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Chair

Mr. Chris Warkentin

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• (1535)

[English]

The Chair (Mr. Chris Warkentin (Peace River, CPC)): Colleagues, I'm going to call to order this 35th meeting of the Standing Committee on Aboriginal Affairs and Northern Development.

Today, colleagues, as you know, we have a number of witnesses before us.

I'll first recognize Ms. Crowder on a point of order.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Thank you. I didn't see it on the agenda, but I had brought forward a motion asking the committee to study the following: [T]he subject matter of the sections of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, which directly fall within the mandate of this committee, namely Part 3, Division 5, Fisheries Act; Part 4, Division 46, First Nations Land Management Act; Part 4, Division 49, First Nations Fiscal and Statistical Management Act.

I just wondered why it wasn't on the agenda, because I had thought there was adequate time on the notice of motion. That's all. I'd be happy to deal with it later in the agenda, because we have guests.

The Chair: Yes, it would probably be best to move it later on, if you're fine with that. A member can move a motion at whatever time, as long as he or she has given due notice. I didn't realize you had wanted time set aside for that. But you've indicated it's something you want to do, and I think we will probably have time today.

Ms. Jean Crowder: Okay, perfect.

The Chair: I can't speak on behalf of what might come, but I have a full expectation of that happening.

Ms. Jean Crowder: Sure. It's just that it wasn't on the agenda. That's the only reason—

The Chair: Sure, yes. We have a number of motions that have served notice and we just don't ever know when they're going to be moved, unless committee members, in fact, notify the chair. But thank you. I think there'll be time.

The meeting today is pursuant to our study on land use and sustainable economic development. We do have representatives here from the Mohawk Council of Kahnawake, Hatchet Lake and the Hatchet Lake Development Limited Partnership, as well as the Prince Albert Grand Council.

We always start with the opening statements, and then we have several rounds of questioning. I think we'll have a fair bit of time.

Who is leading off today? Have you determined that among yourselves?

Chief, we'll turn it over to you, then. We'll have your opening statement, then we'll turn to your colleagues who may have additional opening statements.

Chief Bartholomew J. Tsannie (Chief, Hatchet Lake Denesuline First Nation): First, I want to say good afternoon to everyone.

I want to thank you for having us and for the opportunity to be heard today. We are looking forward to our discussion and some questions after the opening comments.

My name is Bart Tsannie. I am the chief of the Hatchet Lake First Nation, which is in northern Saskatchewan, in the Athabasca region. We're about 724 kilometres northeast of Prince Albert, Saskatchewan.

Our first spoken language is Dene. Our people continue to live off the land and rely on the caribou for sustenance and cultural and traditional practices.

I am here with you today with my colleagues: Elder Jean Tsannie; the band councillor, Paul Denechezhe; our economic director, Anne Robillard; and the Athabasca land use coordinator, Diane McDonald.

Anne Robillard will present the economic development portion of our presentation, whereas I will briefly touch on land-use issues and how they tie into the social and economic aspects on and off reserve.

My colleague Diane McDonald will assist me with part of my presentation.

In our community in the Athabasca region, we understand that in most developed countries a secure land base is the key to the economy, equitable investments, revenues, and business partnerships on many other scales, including access to and extraction of our natural resources in the Athabasca region.

To improve current federal policies and practices for sustainable development and our economic opportunities, we need to work together with our neighbouring Denesuline communities on regional land-use planning and economic development as a priority in the Athabasca region.

In the early 1990s, northern Saskatchewan held joint panel reviews on uranium development focusing on the Athabasca region. A provincial government framework was to address a number of elements: communications and consultation, environmental planning, financial planning, employment planning, community and economic development, and the regulatory framework. This framework is not working today.

In Saskatchewan, public policy is failing to address these fundamental issues to achieve a balance in regard to the social and economic characteristics of our changing community in such areas as market conditions and the world price of uranium; the insufficient funding for improving the education and skill levels of the population; community social infrastructure; regional economic infrastructure, such as highways, etc.; financial services, such as development funds and revenue sharing; the high cost of living in poverty; and institutional conditions, such as local government facilities, etc.

In 1999 we entered into an impact management agreement with Cameco and AREVA in our regional communities in Athabasca as a result of the 1990s joint panel reviews, as we are the communities primarily impacted in Athabasca. The existing IMA is a community-company agreement, which addresses only some of the communication, environmental, social, and economic issues raised by our communities during the hearings of the 1990s, which are still ongoing concerns today. The initiatives supported by the IMA are shown in the table in the text of my remarks, a copy of which you have.

We want to offer some specific recommendations, based on our own experiences as leaders, to improve the living conditions and standards in our community.

- (1540)

We note that the B.C. government and first nations lead the way in the good, fair, and appropriate equitable partnerships. But our Athabasca communities, as the primary impacted communities, continue to live in poverty while multinational corporations benefit from our land and resources. To address these fundamental issues, we require great financial commitments by government and industry to continue to work collectively and create more modern partnerships so our people will have the economic sovereignty and prosperity needed to address the third-world living conditions we are faced with, including social programs and initiatives. These funds will need to include, but not be limited to, the following: local and regional funding commitments for participation in the duty to consult, accommodate, and reconcile; local and regional land-use planning initiative funding capacity; local and regional direct partnership agreements with government and industry, and the modernization of the benefit-sharing agreements, including negotiation funds and resource revenue sharing; local and regional infrastructure funding; local and regional training funds; and local and regional funding for social and cultural programs for youth and elders.

In land-use planning, we have formed a partnership with our Denesuline communities in developing a regional land use plan to manage the land and its resources. The Athabasca land use and management plan has been developed without the support for

approval of the provincial government or the federal government. We request that the committee to take this matter seriously and assist us in revising the draft land use plan to make the necessary changes in light of the current changing world. We request assistance in funding, approving, and implementing our Athabasca land use plan. We want to prosper in our communities and manage the lands on reserve and off reserve in good partnership with both the federal and provincial governments.

With good governance, good management, and sound regulatory regimes and policies, we can prosper nation to nation and maximize the benefits and opportunities for promoting community development, and can direct input for business opportunities in a sustainable and balanced approach to the environment.

Land-use planning is one way of addressing aboriginal and first nations' treaty rights infringements from the development activities. It's a tool for good governance and decision-making; a good tool for management of the lands and resource use; a good tool to address the duty to consult, accommodate, and reconcile; a good environmental standard for protecting the environment and the people's health; and great for business opportunities and partnerships.

We want to stress that we have been stewards of our land for thousands of years and we want to ensure the continuation of the abundance of life we have shared with the Creator for many generations.

Millions of dollars have been allocated to deal with cleaning up the abandoned mines the most northern region of the Athabasca. These legacy mines have caused many barriers and hardships for our people to this day, but society seems to forget that we are the ones who faced the unknowns of uranium mining and their contamination to the environment, wildlife, fish, and our health, without any compensation.

- (1545)

And with the lack of business opportunities to maximize regional benefits from the cleanup, the Saskatchewan Research Council continues to promote out-of-province companies as the primary beneficiaries of the opportunities. Our people continue to be ignored and disrespected in many ways. We want this committee to address the matter before the environmental assessment is approved for the cleanup, meaning working with our people on a regional level.

Having said this, we also require full capacity for meaningful participation in the environmental assessment processes for these types of projects. The streamlining of environmental assessment processes does not address the duty of the crown to consult, accommodate, and reconcile. We require fair participation in these processes with meaningful participation in managing our land and resources for future generations.

The on-reserve Uranium Mine Ownership Act is currently undergoing proposed changes by the current government. The proposed changes should include the participation of our people. Our people should be consulted on this matter, and we request being included in the planning and discussions of the proposed changes, which may have a huge impact on our communities, and our aboriginal and treaty rights.

Lastly, I want to express that, according to the United Nations declaration adopted by the UN General Assembly in 2007, Canada needs to recognize the rights of indigenous peoples of Canada.

In closing, together we can do this and build a solid treaty, walk, share our passion, and make Canada stronger to move forward in building a good relationship with our Denesuline into the 21st century.

Again, *Marci Chogh*. Thanks for the opportunity for us here today to present our issue.

Thank you very much.

The Chair: Thank you, chief.

Anne, we'll turn to you now, and then we'll go over the Chief Phillips.

Ms. Anne Robillard (General Manager, Hatchet Lake Development Limited Partnership): Thank you, Chair.

Standing Committee on Aboriginal Affairs and Northern Development, the formation of the Athabasca Basin Development Limited Partnership is one of the many ways in which the first nations in the Athabasca region have approached economic development. The Athabasca Basin Development Limited Partnership, known as ABDLP, is an excellent example of an aboriginal success story. It was formed in 2002 to pursue mining service opportunities in uranium mines. It was formed as the result of the determination of community leaders to fully participate in mining activities in their traditional areas.

