and secondary rights of access; these rights of access are maintained through continued use of the land.

The Fawn River was commonly used during the fur trade, as a supply route for the Hudson's Bay Company. When the route was no longer needed for supplies, Wapekeka First Nation continued to use the river to travel for employment or to keep in touch with family members that resided elsewhere.

In the winter, travel is often associated with trapping. The area north and northeast of Angling Lake and Otter Lake stretching between the Witegoo River and Ghost Lake and along the Fawn River for approximately 60 miles was very active. The area south of Big Trout Lake near Bug River and Mishwamakan River was also heavily travelled.

3.4.5 Habitation – Village Sites, Camps, and Cabins

Habitation refers to places that people have lived, whether temporarily, semi-permanently, or permanently. Habitation sites and areas may include cabins, camp sites and areas, and historical family or village sites and areas.

At the time of writing this report, there was no information available on habitation sites and areas used by Wapekeka First Nation.





3.5 Understanding of Lands, Water, and Resource Use for Traditional Purposes in Relation to the Project

Sections 3.5.1 to 3.5.4 describe the current understanding of Wapekeka First Nation's lands, water, and resource use for traditional purposes in relation to the proposed Project, and specifically within the Project Development Area, Local Study Area, and the Regional Study.

As noted in **Section 3.4**, it is assumed that the practices and preferences of Wapekeka First Nation community members described in this report are still relevant to the community today.

It is important to note that the purpose of this preliminary existing conditions report is to develop an understanding of where Wapekeka First Nation is using the lands, waters, and resources for traditional purposes. This is not an assessment of potential impacts to Aboriginal and /or Treaty Rights. The assessment on potential impacts will be completed in future stages of the Environmental Assessment / Impact Statement.

The assessment of potential impacts on the use of lands, waters, and resources for traditional purposes will also be informed by the results of other relevant Valued Component assessments (e.g., wildlife, vegetation, fish and fish habitat, etc.). It will also be informed by additional inputs from the Indigenous Knowledge and / or Consultation Programs.

The Proponent recognizes that the proposed Project has the potential to influence the exercise of Aboriginal and / or Treaty Rights outside of the Regional Study Area. This is particularly relevant in the case of wildlife and water valued components given the movement of these important resources. This lens will be applied in the future stages of the Impact Assessment / Environmental Assessment.





3.5.1 Hunting and Trapping

3.5.1.1 Project Development Area

Based on available information on areas used by Wapekeka First Nation members for hunting and trapping in **Section 3.4.1**, and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Project Development Area (**Figure 3-3**), it is likely that hunting and trapping does not occur within the Project Development Area.

3.5.1.2 Local Study Area

Based on available information on areas used by Wapekeka First Nation members for hunting and trapping in **Section 3.4.1**, and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Local Study Area (**Figure 3-3**), it is likely that hunting and trapping does not occur within the Local Study Area.

3.5.1.3 Regional Study Area

Based on available information on areas used by Wapekeka First Nation members for hunting and trapping in **Section 3.4.1**, and given that the preliminary Area of Interest for Wapekeka First Nation has no overlap with the Regional Study Area (**Figure 3-3**), it is likely that hunting and trapping does not occur within the Regional Study Area.





3.5.2 Fishing

3.5.2.1 Project Development Area

Based on available information on areas used by Wapekeka First Nation members for fishing in **Section 3.4.2**, and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Project Development Area (**Figure 3-3**), it is likely that fishing does not occur within the Project Development Area.

3.5.2.2 Local Study Area

Based on available information on areas used by Wapekeka First Nation members for fishing in **Section 3.4.2**, and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Local Study Area (**Figure 3-3**), it is likely that fishing does not occur within the Local Study Area.

3.5.2.3 Regional Study Area

Based on available information on areas used by Wapekeka First Nation members for fishing in **Section 3.4.2**, and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Regional Study Area (**Figure 3-3**), it is likely that fishing does not occur within the Regional Study Area.





