

# RETURNING HOME

*Indigenous Displacement in Manitoba's Interlake Region*

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## ABSTRACT

### *Indigenous Displacement in Manitoba's Interlake Region*

The practicum is a discussion of western laws, policies and agreements that have altered connections and relationships to the land within the context of the internally displaced community of Lake St. Martin in Manitoba's Interlake Region. It is important to acknowledge that there are a multitude of laws, policies and agreements that exist within Provincial and Federal jurisdictions and that the practicum begins to provide an overview of the complexities of these relative to Indigenous communities in Manitoba and the land.

The Indigenous reserve of Lake St. Martin First Nation, in the Interlake Region of Manitoba is the focus of the practicum work. In the Spring of 2011, the Government of Manitoba diverted flood water to Lake Manitoba and then to Lake St. Martin. This artificial diversion saturated much of the original reserve land of Lake St. Martin First Nation and has continued to displace members to this day. The practicum identifies a pattern of displacement through case study analysis and seeks to consider how to move forward in a spirit of reconciliation through the lens of a student in landscape architecture.



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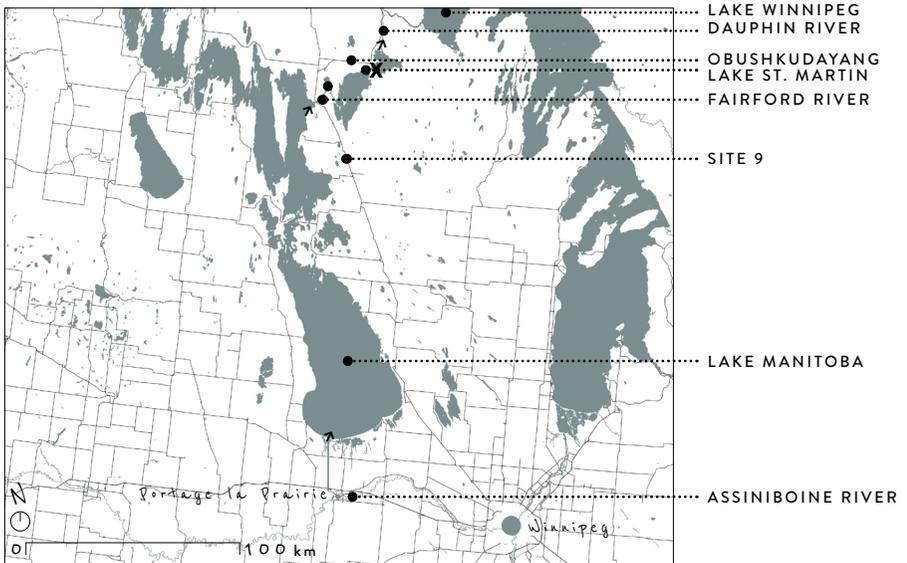
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# 01

## BACKGROUND



► Figure 1.1 - Context Map of Lake St. Martin First Nation.

### OCTOBER 2010

Southern Manitoba records one of its wetter years on record and receives between 50 to 100 millimetres of rain and snow towards the end of the month (Manitoba, Flood Information, n.d.b).

- Soil moisture levels are marked as being the second highest since 1948, with 2009 being the highest (Ibid, n.d.b).

### NOVEMBER 2010 to MARCH 2011

The province sees cooler temperatures over the course of the winter, resulting in deep soil-frost penetration. This means that it would be expected that the spring melt water would "spread out instead of soaking in" (Manitoba, Flood Information, n.d.b). Southern Manitoba also saw a large amount of snow over the course of the winter. It was noted in the middle of the season that the snowfall was at the highest it had been in fifteen years (Ibid, n.d.b).

### MARCH TO MID-APRIL 2011

Colder temperatures lingered around the province with the arrival of spring. These temperatures resulted in a slow melt and expected flooding in this region of the province of the province was delayed (Manitoba, Flood Information, n.d.b).

### LATE APRIL 2011

Heavy precipitation towards the end of April (including both rain and snow) contributed to the fact that there was nowhere for the water to go when the melt would begin (Manitoba, Flood Information, n.d.b). Water levels continued to increase on a number of rivers in Manitoba, notably, for this practicum, the Assiniboine River. A high flood risk was declared on all six rivers in the province – again including the Assiniboine River (Ibid, n.d.b).

► Figure 1.2 - Timeline of events leading up to and including the 2011 'Superflood'

The flooding on the Assiniboine River was considered to be a one in 330 year flood, whereas Lake Manitoba was considered as a one in 2000 year event.