The keys to the formation of this include community unity and an impact benefit agreement with the mining companies, partnership, and persistence. After several years, the company's expertise became transferrable to other geographic areas, which has led to expansion outside the region. ABDLP has a vision to be the leading entrepreneurial aboriginal-owned investment company in Canada.

As for ABDLP's ownership and governance, three first nations—Hatchet Lake, Black Lake, and Fond du Lac—own 70% of the company, while four non-first nations—Wollaston Lake, Uranium City, Camsell Portage, and Stony Rapids—own the remainder. Of the company's five-member board of governance, first nations comprise the majority, including me as a chairperson.

Regarding ABDLP's successes, the partnership has ownership in nine companies, ranging from 30% to 100% ownership. These nine companies have their own governance structure to provide services to the mining and exploration sector, or government. We have investments in drilling underground, mining securities, construction, aviation, logistics, road maintenance, electrical, and labour supply. Our investments have provided services in commodities such as uranium, potash, oil sands, iron ore, diamonds, and gold. Consolidated revenues from investments in 2012 will exceed \$90

million. The unit value in our investments has increased from \$100 per unit to pretty well over \$350,000 per unit in 10 years. Our investments have worked for mining exploration companies in four provinces and one territory. Total employment from all investments has exceeded 1,300, and no fewer than 200 aboriginal people are employed. We have partnered with other first nations in some of our investments. ABDLP was the inaugural winner of the Skookum Jim Award in 2008 and won provincial awards, including best new venture and best aboriginal partnership. ABDLP has also consistently reinvested its profits to fuel its growth while maintaining its distributions to unit holders.

The seven first nation communities in the Athabasca region are the only communities in Saskatchewan without all-weather road access. All the uranium mines in the Athabasca region have year-round access to their sites. As for the all-weather roads initiative, currently, Wollaston Lake is served by a provincially owned barge and an ice-road. Black Lake and Stony Rapids are served by seasonal overland roads, and Fond du Lac is served by a two-month road and a private barge in the summer. For over 10 years the building of an all-weather road to Wollaston Lake has been proposed, a road of some 107 kilometres, as well as completion of the road to Stony Rapids and Black Lake, of some 185 kilometres, and the building of an all-weather road to Fond du Lac, of some 85 kilometres, as well as support by ferry to cross one kilometre of the river.

On the Athabasca region's contribution to Canada, I would point out that all of Canada's uranium is produced in the Athabasca region, accounting for 20% plus of the world's supply, making it the number-two producer in the world. Communities situated in Athabasca make it feasible for airlines to deliver scheduled service, for trucking companies to make regular trips to the region, and for hotels and stores to be established. All of this is vitally important to exploration companies, which would be at a tremendous disadvantage if services were not available for their various exploration cycles. Indeed, Athabasca communities endure harsh living conditions on a daily basis, but the required services for that help create better infrastructure for industry over time. The region also hosts world-class fishing lodges, and communities have a current and future workforce only a short distance from the resource sector.

● (1550)

Why should roads be built? Athabasca is a positive contributor to Canada and to the province of Saskatchewan. The ice roads are becoming less reliable. A significant hydro project in Black Lake would be enhanced by road access. Exploration costs can be reduced, which can lead to mines. We have community populations that are young and growing. Health will be improved. Costs are unacceptably high, potentially higher than in northern territories. Youth could access recreation opportunities much more easily. And the rest of Canada has roads that have proven that they are positive for society.

Where is the government? No less than three times in the past ten years the provincial and/or federal governments have made financial commitments to the roads, and governments agree the roads are needed. Of the three times commitments were made, either governments could not make an agreement or government did not follow up on their commitment.

Governments were encouraged during the fiscal stimulus program to build roads to which no commitment was made. Currently the status is that the provincial government has committed to building the road to Wollaston Lake by 2013 and has essentially withdrawn from its commitment.

Marci Chogh. Thank you.

The Chair: Thank you so much.

We'll turn now to Chief Phillips for his opening statement.

Chief Clinton Phillips (Council Chief, Mohawk Council of Kahnawake): I'm a little bit nervous here, so have a little bit of patience. Now I know how O.J. Simpson felt.

Some hon. members: Oh, oh!

The Chair: We hope this will be a little more friendly. There is no reason to be nervous. We're all friendly and we certainly want to thank each one of you for coming.

Chief Clinton Phillips: I've prepared an introduction followed by a three-page presentation, and I guess a question and answer period will follow that.

I'd like to introduce my associate director of lands, Mrs. Debbie Morris.

I ask for your patience beforehand, because I've been elected for almost three years now and I've held the lands portfolio for all of three weeks. This is all very new to me.

On behalf of the Mohawk Territory of Kahnawake, located near Montreal on the south shore of the St. Lawrence River, I, Chief Clinton Phillips, will submit the following presentation outlining the challenges we face as a community with regard to land management and economic development issues. To begin, I will provide a brief historical overview of Kahnawake from an economic and land management perspective.

Both before and since European contact with my ancestors on Turtle Island, there has been a rich and distinct trade history that resulted in the unrivalled control of the eastern seaboard by the Iroquois Confederacy, of which the Mohawks are the eastern nation. Primarily the Dutch, British, and French settlers participated in trade relations with the Mohawks for a variety of goods.

A treaty relationship between colonial governments and the Mohawks was a device that encouraged further settlement and geographic expansion for the colonists. The necessity for trade with the Mohawks was crucial for European survival.

Later on, as allies of the crown, the Mohawks generally and the Mohawks of Kahnawake specifically aligned with both the French and British crowns. Our men have given their lives in service to the crown, and we were respected for our abilities. In modern times, our

community has provided servicemen and women in the forces of both Canada and the United States.

The strategic geographic location of Kahnawake settlements has resulted in a varied economic history, from the successful fur trade monopoly in the 1600s to subsistence and commercial agriculture in the early 1900s, including the cultivation of tobacco. These were important sources of economic vitality. We lived through the seigneurial land tenure system and the resulting mismanagement of our traditional territory under the French regime, and the subsequent reservation system under the British and Canadian regimes. These experiences forever reduced our historical land base and our economic opportunities and hindered our prosperity within our land; yet they did not stop our strong will to survive.

Once government policy had eroded our land base, Kahnawakero: non were forced to seek employment within the carpentry and iron-working industries. Many a city skyline can identify buildings erected through Mohawk ingenuity and the drive to build a better life for our families, better opportunities for our children, and security for our future.

For over 100 years, Kahnawake men have travelled long distances to support their families, away from them for weeks at a time, sometimes taking their families with them away from home, away from what they knew. The iron-working industry remained the primary source of income for Kahnawake families throughout the 20th century.

By the 1980's, economic recession in the United States had limited the number of jobs available in the industries most identified with my community. The travellers had become weary, wanting an opportunity to prosper while remaining in our community.

Since then, my community has struggled with the inability to develop our lands for economic investment because of outdated, paternalistic Canadian government policies that limit and in most cases stop economic development; for example the Addition to Reserves or ATR policy, which continually provides time-related roadblocks that can last beyond five to ten years, in some cases—years when our land remains out of our control, years when economic development cannot occur, and ultimately years when we are denied prosperity.

We are currently in discussion with both the federal and provincial governments to transfer lands adjacent to the current reserve that have already been agreed to. This and any future opportunity cannot and should not be subject to the aforementioned paternalistic ATR process, which apparently is the only method to transfer the land—land that is ours, land that was never given up, land that will sit dormant and idle until the “Great White Father” decides to “give it back”. This is totally unacceptable.

Another land issue that continues to plague my community results from 100-year leases made between the federal government and third-party interests, leases that occupy acres of land with no consultation and minimal compensation. This is slowly changing, but the damage has been done. There are other land management issues in Kahnawake that can be addressed, but this timeframe is just too limited.

In conclusion, Kahnawake's economic prosperity, rich social and family values, and maintenance of our traditional heritage are legacies demonstrating the strength and perseverance handed down from our ancestors.

• (1555)

The policies did not succeed. The reservation system did not succeed. The residential school system did not succeed. And any attempt at economic strangulation will not succeed.

Thank you.

The Chair: Thank you, Chief.

I should just note that my wife is part Mohawk. And certainly there is a long history of building buildings throughout the United States, and I know that is a history that many in your community continue to this day.

• (1600)

Chief Clinton Phillips: Including my father...

The Chair: Is that right? That's quite remarkable.