3.5.3 Berry and Plant Gathering

3.5.3.1 Project Development Area

Based on available information on areas used by Wapekeka First Nation members for berry and plant gathering in [Section 3.4.3](#), and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Project Development Area ([Figure 3-3](#)), it is likely that berry and plant gathering do not occur within the Project Development Area.

3.5.3.2 Local Study Area

Based on available information on areas used by Wapekeka First Nation members for berry and plant gathering in [Section 3.4.3](#), and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Local Study Area ([Figure 3-3](#)), it is likely that berry and plant gathering do not occur within the Local Study Area.

3.5.3.3 Regional Study Area

Based on available information on areas used by Wapekeka First Nation members for berry and plant gathering in [Section 3.4.3](#), and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Regional Study Area ([Figure 3-3](#)), it is likely that berry and plant gathering do not occur within the Regional Study Area.





3.5.4 Travel Routes

3.5.4.1 Project Development Area

Based on available information on areas used by Wapekeka First Nation members for travel in **Section 3.4.4**, and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Project Development Area (**Figure 3-3**), it is likely that travel routes do not occur within the Project Development Area.

3.5.4.2 Local Study Area

Based on available information on areas used by Wapekeka First Nation members for travel in **Section 3.4.4**, and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Local Study Area (**Figure 3-3**), it is likely that travel routes do not occur within the Local Study Area.

3.5.4.3 Regional Study Area

Based on available information on areas used by Wapekeka First Nation members for travel in **Section 3.4.4**, and given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Regional Study Area (**Figure 3-3**), it is likely that travel routes do not occur within the Regional Study Area.





3.5.5 Habitation – Village Sites, Camps, and Cabins

3.5.5.1 Project Development Area

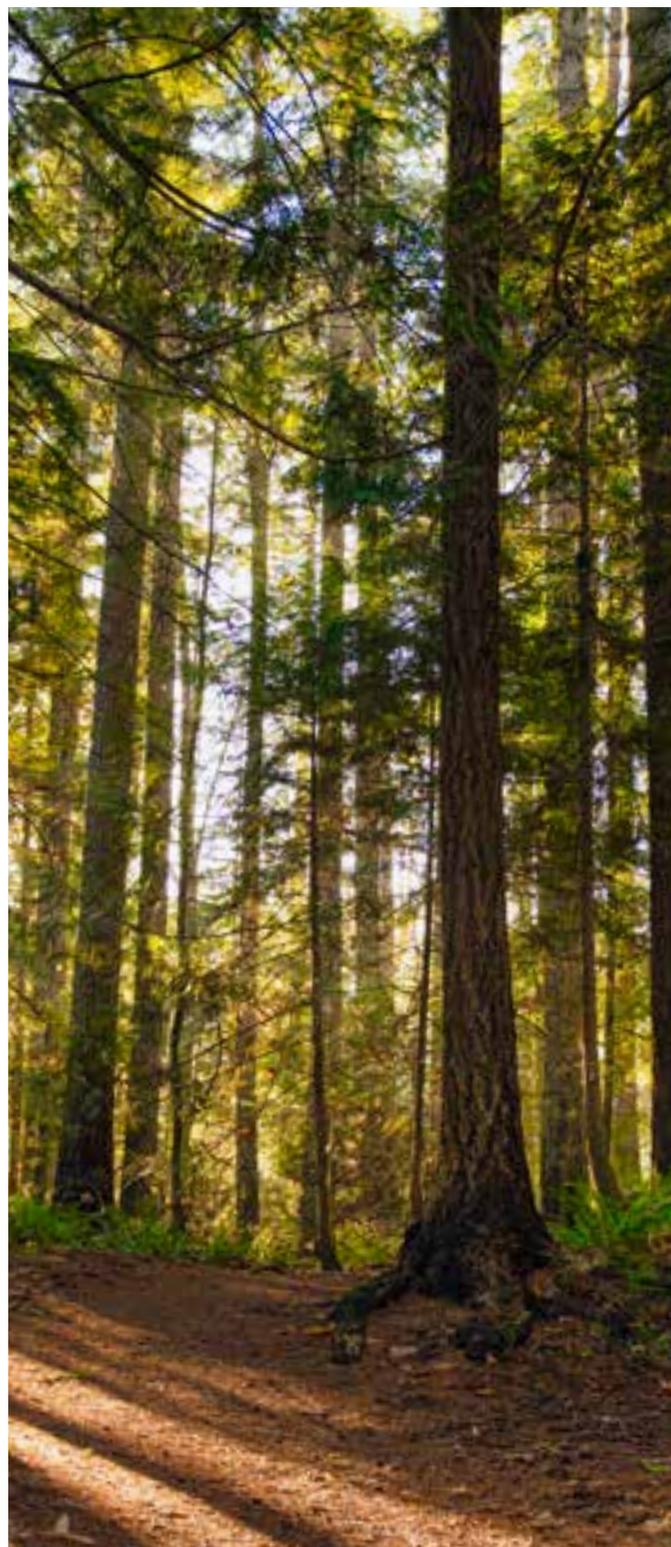
As noted in [Section 3.4.5](#), there is no information available on the specific locations of habitation for members of Wapekeka First Nation. However, given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Project Development Area ([Figure 3-3](#)), it is likely that habitation does not occur within the Project Development Area.