(Manitoba, Flood Information, n.d.b).

**'SUPERFLOOD':**  
*a flood of DANGER to people or a settlement on a regional or sub-national basis. It can create widespread INUNDATION and lead to disaster conditions.*

(United Nations Centre for Human Settlements, 1995, pg. 2)

For the protection of Winnipeg, the province's largest city, water was diverted from the Assiniboine River to Lake Manitoba. Water flows north, north-east from Lake Manitoba through the Fairford River to Lake St. Martin. Lake St. Martin is located 225 kilometres northwest of the City of Winnipeg. This diversion of water forced registered members of Lake St. Martin First Nation to evacuate the reserve in its entirety at the beginning of May 2011 (CBC News, 2016). At the onset of the evacuation, community members were dispersed into hotel accommodations within Brandon and Winnipeg. As a result of the extensive flooding on the Lake St. Martin First Nation reserve lands, the Provincial and Federal Governments established a new community approximately five kilometres away from the flooded site (Hobson, 2017). The Government of Manitoba "spent \$1.5 million to buy 3,200 acres for a new reserve site that community leaders reject" (Galloway, 2018). This site has become known as the Halaburda lands in the media, and were described by elders in the media as "swamp" (Ibid, 2018). Members of Lake St. Martin First Nation had actually voted in favor of a different site, known as "Site 9". The approximate location of Site 9 is between Grahamdale and Moosehorn, Manitoba. The proposal to purchase the site did not go forward as the First Nation did not have the \$2 million required to purchase the land (Ballard, 2017). The community grew tired of not having a permanent land base and a resolution was passed in 2012 by the Chief and Council, despite past and repeated opposition to the chosen Halaburda site (Ballard, 2017). The new reserve land resides on four and a half quarter sections in the Rural Municipality (RM) of Grahamdale and is comprised of both Provincial Crown land and land that was purchased by the Provincial Government (JR Cousins Consulting Ltd., 2017). A community plan has since been developed by JR Cousins Consulting Ltd, with the basic infrastructure having been put into place. Members of Lake St. Martin First Nation began returning to the community in the fall of 2017. As of August 2019, a total of 328 residents have been moved into permanent residences in the newly established community along Provincial Road 513 (Government of Canada, Indigenous Services Canada, 2019a). The new reserve land has been named as Obushkudayang. Community members that remain displaced are in private accommodations or extended stay hotels to meet additional needs in the City of Winnipeg (Ibid, 2019a). Additional dwellings are in the process of being built and it is anticipated that the majority of the remaining community members will begin to move into these homes at the end of 2019.

**MAY 8TH, 2011**

The people of Lake St. Martin First Nation are evacuated from their community along Lake St. Martin in Manitoba's Interlake Region. Members of the First Nation did not anticipate to be gone for long.

**MAY 9TH, 2011**

The Government of Manitoba declared a state of emergency across Manitoba. Evacuation orders were delivered to affected municipalities along the Assiniboine River (Manitoba, Flood Information, n.d.b).

**MAY 14TH, 2011**

The Government of Manitoba cuts a hole in the dike at the Hoop and Holler Bend near Portage la Prairie (CBC Manitoba, n.d.). This is done to release pressure from the Assiniboine River and the Portage Diversion (Manitoba, Flood Information, n.d.b). Flow from the opening is controlled and releases water at a slow pace. The controlled breach closed almost one week later, with minimal effect on water levels.

**NOVEMBER 2011**

Water levels at Lake St. Martin remained high until the Lake St. Martin Emergency Channel was constructed. The channel was built to drain flood water from the lake into neighbouring Lake Winnipeg and began operation in November 2011 (Manitoba, Flood Information, n.d.b). Water levels began to drop at this time, but still remained above the range recommend by the Lake Manitoba Regulation Review Advisory Committee. The emergency channel was in operation for approximately one year after initial operation. There were many concerns raised by First Nations affected by the emergency channel, including the "feasibility and necessity, the speed of its startup, the potential impacts and their frustration with the consultation process" (Government of Canada, Indigenous and Northern Affairs Canada, 2012). The Emergency Measures Act was enacted by the provincial government in order to supersede the requirement for an environmental assessment to take place for the project.