Anyway, that's just a personal anecdote, and certainly you're among family, in some respects. It's good to have you again, all of you. Thank you for taking the time today.

Ms. Crowder, we'll turn to you for the first seven minutes.

Ms. Jean Crowder: Thanks, Mr. Chair.

I want to thank our witnesses for coming forward and to thank Chief Tsannie for mentioning the UN Declaration on the Rights of Indigenous Peoples. Part of what underlies this discussion is the absence of free, prior, and informed consent, which is an important part of the UN declaration.

I want to start with Chief Phillips for a moment.

Just so you know the timeframe we're dealing with, I have seven minutes, which includes our exchange.

Chief Clinton Phillips: Hello. How are you? What's new?

Ms. Jean Crowder: I'm good.

We should talk about family before we get into these questions, but that's not possible.

I have a report from April 5, 2012, "Reserve Land and First Nations Development". It is a summary of a report that was done at Kahnawake on land management. There are a couple of points I want to raise from the report. I think it highlights the difficulties you are challenged with.

One of them is the number of certificates of possession and how that limits chief and council and the elders from saying what they're able to have happen on a land. I want you to comment on that.

The second thing I want you to comment on is this. This is just an example of the relationship with what was then called Indian and Northern Affairs and now called Aboriginal Affairs and Northern Development. It says: To illustrate the current state of land-related affairs,

Kahnawá:ke representatives explained that a land transfer was rejected by INAC

because of a wrong band number, so the transfer was sent back to the INAC local office to fix it, and five years later it still hasn't been fixed.

And that was just simply a wrong band number.

So I wonder if you could talk about the impediments within the bureaucracy, within the framework, that get in the way of your ability to move forward on economic development.

Chief Clinton Phillips: With the current system of titles and certificates of possession, in Kahnawake 85% of our lands are private lands, due to whatever happened in the past. We have large parcels of land that people have acquired because there is money in Kahnawake today. People are able to buy 50 acres, 30 acres, 60 acres, whatever, and I believe, at last count, we had over 5,000 certificates of possession.

Ms. Jean Crowder: Do you have any ability to manage that? Can you set bylaws, zoning, those kinds of things, on those CPs?

Chief Clinton Phillips: Currently in Kahnawake we have no zoning laws whatsoever. So you can have a beautiful house and then have a pig farm as your neighbour. There's no zoning.

There is a movement currently. A zoning law was requested by a community member and we do have in our community what we call the community decision-making process, where laws are created and enacted, and zoning is one thing that is coming up. It's huge. It's going to be gigantic. We're probably looking at a two-year timeframe from start to completion for that zoning law. So we're not there yet, but hopefully we will be there really soon, because there are too many issues.

Every issue in Kahnawake has to do with lands and lack of lands that we can access. Personally, in my family, my grandmother inherited land with her siblings, and because of undivided interests and the family, her grandparents' lot now has about 50 owners at last count. So somebody has to buy somebody out. And who's going to win? This undivided interest is just not working for us; it's just creating more of a headache, more layers on that onion.

People have lived 50 years and not seen an inheritance that should rightfully be theirs. My grandmother is gone. My mother inherited hers. My mother is 70. Is she going to see it in her lifetime? I don't know.

That's just one little hurdle that we face in Kahnawake on a regular basis.

Debbie, as the land unit's associate director would maybe be able to add more to that, if she would like.

Ms. Debbie Morris (Associate Director, Lands Unit, Mohawk Council of Kahnawake): There are many problems created by this very thing, over and above the undivided interest. You have to keep in mind that we have a lot of contaminated lands in Kahnawake, which makes them unusable. When you go there and you take a look, these lands are beautiful to our people who are building homes right beside a contaminated dump site, and we fear for their health. They're drawing the water from the ground, they're bathing their children with this water, they're washing their clothing, and cooking with this water. So how can we help our people to prosper? I know I'm getting off the subject of the—

•(1605)

Ms. Jean Crowder: It's okay. I think my colleague, Jonathan, is going to follow up on the environmental end of it, so he'll give you an opportunity to expand on that.

Do I have time, Chair?

The Chair: You have about two minutes.

Ms. Jean Crowder: Chief Tsannie, I just wanted to touch for a moment on the revised draft land management plan that you're asking for support on. You talked about appropriate consultation with the original land management plan. How involved were your people in consultation with the original land management plan?

Chief Bartholomew J. Tsannie: Thanks for the question.

My colleague here with me has been doing this study for quite a number of years now, so I'll have my colleague, Diane, respond to that question.

Ms. Jean Crowder: Thank you, Chief.

Ms. Diane McDonald (Land-Use Coordinator, Prince Albert Grand Council): Regarding the original land management act, our people have actually never been involved in any consultation, period.

Ms. Jean Crowder: So how did it happen without your involvement? It's your land.

Ms. Diane McDonald: Exactly. Our people are being more educated nowadays, and we are so unaware of many policies that have been proposed by provincial and federal governments, and we're just learning as we're going along in our lands department.

Ms. Jean Crowder: Just so that it's clear, somebody handed you a land management plan and said, "This is it", even though these are your lands, your territory?

Ms. Diane McDonald: No. I mean, we've never been handed the land management act, but we've learned through the Internet that the land management act is being reviewed. I come from Fond Du Lac Denesuline First Nation, and we were invited to attend the consultation by the aboriginal affairs department, I guess, and that's how I became aware of what the land management act was all about on the reserve. We don't know a whole lot about it, but we know that it does exist, and we certainly understand that there are proposed changes coming to the mineral act on reserve. Certainly, our people were never, ever consulted when it was first evolved, either.

The Chair: Thank you.

Ms. Crowder, thank you for your time.

Mr. Wilks, we'll turn to you now for seven minutes.

Mr. David Wilks (Kootenay—Columbia, CPC): Thank you very much, Chair.

My questions are for Chief Phillips.

We've heard from many first nations with regards to the process of adding land to reserve. It's time consuming, costly, and a pain in the *derrière*, shall we say. Kahnawake is presently adding three additions, as I understand, two through the province and one through Transport Canada. From that, I also understand that your community has lost a lot of potential economic opportunities that come with that.

I wonder if you could tell us about some of those potential economic opportunities that have been lost, and where you see yourselves moving forward.

Chief Clinton Phillips: Through economic development, we've had many different opportunities over the past few years. You need to have a perspective on the exact location of Kahnawake, on where we're situated. We have every single type of highway, byway, bridge, car bridge, train bridge, St. Lawrence Seaway system, Quebec autoroute running through a 24-square-mile area. That's what Kahnawake is in size—not to mention that we're under Montreal Dorval Airport's flight pattern. So planes, trains, automobiles, and ships; we have it all.

We also have high rates of cancer in our community, and I'm pretty sure this is due to environmental issues, whether it be genetics or environment. That is something we need to be mindful of all the time.

We have had different things come our way through our economic development authority in Kahnawake. We have a business that does exactly that, look at different things. Through the Seigneurie of Sault St-Louis land claim, which is currently at the federal level, we're looking at wind turbine energy. We were successful in working with Hydro-Québec, although it's not in Kahnawake or in the traditional seigneurie area. We've had to look at renting lands, probably about 40 miles away from the current reserve. That's going to cost us, because we can't do it in our back yard. Although traditionally we did have the lands, we don't have the lands. Although we like to think they're ours, legally they're not.

That's just one little case of how, by not having access to our traditional lands, we are affected. It is affecting what we can generate to create a better Kahnawake for our people.

We're also looking, because of the new Quebec Autoroute 30, at having a truck stop/hotel—the whole nine yards. That's what we're trying to work with Quebec on right now, to get the process out of Quebec's hands into the feds' hands.

They're saying they're ready to do it—it's a goal—but the problem is the feds. This is the part that can last for five or ten years. What we would like and what we were hoping is that we can get the green light from the feds to go ahead and start using the land immediately. If it's coming back to us—it's been designated, and both governments say it's coming back—why can't we use it yesterday?

•(1610)

Mr. David Wilks: That probably spins into my next question, which is, what do you consider some of the main challenges when it comes to the current addition-to-land process?

Ms. Debbie Morris: It's the length of time, obviously. It's quite a lengthy process for the lands to be eventually returned to us.

In the example Chief Phillips was just alluding to, the truck stop, there's a very small window of opportunity for this to become a success. Once that highway goes through and everything is up and running, somebody else is going to take that economic opportunity away from us.

Currently we have a high rate of unemployment in Kahnawake. We don't have the resources our brothers have. They have diamonds; they have all of the land they were talking about earlier. We don't; we have this little, square piece of land, and we have people who would love to work, but there are no opportunities.