3.5.5.2 Local Study Area

As noted in [Section 3.4.5](#), there is no information available on the specific locations of habitation for members of Wapekeka First Nation. However, given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Local Study Area ([Figure 3-3](#)), it is likely that habitation does not occur within the Local Study Area.

3.5.5.3 Regional Study Area

As noted in [Section 3.4.5](#), there is no information available on the specific locations of habitation for members of Wapekeka First Nation. However, given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Regional Study Area ([Figure 3-3](#)), it is likely that habitation does not occur within the Regional Study Area.





3.6 Understanding of Perspectives on Cultural Continuity and Wellbeing

Sections 3.6.1 to 3.6.4 describe the available information on Wapekeka First Nation and / or Oji-Cree perspectives on cultural continuity and wellbeing. The information is general to Wapekeka First Nation and / or the Oji-Cree. Information on Wapekeka First Nation and / or Oji-Cree perspectives on cultural continuity and wellbeing in relation to the proposed Project is provided in [Section 3.7](#).

The information presented is largely based on two secondary sources of information (although several other supporting sources have been used and referenced throughout):

- Heather Thompson's Master's thesis, *Beyond Subsistence: Understanding Local Food Procurement Efforts in the Wapekeka First Nation in Northern Ontario* (2018), which discusses the importance of hunting and the connection to the land; and
- An article in the *International Journal of Environmental Research and Public Health*, by Keira A. Loukes, et al., "Wapekeka's COVID-19 Response: A Local Response to a Global Pandemic" (2022), which discusses transmission of knowledge among generations.





It is assumed that cultural continuity and wellbeing is dependent on several factors that are interrelated:

- **The protection of cultural, spiritual, and / or historical sites and areas of importance:** Loss of or changes to cultural, spiritual, and / or historical sites and areas of importance to Wapekeka First Nation have the potential to impact the ability of Wapekeka First Nation people to continue their culture and traditions, and their cultural wellbeing as a result;
- **The ability for continued experiences on the land:** Changes to the ability of Wapekeka First Nation people to continue their experiences on the land, and the many benefits these experiences provide, have the potential to impact cultural continuity and wellbeing;
- **A sufficient level of lands and resources for traditional use:** The continuation and wellbeing of Wapekeka First Nation culture requires a sufficient level of and access to lands, water, and resources; and
- **The ability to practice and pass on language and cultural traditions:** Cultural continuity and wellbeing requires that Wapekeka people not only practice their language and cultural traditions, but that they are able to and pass them on to the next generation.