**LATE MAY 2011**

Lakes in Manitoba reached record water levels. The average level of Lake Manitoba had held steady around 812 feet above sea level (asl) (Lake Manitoba/Lake St Martin Regulation Review Committee, 2012, pg. 27). The levels of Lake Manitoba increased to 816 asl at the end of May and peaked at 817 feet asl in July and August, before beginning to decline with the implementation of the emergency channel (Ibid, pg. 28). With the Portage Diversion and Fairford River Water Control Structures in operation, the levels of Lake St. Martin began to feel the effects of the flooding on the Assiniboine River and Lake Manitoba with increased volumes (Manitoba, 2013, pg. 48). The Lake Manitoba Regulation Review Advisory Committee recommended in 2003 that the "level of Lake St. Martin should be maintained within a more natural range of 797 to 800 feet asl insofar as this may be reasonably possible ... " (Lake Manitoba Regulation Review Advisory Committee, 2003, pg. 91). Levels at Lake St. Martin reached ~803 feet asl in May. The water level of Lake St. Martin peak at almost 806 feet asl in late July. This level of water was almost two feet higher than the maximum level recorded previously (Lake Manitoba/Lake St Martin Regulation Review Committee, 2012, pg. 35).

## LIMITATIONS

The practicum is a discussion of western laws, policies and agreements that have reshaped connection to the land within the context of the internally displaced community of Lake St. Martin in Manitoba's Interlake Region. It is important to acknowledge that there are a multitude of laws, policies and agreements that exist within Provincial and Federal jurisdictions and that the practicum only begins to provide an overview of the complexities of these relative to Indigenous communities in Manitoba and the land.

Lake St. Martin was chosen as the focus of this practicum following a work-study placement in the Natural Resource Institute (NRI) at the University of Manitoba. While the placement was centered on the Island Lake communities in East Central Manitoba, the research that was being conducted by the placement supervisor on communities in the Interlake Region at the time also piqued my interest.

At one point during the practicum, there were plans to participate in a youth gathering in neighboring Little Saskatchewan First Nation. The youth gathering was ultimately canceled due to an unforeseen circumstance in the community and was not rescheduled during the course of the practicum. I did not feel that it would be appropriate to approach, or travel to Lake St. Martin as an individual researcher. This is recognized as the greatest limitation to the research. In saying this, I believe that prior to meeting and working with any First Nations, it is essential to build awareness. Awareness is an actionable pillar from the Canadian Society of Landscape Architects' (CSLA) *Reconciliation Action Plan (2018)*.

In addition to this, attempts were made to connect with the consulting firm responsible for the plan of the new community following the 2011 'Superflood'. These attempts were not successful and it is recognized that the exclusion of this also limits the degree to which a site analysis of the new community can occur.

This practicum is based on my own experience as a student in landscape architecture. The action section of the practicum indicates how the work in with Lake St. Martin could move forward.

► **Figure 1.3** - A peaceful demonstration takes place along a street in Winnipeg. At this point, Lake St. Martin First Nation had been evacuated for over four years (Winnipeg Free Press, 2015a).

**Figure 1.4** - Lake St. Martin First Nation Chief Adrian Sinclair can be seen speaking to the media during a rally held at the Manitoba Legislative Building. Supporters and members of Lake St. Martin First Nation stand by in peaceful demonstration (Winnipeg Free Press, 2012a).