I know of a mother who will not have dinner so that her children will eat. This lady wants to work. What can we offer to them? There's only so much employment that we have right now. Something along these lines or all of the other economic development plans that people have in store are opportunities for people to be employed.

I see that you're running out of time.

Mr. David Wilks: Thank you.

Particularly I understand that there's an issue with regard to the Highway 30 lands, and your community has encountered the issue of third-party encumbrances with that. I'm wondering if you can explain how this has affected negotiating your agreement.

Ms. Debbie Morris: In order for us to move forward, the third parties would have to be satisfied, or their leases would have to be finished, or the farmers—because it is an agricultural area that we're talking about right now.... Until these pieces are gone and moved out of the way, we can't move forward.

Again, I have to refer to that small window of opportunity that we have. We're really hoping that this could be a success and that we could have employment for our people. As was mentioned earlier, we have some people who still do ironwork, and that is how income is brought into the community, but it's not the same as it used to be. My father was an ironworker, as was Clinton's and our grandfathers before them. But not as many people are able to do that type of work today.

Chief Clinton Phillips: I'm sure everybody is aware that Kahnawake just went through a referendum last week in regard to a casino, a yes or no vote. Unfortunately, it was a no, as I'm sure you're all aware, and that's difficult for me.

I've been involved in social services for 18 years as a board member of our social service organization. It's difficult for me to say, "I'm promoting a casino. I'm promoting addictions." That's not the thing here. I was looking at economic prosperity for Kahnawake.

We had studies done because of our location, and it would have been on the ATR lands, on the outskirts, directly off Autoroute 30, because of the amount of traffic that flows through. Conservative studies came back of it being a \$50-million profit in year one, and creating 900 jobs around the clock. We would have had to hire outside the reserve to facilitate all these positions.

So that \$50 million plus was conservative. We were told that was very conservative. It was more like \$80 million. And to know that's not coming through is difficult. It's a huge loss: the jobs; the revenue to the community, to the collective.

•(1615)

The Chair: Thank you, Chief.

Thank you, Mr. Wilks.

We'll turn to Ms. Bennett for seven minutes.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thanks very much.

Maybe I'll just continue there because I think some of these ATR issues are so difficult to understand. Talk to me about the truck stop or hotel, or whatever that might be. What would it take for you to be able to bid? Right now the land is in an ATR process. Have you bought the land? Or are you asking for it to be returned to you?

Chief Clinton Phillips: It will be returned to us. We don't have to purchase it. It was part of, I guess, the original expropriation for Highway 30 to go through. It was part of our lands, and it was gone.

Hon. Carolyn Bennett: But as to the timeliness of your being able to bid on whatever this economic venture is, what would it take for that to happen in a timely fashion such that you are able to be successful?

Ms. Debbie Morris: We would have to be able to use the lands immediately. There's also a question of the status of the land. Would it be reserve status? Would it be fee simple lands in order to be able to attract investors? If not, we would be able to do it at our own pace, a little slower; but still, it's about the ability to use this land immediately.

Hon. Carolyn Bennett: Are there any environmental issues with that land?

Ms. Debbie Morris: There's an area that is being deemed a wetland within this area. It never was before until Highway 30 came, but with the drainage it created an area there.

Hon. Carolyn Bennett: How long have you been trying to get this resolved?

Ms. Debbie Morris: This is fairly new. It's been in the process less than a year. As I was saying earlier, it's something we're trying to get through.

Hon. Carolyn Bennett: I think we're trying to get our heads around what could be a recommendation from this committee that would actually insist on some timeliness on these things. I think if, even in leaving, you came up with something that you would love to see in the recommendations of the report, we'd love to receive it at any time.

Chief Clinton Phillips: We would love to see a green light to go ahead and start using that. Let the process continue in the background, but let us use the land immediately.

There's no reason that—

Hon. Carolyn Bennett: But it's clear that it's going to be yours.

Chief Clinton Phillips: Well, it's logical. If it's coming back to us—and Quebec and Ottawa agree it's coming back to us—why do we need to wait five to ten years to start making a dollar?

Hon. Carolyn Bennett: Okay. I think that's an interesting point that we can make.

From Hatchet Lake, we've seen a lot of examples of where things on top of the land are interesting—and certainly last week in the Okanagan we saw what people can do on top of the land in order to make money. But it seems that when the resources are below the land, it becomes more complex. Obviously in your case, two other first nations and two local municipalities are having to come together with a plan where you all agree.

Do you have any advice for this committee as to how you would do it again? What would be the minimum or optimal kind of consultation or structure that would ensure that you would be dealt with fairly in going forward, if you had to do this all again?

• (1620)

Ms. Diane McDonald: I could speak to that.

We're not talking about doing things over and over again. Even though we've developed a land use plan as a region, two other first nations communities are involved along with the municipal communities—and this was originally a partnership with the Province of Saskatchewan. Certainly the issue came about when the provincial and federal governments pulled back funding for land-use management. They took away that particular program and implemented the economic action plan a few years back. Certainly we want to build on what we have in our land use plan. We know it's in a draft and over the past six years we've been trying to get financial assistance to revise that plan, but there is no commitment from anybody to provide any financial assistance for us to finish the plan and get the plan approved and implemented.

We want to work in partnership with the province and the federal government on managing the land and resources. We have a vision, and if you see the map in the chief's presentation, it shows you what we've already done over the years.

In terms of consultation, we've developed a protocol for the development and review process, and that's a joint initiative between the seven communities in the Athabasca region. Indeed, everything is done collectively among our Dene communities. That becomes an issue for the province, and especially industry, because industry has an interest in the resources right next to our communities.

We want to build a good relationship and ensure that our communities move away from third world living conditions. Even though we have good economic partnership programs, that doesn't mean they address everything we face, as the chief has outlined, in terms of the social aspects of it.

The Chair: Thank you.

Mr. Payne, we'll turn to you now, for seven minutes.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Chair.

I thank the witnesses for coming today. It's important that we hear your testimony.

My questions will be directed toward the Kahnawake council and Chief Phillips.

I understand that on February 16 you signed a memorandum of understanding with the Minister of Aboriginal Affairs and Northern Development, with the ultimate goal of allowing Kahnawake to manage land and individual affairs autonomously while respecting Canada's past, and certain present, legal obligations.

I heard you talk about the casino issue, but can you tell us what other economic objectives that Kahnawake is looking at in the vision, the plan?

Chief Clinton Phillips: No, I don't mind telling you that the casino was the big thing, but there are several others. We're looking at pharmaceutical companies to help generate much-needed dollars

on the reserve. At the Tewatohni'saktha, which is our economic development department, they are really brainstorming regularly on what can be brought in.

Our last update was on the wind energy turbines, which is just about a go. I can't recall the dollar amount annually that they will bring in, but there's a contract over a length of time. It's something like \$50 million, I think, over a 15-year time span. It's guaranteed by Hydro-Québec, so that's a go.

The truck stop/hotel is another one, the whole nine yards. People in the community want to see more family-oriented activities, such as bowling alleys and multiplex movie cinemas, but if you look in the real world—Montreal, Ottawa, or wherever—these places are not doing so great themselves.

So in terms of a wise decision, is it a wise decision? I don't think so. We don't have the luxury to gamble the people of Kahnawake's money on anything but a sure thing.

I don't know if that answered your question or if that skipped around it.

• (1625)

Mr. LaVar Payne: No, that helps.

Ms. Debbie Morris: Our main asset is our location, the way we could provide service to the surrounding communities. As you know, we're just across the river from Montreal. That is how we foresee creating economic development.

Chief Clinton Phillips: Adding to what Debbie just said, there is something that we're hopeful about, and that's the possibility of creating a port. The St. Lawrence Seaway system was built through Kahnawake, through the heart of our community. I think thousands of acres were expropriated for the St. Lawrence Seaway system. The foundation of my grandfather's house is still there in between the St. Lawrence River and the channel that was carved out in the mid-1950s.

So we have the location. Kahnawake is all about location. The port of Montreal is over its limits. It has exceeded its limits. There is no room for expansion at the port of Montreal. There's no room for anything. It would be of benefit to everybody if we were to pull that one off, opening a port of Kahnawake.

Mr. LaVar Payne: You talked about pharmaceuticals. Is that a research facility, or is that manufacturing, or...?

Chief Clinton Phillips: Right now I guess it's more like the dispensing of medication. It's not a huge endeavour, but it's something that's being thrown at us.

Mr. LaVar Payne: Looking out 10 or 15 years, what do you see for Kahnawake?