These important factors set the stage for the structure of this section of the report.





3.6.1 Protection of Cultural, Spiritual, and Historical Sites and Areas

Cultural and spiritual sites and areas may include burial sites, ceremonial sites, traditional gathering sites, sacred sites and areas, teaching sites, place names, and areas with important stories or legends. Historical sites and areas refer to areas of historical importance and may include old trading posts and churches.

An important meeting location for Wapekeka First Nation and Fort Severn First Nation was at the confluence of the Sachigo and Severn Rivers. People would gather at that this location in the winter and during the fall caribou hunt (Sieciechowicz, 1985). Other rivers, streams, and lakes, including the Fawn River and Angling Lake, are also important cultural areas for the subsistence and travel values they provide for Wapekeka First Nation. It is also recognized that Wapekeka First Nation people, as Oji-Cree, have their own intimate relationships with the water, and women are the keepers of the water (Chiefs of Ontario, 2008).

At the time of writing, there is no further information available on cultural, spiritual, and historical sites and areas of importance to Wapekeka First Nation.

3.6.2 Continued Experiences on the Land

At the time of writing, there is no information available specific to Wapekeka First Nation in terms of the experiences of community members on the land. However, information available on the Anishinaabeg has been used to form a preliminary understanding of potential considerations with respect to the experiences of Wapekeka First Nation community members when out on the land.

The Anishinaabe worldview is grounded in spirituality, and among the Anishinaabeg, a good life is transmitted spiritually (Gonzalez et al., 2023). This is accomplished by following Anishinaabe ways, including spending time on the land to hunt, fish, and gather (Gonzalez et al., 2023). Spending time on the land to observe and listen is also an important part of reciprocity, and how knowledge is acquired (Gonzalez, 2023). In addition, creating space for quiet within nature is an important pathway to Anishinaabe wellbeing (Gonzalez, 2023), and being out on the land allows people to find solace (Tsuji et al., 2023).





Being out on the land also:

- Promotes community belonging and strong, healthy relationships (Gonzalez, 2023);
- Allows Indigenous people to feel connected with their ancestors, and reinforces the spiritual and community connectedness (Robbins & Dewar, 2011, as cited in Nightingale & Richmond, 2022); and
- Supports physical and mental health (Gonzalez, 2023).

Further, the Shibogama First Nations Council Elder’s Proclamation (1999) “encourages the unfettered access to practice our treaty and aboriginal rights to hunting, fishing, trapping, and gathering,” indicating the importance of being on the land for the Shibogama Council First Nations, including Wapekeka First Nation.

According to Thompson (2018), Wapekeka First Nation community members value:

- The ability to hunt for food, which encourages them to undertake long and expensive hunting trips;
- The relationship or connection between food and the land; and
- Sharing traditional food with friends or family, including through idea of community feasts.

Thompson (2018) also writes that the children know that there is value in the ability to hunt for their own food.

3.6.3 Sufficiency of Lands, Waters, and Resources

At the time of writing, there is limited information available specific to Wapekeka First Nation in terms of any thresholds that, if exceeded, impair the ability of community members to exercise their rights, including maintaining their culture and cultural wellbeing. However, it is recognized that the continuation and wellbeing of Wapekeka First Nation culture requires a sufficient level of and access to lands, water, and resources.

Wapekeka First Nation notes that the land is used for the survival of the people and the waterways are of paramount importance to the community. The land and water are the “life line for the very existence of the Wapekeka people” (Wapekeka First Nation, n.d.). Being out on the land is important for Indigenous people, including





Wapekeka First Nation, as it helps to transmit traditional stewardship laws and customs across and between generations thereby helping to protect the land and resources (Tsuji et al., 2023).