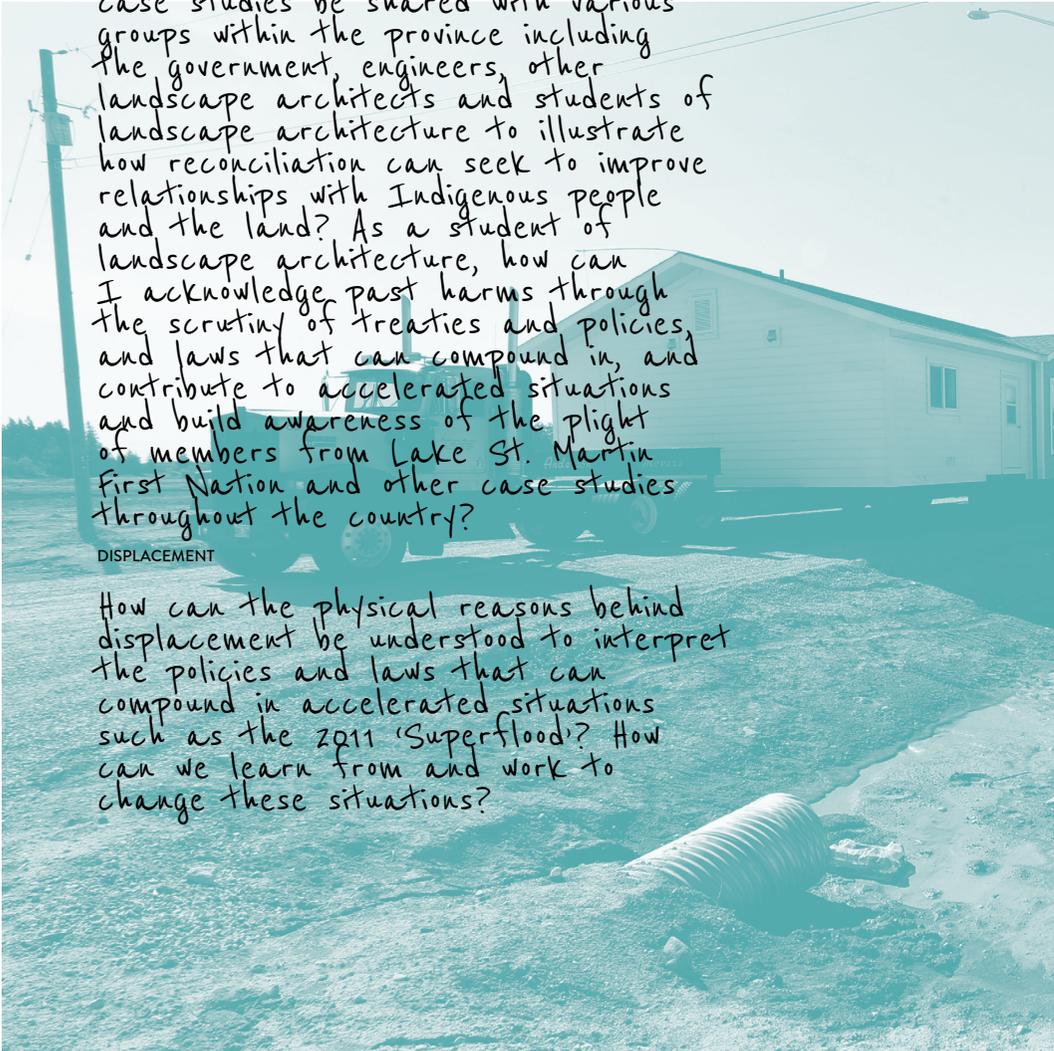
## RESEARCH QUESTIONS

### RECONCILIATION

Could the reflections from these case studies be shared with various groups within the province including the government, engineers, other landscape architects and students of landscape architecture to illustrate how reconciliation can seek to improve relationships with Indigenous people and the land? As a student of landscape architecture, how can I acknowledge past harms through the scrutiny of treaties and policies, and laws that can compound in, and contribute to accelerated situations and build awareness of the plight of members from Lake St. Martin First Nation and other case studies throughout the country?

### DISPLACEMENT

How can the physical reasons behind displacement be understood to interpret the policies and laws that can compound in accelerated situations such as the 2011 'Superflood'? How can we learn from and work to change these situations?



▼ **Figure 1.5** - A new home is transported to the community of Lake St. Martin on their newly established reserve land, following the 2011 'Superflood' (Winnipeg Free Press, 2017).



## DEFINITIONS

The breadth of terms associated with Indigenous Peoples can be difficult to navigate. More often than not, the terminology is associated with a colonial history and it is important for the reader to understand all relative terms.

### ABORIGINAL PEOPLES

“*Aboriginal Peoples* refers to organic political and cultural entities that stem historically from the original peoples of North America, rather than collections of individuals united by so-called ‘racial’ characteristics. The term includes the Indian, Inuit and Métis peoples of Canada (see section 35(2) of the *Constitution Act, 1982*).”

(Royal Commission on Aboriginal Peoples, 1996, iii)

### ABORIGINAL RIGHTS

“*Aboriginal Rights* are collective rights which flow from Aboriginal peoples’ continued use and occupation of certain areas. They are inherent rights which Aboriginal peoples have practiced and enjoyed since before European contact. Because each First Nation has historically functioned as a distinct society, there is no one official overarching Indigenous definition of what these rights are. Although these specific rights may vary between Aboriginal groups, in general they include rights to the land, rights to subsistence resources and activities, the right to self-determination and self-government, and the right to practice one’s own culture and customs including language and religion. Aboriginal rights have not been granted from external sources but are a result of Aboriginal peoples’ own occupation of their home territories as well as their ongoing social structures and political and legal systems. As such, Aboriginal rights are separate from rights afforded to non-Aboriginal Canadian citizens under Canadian common law.