Chief Clinton Phillips: Well, I'll share with you that coming back from a trip from Toronto, I met up with a real estate developer with a huge company worldwide with 30,000 employees. We started talking and kicking things around. He was representing a huge U.S. company that was looking for a stretch of land in our area.

We came very close—very close, almost signing on the dotted line—to something that would have generated \$50 million a year and created 400 jobs. It was just leasing our land for a distribution centre of a huge U.S. company.

The only obstacle was the Quebec political environment. It was not us or anything to do with ATR or whatever; it was the political climate in Quebec.

Mr. LaVar Payne: Okay. I was wondering what was happening with that and if there was any further opportunity for you there.

Maybe you could just briefly tell us what's holding you back from the Kahnawake to meet that vision and move forward to the future.

Chief Clinton Phillips: I guess our land base is key here. I mentioned earlier that 85% is privately owned. If we're looking at a territory that is only 15% owned by the "common", I guess is the word, there's not much room for movement. We really need expansion.

You know, Kahnawake will never expropriate land from its own people. Personally, my family has a farm. It's no longer a farm—it's all residential now, but it was a working farm of 10 acres. We have family living on there. My brother has an acre and a half, my niece has an acre. Expropriate half of that? It's not going to happen. First of all, our people wouldn't allow it. There would be a revolt like you've never heard. That's out of the question.

• (1630)

Mr. LaVar Payne: Okay.

Just in terms of moving down the road and talking about land use and land codes, have you done a lot of work in that area? What do you see for the future? Have you developed those also for environmental...?

Ms. Debbie Morris: We have, but what we need to do, though, is build it hand in hand with our community members. I don't know if you're aware of this, but the Indian Act and how land is currently handled is totally foreign or opposite to how we traditionally held and managed our lands. Even the way that we lived on the land is not there any more.

We've all been raised under the Indian Act, so there's that type of mentality, as if were, that we face. However, there are still a lot of people who want to go back to a traditional way. So we need to iron that out and to be able to develop something that is suitable for us, something that we want for our own selves, not something that has been imposed upon us.

So yes, we have done a lot of work, and we are ready to begin a dialogue with our community on this. This is part and parcel of what you were speaking of earlier on the MOU that was signed.

Chief Clinton Phillips: Keep in mind that Mohawks are a matrilineal and matriarchal society, so everything is the women—landholders, everything. They elect the chiefs. They do everything in the traditional way of living. So we don't have much to say or do—

Voices: Oh, oh!

Chief Clinton Phillips: —but just to listen and abide.

Mr. LaVar Payne: So are you saying that the chief is just kind of a title and that you have to...?

A voice: Hey...

The Chair: Thank you, Mr. Payne.

Mr. LaVar Payne: All right. Thank you very much.

The Chair: Thank you, Chief.

We will turn to Mr. Genest-Jourdain for five minutes.

[*Translation*]

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Good afternoon, Chief Phillips and Ms. Morris.

In reading over the document on your community, some things jumped out at me, including the recent and past occupation of your ancestral lands. Years ago, some companies did certain things, such as releasing 5,000 kilos of benzene and 250,000 kilos of toluene into the environment. Other studies pointed to lead contamination in your community, and its potential effects on aquatic life, amongst other things.

I would like to know whether this information is accurate, and what effect this contamination has had on your land and how this might affect its economic development.

[*English*]

Chief Clinton Phillips: As per Indian Affairs studies, we have eight documented contaminated sites within that 24-square mile radius, which is Kahnawake. I don't know if it's the reality, but people say that in North America it's one of the highest concentrations of contaminated soil in any community. I'm including Mexico in that figure. So that says a lot, doesn't it?

I'll toss something else in there. It has to do with contaminated land sites and it also has to do with what I talked about earlier about lengthy land leases. The Kanawaki Golf Club has a hundred-year lease. That hundred years comes to an end in 2021. In 1972 they renegotiated a 25-year extension clause, so that brings them up to 2046. The Minister of Indian Affairs is a signatory of that documentation.

I have a problem with this. Kahnawake has a problem with this. The contamination there is probably not any fault of the golf course currently, but for 20, 30, 40, and 50 years, there were no guidelines on what could be spread there in terms of getting the grass as green as it looks today. You'll never see that colour of green anywhere in the world but at that golf course—you can probably see it from the moon.

But it's contaminated, and contaminated to the point where environmentalists would be concerned if somebody were to build a home there and let children play on the grass. So that's another example of the problems we face in terms of environment and our lands. And it's not just that, not just the golf course, but the private dump sites that were opening throughout the sixties and seventies. It's just terrible. You would never want your child to play in there.

• (1635)

[*Translation*]

Mr. Jonathan Genest-Jourdain: I also know that a committee on the protection of the environment, which is part of a network of ecological groups, was created in your community. What is the expertise of this organization and what role does it play in your community? Is Safety-Kleen Systems still located near your community?

[English]

Ms. Debbie Morris: Oh, yes; yes, they are. They come in and pick things up.

Our environment office actually was born because of the contaminated sites. It was a grassroots movement where, actually, a group of women said no more to this dumping of contaminants. As we were saying earlier, who knows what is dumped there? We don't know. Pharmaceutical waste, chemical waste, medical waste, everything you can think of is dumped there.

When this ended up happening, in 1987 the office was born. Currently there is an environmental coordinator. Her name is Eva Johnson. You may have heard of her. She is very prominent within a lot of environmental circles. There's a woman named Lynn Jacobs. She has her master's in environmental science, I think. There's also Holly McComber. Basically it's those three people along with an administrative assistant.

They do a lot of work to ensure that our community remains as pristine as possible and that we preserve the lands we have. There are studies going on with regard to species at risk. Being an isolated area, we do have a good number of species at risk there. A lot of protection goes on there.

What was the other part of the question?

[Translation]

Mr. Jonathan Genest-Jourdain: It was on Safety-Kleen Systems.

[English]

Ms. Debbie Morris: Yes. They do come in. They also manage our solid waste and do regular garbage pickup. A recycling program has been developed, where they go door to door to pick up all the recycling material. There's also a transfer depot. Community members are able to bring their household hazardous waste there.

The Chair: Thank you, Ms. Morris.

Thank you, Mr. Genest-Jourdain.

We'll turn to Mr. Clarke for five minutes.

Mr. Rob Clarke (Desnethé—Mississippi—Churchill River, CPC): Thank you, Mr. Chair.

I'd like to thank the witnesses for coming.

Chief Phillips, and Chief Tsannie, thank you for coming, and thank you to the elder as well for coming here to testify today before the committee.

I have a couple of things to say, Chief Phillips. During our study, we travelled in British Columbia, and in Saskatchewan just last week. We saw some of the economic benefits. But it's also been quite disheartening. We travelled to Muskeg Lake and to the Whitecap Dakota First Nation. With my home first nations, we had the opportunity to build a casino right in Saskatoon. However, what transpired with that and the City of Saskatoon is neither here nor there.

But we saw the opportunity that the Whitecap Dakota had and the steps they had taken to build a casino about 20 minutes outside the city limits. We've seen now the economic benefits, such as a golf

course, which I believe will be paid off next year. I believe it's six or seven years that it's been in play. They're making arrangements to build a new clubhouse, but first they want to pay off the mortgage so that they can have a mortgage-burning party—and then go back into debt again and build a new clubhouse.

We've also seen, in terms of economic benefits, that they're proposing a new multi-unit hotel with major, major conference centres that will outshine Saskatoon, or anything that's available in Saskatoon.

Now, you've mentioned a couple of times here, just in regard to some economic development opportunities...and in terms of the casino, it's disheartening, seeing about \$50 million go out the door. But you mentioned, too, another \$50 million just with regard to a seaport.

With the ATR, I'm just wondering what other opportunities your band is looking at in terms of economic opportunities. Like, we hear about these big million-dollar opportunities. Can you provide some examples, first, of the type of moneys the first nation is bringing in currently, second, how they are addressing the needs of maybe enhancing further land in their community?

• (1640)

Chief Clinton Phillips: On an active level, Kahnawake owns MIT, Mohawk Internet Technologies. We're not part of the gambling aspect of MIT, but we own the facility. It's kind of like we own an airport, but we're not charging Delta and Air Canada to fly in and out—it's solely rents. I believe it's a little over \$3 million that Kahnawake pulls in annually as a result of MIT.

The money that MIT generates is going to help us offset a lot of the costs of running Kahnawake. I think our annual budget is about \$40 million to keep the streets clean and the ambulances and fire trucks and the school system running.