There is also no information available specific to Wapekeka First Nation in terms of traditional laws that guide their land use patterns and resource management and to enable a sufficient level of lands, waters, and resources for traditional use. However, it is recognized that as Anishinaabeg, Wapekeka First Nation holds important stewardship responsibilities. Being able to go out on the land allows for laws and customs related to protecting the lands and this important stewardship responsibility to be transmitted across and between generations (Tsuji et al., 2023). Further information on traditional legal principles and stewardship responsibilities of the Anishinaabeg is provided in **Sections 2.1.5** and **2.1.6**, respectively.

3.6.4 Ability to Practice and Transmit Cultural Traditions

Among the Anishinaabeg, continuing and transmitting cultural traditions to the next generation is important for cultural wellbeing and healing (Gonzalez, 2023). Being able to go out on the land allows for cultural traditions, stories, and language to be transmitted across and between generations (Tsuji et al., 2023). Elders play an important role in transferring knowledge and sharing oral history and stories that provide teachings on how to live a good life, and how to live in a good way (Gonzalez, 2023).

During the COVID-19 pandemic, the Wapekeka First Nation community came together to teach one another traditional skills. For example, more experienced women taught less experienced women how to butcher fish, geese, and moose, the importance of proper knife handling, and the custom of food distribution in the community (Loukes, et al., 2022). Experienced hunters trained younger hunters, and provided butchering lessons. This ongoing sharing of knowledge will help the community in the long-term, as the younger generations will have the knowledge to harvest and process traditional foods (Loukes, et al., 2022). The pandemic allowed for youth to be out on the land learning skills; however, ongoing financial support is needed to support this on-the-land learning (Loukes, et al., 2022).

Community members see culture being expressed in the community through food (Thompson, 2018). Feasts were identified as popular events and expressions of Wapekeka culture, as they provide an opportunity for consuming traditional foods, sharing, and socializing (Thompson, 2018).

This lens will be applied to the assessment on Wapekeka First Nation's cultural continuity and wellbeing.





The Shibogama First Nations Council Elder’s Proclamation (1999) declares that “parents must teach their children the traditional values and practices in relation to wildlife, waterfowl, and marine life. Misuse and abuse of natural resources cannot be tolerated; thus, it is important that traditional knowledge is transmitted to younger generations.” Loukes, et al., (2022, p.10) also discusses the importance of inter-generational knowledge transfer as follows:

A tremendous amount of cultural knowledge is required to safely travel through the boreal forest, especially in the winter. Wapekeka’s careful maintenance and growing resurgence of this (cultural) knowledge is significant considering the colonial legislation, practices, and institutions, such as residential schools, that worked to separate Indigenous youth from their families, repress cultural practices, and disconnect communities from free movement through and governance over their traditional lands.

Anishinaabe knowledge and teachings are also contained within traditional language. Historically, it was through traditional language that children were taught to have respect for the earth and other beings on it (Gonzalez, 2023). Traditional language is also an important aspect of Anishinaabe identity (Gonzalez, 2023).





3.7 Understanding of Cultural Continuity and Wellbeing in Relation to the Project Area

Sections 3.7.1 to 3.7.4 describe the current understanding of Wapekeka First Nation cultural continuity and wellbeing factors in relation to the proposed Project. It is expected that these factors will form the foundation for the assessment on Wapekeka First Nation's cultural continuity and wellbeing.

It is recognized that Wapekeka First Nation's cultural continuity and wellbeing is closely related to land, water, and resource use for traditional purposes. As noted in **Section 3.5**, it is assumed that Wapekeka First Nation's land, water, and resource use for traditional purposes does not occur within the Project Development Area, Local Study Area, or Regional Study Area for the assessment.

It is important to note that the purpose of this preliminary existing conditions report is to develop an understanding of what is important for Wapekeka First Nation cultural continuity and wellbeing. This is not an assessment of potential impacts to Aboriginal and /or Treaty Rights. The assessment on potential impacts will be completed in future stages of the Environmental Assessment / Impact Statement.