You know, in Kahnawake, we're very, very fortunate. I've travelled across Indian country in Canada and the United States.... We have our own hospital. We have a 43-bed hospital on the reserve. We are in the middle of expansion to I think 72 beds in total. We have rehabilitation. We have extended adult care. We have elder care. We have our own high school. We have our elementary schools. We have five schools within the territory of Kahnawake.

So in terms of what we have, it's huge—huge—compared to other reserves. There's a price to have all that. There's a price, and it's getting more and more difficult to zero-balance. I'm pleased to say that in this past fiscal the band council was able to zero-balance. We keep getting recognition from Ottawa in regard to being able to do that. We're one of the few that can do that, due to sound and good money management.

Like it is for everyone else in the real world, every day it gets harder and harder to make ends meet. We're no different.

Mr. Rob Clarke: Okay.

Chief Tsannie, in regard to first nations land management, do you have anyone in place right now who—for one—has taken the course? Also, with the economic development.... I understand how remote Fond du Lac, Wollaston Lake, and Black Lake are. In trying to purchase land, what opportunities are you taking right now to acquire lands or what types of business have you acquired off the reserve for economic development?

Chief Bartholomew J. Tsannie: Like you said, the property is remote, here and everywhere, but towards the economics, we've been trying so hard to get other.... Right now, they are working on TLE, but you know....

For business, I think I'll have Anne respond on some of the economic opportunities we have.

Ms. Anne Robillard: Thank you, Mr. Clarke.

There are other opportunities that some communities have looked at and sought. There's tourism. For Hatchet Lake, our community, we have potential in marketing our fish, that is, with commercial fishing. Right now, we're working on our fish-packing plant and on upgrading it to a full processing plant. We have proposals out there and that could expand if we reach the federal standard. Provincially we're at the standard, but we're working towards the federal standard to market our fish outside Saskatchewan.

So that's what we're looking at aside from our business successes. These are our other opportunities. If we get our all-weather roads in, these are some of the things that we have potential in.

The Chair: Thank you very much.

Thank you, Mr. Clarke.

Mr. Bevington, for five minutes.

Mr. Dennis Bevington (Western Arctic, NDP): *Marci Chogh* to the delegates here. I come from north of you in the Northwest Territories, from Fort Smith, so I'm just a little downstream from Lake Athabasca. I certainly hear what you're saying.

I'm of course very interested in how you're doing with your development corporation. It's a similar model in the Northwest Territories with regard to a number of claims organizations that have settled claims.

I'm curious. What triggers and tools do you use to get the companies onside for supporting your businesses? Is it strictly a bidding process? Do you get any incentives through the land ownership, or through anything that comes from your treaty land entitlement, or from any of those aspects?

• (1645)

Ms. Anne Robillard: Maybe Diane can answer some of your questions. But right now we don't have anything in place whatsoever. The unity in our southern communities makes it a success, but we need to move forward. I have talked about transportation already, but Diane can help me answer some of that question.

Chief Bartholomew J. Tsannie: Hatchet Lake and the other communities are the most impacted by the mines, because a few mines are right on Wollaston Lake, on the west and east coasts of that same lake.

Diane mentioned that we were not properly consulted in past years, but now they are coming to our tables and trying to negotiate economic opportunities and jobs and training with the industries here.

Mr. Dennis Bevington: Well, I have to say that you've done very well, then, to establish the kinds of businesses that you have now, with the kind of yearly revenue that you're talking about. That's very impressive. I guess it must be part of your tenacity.

You mentioned the environmental impacts of the mines. I know, for instance, that the Fort Chipewyan people have quit fishing in the lake because of their concerns about the pollution from the oil sands. Do the people at the eastern end of the lake have similar issues?

Ms. Diane McDonald: I can speak to that, because I grew up on that lake. Certainly we're seeing changes to our lake, to Lake Athabasca, from the oil sands development. Our people who fish, who live off the land....

It's not only in that area. We're not exactly sure where it's coming from, but we know that there are abandoned mines, with effluent and tailings management from existing mines, from Gunnar and Larado, that have been seeping into our lakes for the last 50 years. To this day it's still happening.

So yes, we do have big environmental concerns. It does affect our people in terms of fishing and sustainability because it's killing our fish. There's evidence that fish are dying and fish are disappearing within those mine sites. And the water levels affect us on Lake Athabasca. Not only that, but the proposed B.C. hydro...could also have an impact on Lake Athabasca for us. There is concern about the project "C" that's undergoing environmental assessment in B.C.

I just want to elaborate a little bit more on your question about the tools and triggers in terms of a bidding process. Certainly there is no process in place, but with good corporate social responsibility from the companies, I think, under provincial legislation.... There's some legislation within Northern Development affairs that they have to have a northern contract in their uranium mines development. But that legislation is itself so outdated—it's been there for 20 or 30 years—it doesn't meet the standards of the current society.

Certainly one way of having to have different kinds of tools available for us in terms of economic development and cooperation is to have, as I said earlier, modern business partnerships with the existing mines and companies and to have an impact and benefit-sharing agreement. We do have an existing IMA, but it doesn't address the current needs and traditions of our people.

The mining companies understand that. Yes, they are prepared to renegotiate our existing impact management agreement, but one of the shortfalls we have in that process is negotiation funds for our people, to have some training funds towards renegotiating the impact management agreement. Aside from that, the companies are willing to provide all the resource dollars for the negotiation process. Certainly the downfall is in terms of the training, so that our negotiators can understand the different types of negotiations and the different types of impact management or benefit-sharing agreements. We need to understand what's going to work for us and what's not going to work for the mining companies. It works both ways. We need to have good understanding of those processes, including the world market in uranium mining.

We live right next door to these mines, and we wonder how a lot of their effluent or discharges affect the environment. But—

• (1650)

The Chair: Thank you, Ms. McDonald.

We'll turn now to our next questioner, who is Mr. Boughen.

Mr. Ray Boughen (Palliser, CPC): Thank you, Chair.

Let me add my voice of welcome to the panel and for your taking time this afternoon to visit with us. Certainly we appreciate the input that you're able to supply.

I'm looking at a couple of the questions I have here, and I understand that Hatchet Lake Denesuline First Nation and other members of the Athabasca region—Fond du Lac and Black Lake first nations, Stony Rapids, Uranium City, Camsell Portage, and Wollaston—have endorsed the Athabasca land use plan. This land use plan endorses the collective management of resources in the far north of the province in an integral and environmentally sound manner.

I'm interested in hearing from the panel on what factors led to the development of this plan. What prompted you to move into that plan, into that particular strategy?

Ms. Diane McDonald: I can speak to it because I've worked on it for 10 years and I'm very familiar with it and the communities, including one of my colleagues there.

As I said earlier in my presentation, this was originally a partnership with the Province of Saskatchewan, its Ministry of Environment, and its actually one of the unique partnership agreements that we've been able to negotiate. The land use plan came about because of the dredging of Lake Athabasca. There's no more barging of the goods and services into the region. So part of it was the negotiation of the Athabasca seasonal road, which Anne spoke to earlier.

One of the conditions that our elders and leaders had agreed to in the past was that a land use plan be developed so that we could manage the lands and resources. I say this because roads lead to resources. Certainly we know the resources in the Athabasca are rich and there are a lot of opportunities for interest groups to come up. And part of it is so that we don't have infringements on our aboriginal treaty rights.

Part of that was one of the conditions for our entering into an agreement with the province. The province actually sat at our table

while we developed the draft land use plan. It got boycotted by industry, where industry didn't want additional layers of rules applied to them because they felt they had the right and free consent to access the resources. This is our traditional territory and we understand that we have rights too and that we need to protect those rights.

Certainly we're not saying that we're against development, but we'd like to have a balanced approach in how we want to manage the lands and how it benefits our people in the north.

One thing is looking at our housing, as I'm sure Rob knows. Having been in our communities, he understands the living conditions of our people and the programs and the facilities we have. We're lacking all of these things that our cousins are saying they have, the paved roads and recycling bins. We don't have those kinds of things, and we're asking for them so that we can prosper economically. We don't have offices like this; we have shacks.

A land use plan could actually address a lot of the social and economic issues for us, and that's the reason we've entered into those agreements with the province. Certainly it would be great to renegotiate a new agreement, including with the federal government, and work on something that would be beneficial to the people in the Athabasca.

• (1655)

The Chair: Thank you.

Thank you very much, Mr. Boughen.

Mr. Ray Boughen: So I'm out of time, Chair?

The Chair: Yes, I do apologize. The time flies when you're up.

We're going to turn to Mr. Bevington, who'll be splitting his time with Ms. Hughes.

Mr. Dennis Bevington: I wanted to carry on a little with the environmental issues, because I know they're very important to you. One of the issues I was interested in is what's happening with the air pollution from the oil sands, the acid rain issues with your lakes in northwestern Saskatchewan. Have you seen that kind of thing going on?