The assessment of potential impacts on cultural continuity and wellbeing will also be informed by the results of other relevant Valued Component assessments (e.g., visual, noise, air etc.). It will also be informed by additional inputs from the proposed Project's Indigenous Knowledge and / or Consultation Programs.

3.7.1 Protection of Cultural, Spiritual, and Historical Sites and Areas

Section 3.7.1 provide an overview of cultural, spiritual, and / or historical sites and areas in relation to the Project Development Area and the Local and Regional Study Areas.

It is also likely that the protection of waterways is important to Wapekeka First Nation for the protection of cultural, spiritual, and / or historical areas, and for cultural continuity and wellbeing. This lens will be applied to the assessment on Wapekeka First Nation's cultural continuity and wellbeing.





3.7.1.1 Project Development Area

As noted in **Section 3.6.1**, there is limited information available on the specific locations of spiritual, cultural, and / or historical sites and areas of importance to Wapekeka First Nation. However, given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Project Development Area (**Figure 3-3**), it is likely that these sites and areas do not occur within the Project Development Area.

3.7.1.2 Local Study Area

As noted in **Section 3.6.1**, there is limited information available on specific locations of spiritual, cultural, and / or historical sites and areas of importance to Wapekeka First Nation members. However, given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Local Study Area (**Figure 3-3**), it is likely that these sites and areas do not occur within the Local Study Area.

3.7.1.3 Regional Study Area

As noted in **Section 3.6.1**, there is limited information available on specific locations of spiritual, cultural, and / or historical sites and areas of importance used by Wapekeka First Nation members. However, given that the preliminary Area of Interest for Wapekeka First Nation does not overlap with the Regional Study Area (**Figure 3-3**), it is likely that these sites and areas do not occur in the Regional Study Area.

3.7.2 Continued Experiences on the Land

Based on the information available and presented in **Section 3.6.2**, it is likely that the following is important to Wapekeka First Nation for the continued experiences on the land, and for cultural continuity and wellbeing:

- Being able to experience the peace, calm, spiritual, and mental health aspects of the land when practicing cultural traditions;
- Being able to experience the healing aspects of the land, including important medicines and the mental health benefits; and
- Being able to maintain community and kinship ties and values through community social traditions and cultural traditions like sharing meat.

This lens will be applied to the assessment on Wapekeka First Nation's cultural continuity and wellbeing.





3.7.3 Sufficiency of Lands, Waters, and Resources

Based on the information available and presented in [Section 3.6.3](#), it is likely that the following is important to Wapekeka First Nation and for cultural continuity and wellbeing, and for the ability of Wapekeka people to honour their role as stewards of their lands:

- Being able to practice traditional land governance and honour stewardship responsibilities to protect the lands, waters, and resources; and
- A sufficient level and quality of lands, waters, and resources, as well as access to resources.

This lens will be applied to the assessment on Wapekeka First Nation’s cultural continuity and wellbeing.

3.7.4 Ability to Practice and Transmit Cultural Traditions

Based on the information available and presented in [Section 3.6.4](#), it is likely that the following is important to Wapekeka First Nation for the continued practice and transmission of cultural traditions:

- Being able to have intergenerational experiences on the land to practice language and cultural traditions;
- Being able to practice cultural traditions in the preferred way (i.e., preferred resources and methods in the preferred times of year); and
- Being able to have continued access to and use of important teaching sites and areas, including place names and sites and areas of importance based on oral history.





Next Steps



The Marten Falls First Nation Project Team invites you to share your feedback and comments on the information contained in this preliminary draft report. We welcome any additional information you would like to share with us. If there are additional sources of information you would like us to include for this report, we welcome you sending us this information. We are available to meet at your earliest convenience to further discuss the information found in this report. To arrange a time to meet and / or to provide comments or share additional information, please contact:

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