Ms. Diane McDonald: We've seen changes over the years, especially on the lake where the border is. You can look at the map in Chief Tsannie's presentation. The water used to be nice and clear on the Saskatchewan side, but now the discolouration is actually coming much closer, towards Camsell Portage. Based on our people who actually go out on the land and the lakes—because people are out there during the summers all the time—we can see that coming into our region.

The thing is, you know, our winters are changing. With climate change, we're faced with warmer temperatures. One of the things is that acid rain does a lot of damage to the environment, and certainly that's a real key concern for us, because we still live off the land. We still eat the fish. We still eat the moose and the caribou, you know. How much of that from the acid rain is actually going to infringe on our rights?

Certainly, one of the other pristine places, just west of Fond du Lac, is the Athabasca sand dunes. It's a rare place with rare species of plants, and certainly there's economic opportunity there. I think it's something that's so pristine that we have to make sure to maintain that wilderness park and keep it in place.

The Chair: Mrs. Hughes.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Thank you.

I want to welcome you here as well. I appreciate having an elder here. I have a lot of respect for that.

I have a couple of questions with respect to the contaminated lands. I'm just wondering about this, because I'm assuming that most of those contaminated lands.... You talked about the golf course, and I'm not sure about the impact on your side; but has there been any commitment from the federal government to assist you in cleaning up those lands? If there was, how long ago was that? Have there been negotiations with the federal government on that part of it?

• (1700)

Ms. Debbie Morris: There has been no commitment. At this point in time, there are studies carried out around a water monitoring program, but that's basically it right now. So we are still faced with the dilemma of those contaminated lands and what it's doing to our health.

Mrs. Carol Hughes: You talked about eight sites?

Ms. Debbie Morris: Yes.

Mrs. Carol Hughes: And on your first nation, Ms. McDonald?

Ms. Diane McDonald: Well, a lot of these lands are off reserve but they are within our traditional territory.

Mrs. Carol Hughes: Okay.

Ms. Diane McDonald: We live off these lands. Certainly, there are 43 abandoned sites within the region, and maybe a couple that.... I think Fond du Lac may have one on the reserve.

Mrs. Carol Hughes: Do you have any outstanding ATRs as well?

Ms. Diane McDonald: Pardon me?

Mrs. Carol Hughes: Do you have any outstanding ATRs—additions to reserve lands?

Ms. Diane McDonald: Yes, Fond du Lac does and Hatchet Lake does, and I think Black Lake does. They all do.

Mrs. Carol Hughes: So how long have you been waiting for yours to finalize?

Ms. Debbie Morris: Well, as I was saying earlier, the one along the Highway 30 area has just been initiated within the past year.

There is another one for a very small piece of property on our western end. That has been going on for three years. We've been faced with issues like the mayor of the community there wanting to change it, and not give us this piece but to give us another piece.... It's very ridiculous, to the point where she had her workers take down the "Kahnawake" sign in her municipality. Things like that are going on, so it's quite disheartening.

Mrs. Carol Hughes: In your communities, Chief, with respect to the ATRs—the addition to reserves—how long have you been waiting for the process to take place? Are you near completion?

Chief Bartholomew J. Tsannie: For Hatchet Lake, we're in the process now, but we're not going to know for maybe another two or three years, or something....

Mrs. Carol Hughes: When did you start the process?

Chief Bartholomew J. Tsannie: Probably about...? When was it?

Mr. Paul Denechezhe (Councillor, Hatchet Lake Denesuline First Nation): We submitted a submission to [*Inaudible—Editor*] I think about two years ago. They haven't responded yet. The lawyers are in the process of....

Mrs. Carol Hughes: Have they indicated that it's because there is a third party in there that there is an issue in moving those forward? I know with you there is, obviously.

Mr. Paul Denechezhe: No.

The Chair: Thank you, Ms. Hughes. Unfortunately, you're out of time as well.

We'll turn to Mr. Rickford for five minutes.

Mr. Greg Rickford (Kenora, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for coming today. I have a little connection to the folks in Kahnawake. I was actually studying law at McGill and had an opportunity to serve in your legal department with some outstanding lawyers, including someone who had graduated from McGill just the year prior to me, so it's great to be here with you.

My questions are going to focus on economic development in the context of a trip that we just took in an area that's of particular interest to me as the member of Parliament for Kenora, where, within 326,000 square kilometres of geopolitical boundaries, we have 42 first nations, 25 of which are isolated. I've been spending a lot of time as the member of Parliament, and in fact, in my capacity as a lawyer just prior to that, looking at this whole idea of urban reserves. Indeed, we saw in at least one instance with respect to Muskeg Lake first nations how beneficial this was in a number of key areas.

First of all, they were not in the city of Saskatoon, so this was an opportunity for some economic development. I think, as importantly, what I heard from the chief and, in fact, what I heard from surrounding communities that were involved in the urban reserve was that this gave a chance to many off-reserve members to reconnect with their community in some meaningful way and to add to the resources that they have there. It was also a place of work that was more comfortable for them. There was a myriad of examples of how this had benefited them.

Chief Phillips, I believe you have two urban reserves, and they each serve up something different in terms of their characteristics. One is about 10 kilometres outside of the city, effectively in Montreal, and the other one, I think, is at Sainte-Agathe-des-Monts, if I'm not mistaken. That land would perhaps be used for different reasons. They represent, if I'm correct on this, about 31,000, plus or minus, acres.

I'd like you to identify for us, if you could, what purposes these are serving in the context of economic development or otherwise and what the differences are between the two.

Then just finally, Diane, regrettably we didn't get up into Prince Albert on our trip to Saskatchewan, but it was an area I was more familiar with, having worked up in Pelican Narrows. I know that the PAGC has a role in the Peter Ballantyne urban reserve and I was wondering, subsequent to that, if you could spend a couple of minutes to treat the whole subject of an urban reserve in Prince Albert and how it serves northern Saskatchewan.

Thank you very much, Chief Phillips, or Debbie, perhaps.

• (1705)

Chief Clinton Phillips: They're night and day.

Mr. Greg Rickford: They're night and day? Okay.

Chief Clinton Phillips: For Kahnawake—or Tioweroton, as we call it—is owned I guess by Kahnawake and also Kanasatake.

Mr. Greg Rickford: Okay.

Chief Clinton Phillips: I guess we're both under the title.

In Tioweroton, there's no electricity. There's no running water. It's camping, living in the bush—Shangri-La, if you ask me. You can't beat it.

You can't beat it. It's a way of life that I guess our people once had and that we no longer have.

Mr. Greg Rickford: Which is a benefit—I mean, these are the things that we're hearing about these reserves.

Chief Clinton Phillips: Yes. It's an hour's drive up north from Kahnawake, in the Laurentians, and it's just beautiful. There are waterfalls, kids swimming in the creek and walking around barefoot, and people helping and respecting each other. It's just a way of life that—

Mr. Greg Rickford: Is it big enough to hunt on, Chief Phillips?

Chief Clinton Phillips: You can hunt moose and deer—it's all there. It's all there....

Mr. Greg Rickford: Okay.

Did you want to add something, Debbie, before we go to Diane?

Ms. Debbie Morris: No, no. I just put this—

Mr. Greg Rickford: I can appreciate that this is a different perspective.

When I was actually working for your council, I worked on an issue that dealt with your band members having difficulty finding areas in which to hunt in northern Quebec. In fact, it was something to do with the James Bay agreement, so I can see where that adds value.

Diane, did you want to chime in on this?

Ms. Diane McDonald: I won't speak on behalf of the Prince Albert Grand Council because I don't really represent PA Grand Council—

Mr. Greg Rickford: Okay.

Ms. Diane McDonald:—but with having my office out of the Prince Albert Grand Council, my role, my responsibility, is to actually work with the Athabasca communities, the three first nations and the seven communities.

I can speak just specifically to the department that the communities have created over the years. Certainly, it's mainly to do with lands and resource management and trying to keep up with all the development activities in the Athabasca Basin, because over even the past year we've had about 20 environmental assessments, and no capacity for dealing with all the—

Mr. Greg Rickford: I'm sorry to interrupt you, Diane, but we have such limited time.

You've interacted with the Peter Ballantyne first nation, I'm sure, and perhaps in a number of different situations. As the voice of somebody representing northern Saskatchewan, then, if not the PAGC, do you see clear positive advantages in areas of economic development and resource and capacity building through the urban reserve that's there in Prince Albert?

Ms. Diane McDonald: I believe so. I think at one point in time... I could speak to my community. Our former late chief was trying to negotiate a treaty land entitlement in Prince Albert, but it was contaminated land so he decided not to go with it.

But I think there are advantages for our first nations to have any lands that are made available in the cities for economic opportunities. I think that's a great idea.

Mr. Greg Rickford: Thank you.

How much time do I have? Am I out of time?

The Chair: I do apologize.

Mr. Greg Rickford: Thank you.

The Chair: We'll turn to Ms. Crowder.

You had a short question.

Ms. Jean Crowder: Yes. I just wanted to come back to the environment for a second, because it's something that Chief Phillips, Chief Tsannie, and Diane McDonald have identified.

Diane, I just want to go back to the statement you made. You've said that there are 43 abandoned sites in your traditional territories. I know that not all of them are on reserve, but we all know that water and air know no boundaries, so it doesn't matter whether it's on reserve or off reserve. It can affect groundwater and it can affect all kinds of other things.

I have a motion before the committee such that hopefully at some point we'll get to call witnesses around the proposed changes to the Fisheries Act, and about the regulations around them, but that's for another discussion. Are you provided with any tools or resources to assist you with the ongoing monitoring of the water and air quality in your traditional territories?

• (1710)

Ms. Diane McDonald: No.

Ms. Jean Crowder: So is anybody doing that? I mean, 43 abandoned sites is a lot.

Ms. Diane McDonald: It is, and some of them are satellite sites, smaller sites. The only moneys that are made available are the millions of dollars in the agreement between the federal government and the provincial government, you know, where the Saskatchewan Research Council has taken the lead role in doing the assessment of those sites.

But our communities are not involved at any level in the monitoring of those sites. We know that we're seeing changes, and we do have high cancer rates in our communities. We have infants who have died of cancer. Our former chief died of cancer. We have high levels of cancer, and we're assuming that maybe it's coming from the fish we eat.

So there are no tools or financials or capacity being provided to us to deal with this—even with the environmental assessment process.

Ms. Jean Crowder: Many of us would argue that when you're talking about economic development, you can't talk about economic development in isolation. You have to include the environmental and social aspects of economic development, because in isolation you have the kinds of results you're talking about.

I know I'm going to run out of time, so I just want to turn to Chief Phillips.

Does your nation have any resources around environmental monitoring? You talked about the group that you have in place, and about this other organization, but does the federal government actually help provide money? Because for the contaminated sites, some of them are based on leases the federal government signed on your behalf.

Chief Clinton Phillips: Not to my knowledge.

Ms. Debbie Morris: No, it's only the groundwater monitoring program, and then the environmental group develops proposals and gets funding that way. But other than that, no, there are no dollars.

Ms. Jean Crowder: So on the 25-year extension on the lease on the golf course, which at some point in time had contaminants on it, whether it's the current owner or not is not the point. Were you involved in any discussions on the extension of that lease? So the government negotiated the lease on your nation's behalf...?

Chief Clinton Phillips: There was the band council of the day. I believe it was 1972.

But you have to keep in mind that Kahnawake was a totally different place in 1972. I mean, back in '72, kids were still walking around barefoot because people didn't have things—you know what I mean? It was a different mindset. When you waved \$200 in front of somebody who likely didn't have two nickels to rub together, that was a lot of money.

Decisions were made based on issues at the time and life on a reserve at the time. It's not the same today.

Ms. Jean Crowder: Are you cutting me off?

The Chair: Well, it's turning into a longer question than a short question. Certainly if there are answers.... I mean, we're not pressed for time, Ms. Crowder.

Ms. Jean Crowder: I just have a yes or no question on the renegotiation of the extension of the lease on the golf course: was an environmental assessment done at that time?

Chief Clinton Phillips: I'm sorry—

Ms. Jean Crowder: On the extension of the lease on the golf course, was an environmental assessment done at that time? Just yes or not.

Chief Clinton Phillips: There's a lack of dollars. We're talking of a lot of money to have an assessment done. We're hoping that maybe Ottawa will kick in dollars, because as I said, the minister is a signatory of the lease, and I guess that would be part of the problem in terms of environmental accountability. We'll exhaust every avenue to get the testing done and to get things right that were done wrong to us and our lands. I'll stop at nothing.

The Chair: Thank you.

Chief, I have just a follow-up question.

Obviously, we're setting land use and economic development, and really the two mechanisms that communities have right now to undertake legislation or regulation with regards to land management are either through the Indian Act, which you're currently under, or else the provisions under the First Nations Land Management Act, which are also there

I read somewhere, Chief, that your community considered in 2005 the possibilities of what the First Nations Land Management Act might provide for your community. I know that you weren't chief at that point in time, but I'm curious if you have any insight as to maybe why the community felt they should reject that provision within law to get outside of the Indian Act. My understanding was that at that point there had been an alternative legislative framework that the Kahnawake community had proposed, something that would have been tailored to the community. I'm wondering if that was something that was written and there's something in place that we could actually review, or if that was more just a suggestion at that point in time.

•(1715)

Chief Clinton Phillips: I'll hand it off to my technician. She's been involved with the land unit for a lot longer than I have.

Ms. Debbie Morris: I believe you're referring to the Canada-Kahnawake relationship.

The Chair: Yes, I've forgotten the title, but I understand there was provision where the community suggested an alternative to those two options.

Ms. Debbie Morris: I remember the presentation that was made to the chief and council at that time for the process. However, at that time there were concerns with the environmental requirements that were in there and the liabilities that would have fallen onto Kahnawake—and, of course, we didn't have the funding to be able to carry forth what needed to be done. So that played a big role in why it was not followed up.

The Chair: I appreciate that. Thank you.

Not seeing any additional intervenors, we'll suspend and just give an opportunity to our witnesses to leave.

But we do want to thank you first before we do let you go. We know that you are all very busy people and you've given your time to be here today. I certainly want to thank you on behalf of the entire committee. Thank you so much.

We'll suspend.

• (1715) _____ (Pause) _____

• (1720)

The Chair: Colleagues, we'll call this meeting back to order.

I want to make colleagues aware of a couple of things. On Thursday we will only have one witness. There was an appetite, it seemed, for a subcommittee meeting. So we're going to try to organize one, if subcommittee members could let me know if it would be workable. We would take part of what would otherwise be allocated for the committee, and then maybe continue for a short time after that 5:30 mark on Thursday, for those who are on the subcommittee.

I'm getting a sense that might not be the best day. I understand people are racing back to their constituencies. Could subcommittee members let me know after this meeting what might work better? We don't need to get into a long dialogue. I'll just make sure we find a time that accommodates everyone's schedules.

In terms of other committee business, I'm not certain that anything else is pressing, other than.... No, I think everything can be handled at the subcommittee. We'll get together and find a time that's suitable for everybody.

Hon. Carolyn Bennett: What about Ms. Crowder's motion?

The Chair: Yes. We'll turn to Ms. Crowder, if you want to do that.

Ms. Jean Crowder: Thanks, Mr. Chair.

I'd just like to move a motion: That, the Standing Committee on Aboriginal Affairs and Northern Development immediately commence a study on the subject matter of the sections of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, which directly fall within the mandate of this committee, namely Part 3, Division 5, Fisheries Act; Part 4, Division 46, First Nations Land Management Act; Part 4, Division 49, First Nations Fiscal and Statistical Management Act.

I think we're all well aware that these parts have been bundled into a complex piece of legislation. Over this last week, and certainly in

our travels, I think we've heard that certain parts of the bill could have an impact on first nations communities. So we're asking that the committee consider studying the sections of the bill directly related to Aboriginal Affairs and Northern Development.

It's an important piece of legislation that requires oversight. I know that in the past various bills from various governments have been passed with unexpected consequences—and that's not a partisan remark. I know all committee members are hard-working and would be concerned if a bill had an unintended consequence. I'm sure we want to do our due diligence and make sure this bill doesn't have that effect.

I know that the Assembly of First Nations, for example, has issued a series of questions around the Fisheries Act. It's not clear to us what those changes are. We understand there are going to be regulatory changes, but the Assembly of First Nations has posed a number of questions that I think will be important for this committee to consider.

I think it makes sense for us to have a full study of these particular sections of the bill. Again, we know that mistakes have been made in legislation in the past; we've had to see legislation come back to the House to correct those mistakes. I think it's important that we take the time we need to study the bill and its impacts to make sure there are no unintended consequences.

I'd ask all committee members to support my motion.

• (1725)

The Chair: Not seeing anybody on the speaking list, I'll move to a vote. All those in favour?

(Motion negated)

The Chair: I don't think there's any other committee business, so the meeting is adjourned.

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