It is difficult to specifically list these rights, as Aboriginal peoples and the Canadian government may hold differing views. Some rights that Aboriginal peoples have practiced and recognized for themselves have not been recognized by the Crown. In a move towards addressing this gap, in 1982 the Federal Government enshrined Aboriginal rights in Section 35 of the *Canadian Constitution*, and in Section 25 of the *Charter of Rights and Freedoms*, the government further ensured that Charter rights cannot “abrogate or derogate” from Aboriginal rights. Yet the ensuing First Ministers’ Conferences could not reach a consensus on what specifically qualifies as an Aboriginal right, and the Federal Government has since recognized that, while Aboriginal rights exist, what these specific rights are will have to be determined over time through the court system.”

(First Nations Study Program, 2009a)

**ABORIGINAL TITLE**

“*Aboriginal Title* refers to the inherent Aboriginal right to land or a territory. The Canadian legal system recognizes *Aboriginal title* as a *sui generis*, or unique collective right to the use of and jurisdiction over a group’s ancestral territories. This right is not granted from an external source but is a result of Aboriginal peoples’ own occupation of and relationship with their home territories as well as their ongoing social structures and political and legal systems. As such, *Aboriginal title* and rights are separate from rights afforded to non-Aboriginal Canadian citizens under Canadian common law.”

(First Nations Study Program, 2009b)

**FIRST NATION**

“*First Nation* is a term used to describe Aboriginal Peoples of Canada who are ethnically neither Métis nor Inuit. This term came into common usage in the 1970s and ‘80s and generally replaced the term *Indian*, although unlike *Indian*, the term *First Nation* does not have a legal definition. While *First Nations* refers to the ethnicity of *First Nations* peoples, the singular *First Nation* can refer to a band, a reserve-based community, or a larger tribal grouping and the status Indians who live in them.”

(First Nations Study Program, 2009c)

**INDIAN AND INDIAN BAND**

“The term *Indian* refers to the legal identity of a First Nations person who is registered under the *Indian Act*. The term *Indian* should be used only when referring to a First Nations person with status under the Indian Act, and only within its legal context. Aside from this specific legal context, the term *Indian* in Canada is considered outdated and may be considered offensive due to its complex and often idiosyncratic colonial use in governing identity through this legislation and a myriad of other distinctions (i.e., “treaty” and “non-treaty,” etc.).

*Indian Band* is also a legal term under the *Indian Act* to denote a grouping of status Indians.”

(Ibid, 2009c)

**RESERVES**

“An *Indian Reserve* is a tract of land set aside under the *Indian Act* and treaty agreements for ‘one or more First Nations’. Band members possess the right to live on reserve lands, and band administrative and political structures are frequently located there. Reserve lands are not strictly “owned” by bands but are held in trust for bands by the Crown. The *Indian Act* grants the Minister of Indian Affairs authority over much of the activity on reserves.”

(First Nations Study Program, 2009d)

## PREFACE

The discourse that led to conducting the research within this practicum began in the first semester of my graduate degree at the University of Manitoba. I was hired through the work-study program at the University as a Rural/Indigenous Planner. This position allowed for exploration of the Island Lake communities in east central Manitoba through land use mapping. In this position, I also attended the first annual *Manitoba Land Use Planning Gathering and Conference*, held by Manitoba Indigenous and Northern Relations, a department within the Government of Manitoba. The purpose of the event was to share information and build capacity, relationships and networks among resource management and stewardship boards, government and businesses. The event helped me to understand the complex issues related to the land in Manitoba. It also helped me understand that mapping and design are intrinsically tied into laws and policies.

Within the same semester in Winter 2017, I traveled to Churchill as part of the *LARC 7340 - Landscape Architecture Regional Studio* in Northern Manitoba. Travel to our final destination was completed via train, which allowed for exploration of the landscapes of Northern Manitoba through an alternative means of transportation. This allowed for a connection to communities that were studied along the rail line and highlighted this mode of transit as a vital resource for many Northern communities.

The following semester, I traveled with the *NRI 7340 - Environmental Justice and Ecosystem Health* class to Shoal Lake 40. The City of Winnipeg and Shoal Lake 40 share the same water source, however the latter has been under a boil water advisory for the last two decades.

Within the same semester in Fall 2017, I attended a professional development day titled *All My Relations: Relating to Mother Earth* through the Manitoba Teachers' Societies' Council for Indigenous Education (CIEM). This event provided the opportunity to learn and build from educators who are integrating Indigenous perspectives into their practice. The event also highlighted ongoing work at the post-secondary level, including the Social Justice Laboratory at the University of Manitoba. One of the current research projects within the laboratory includes understanding ways that both Indigenous and non-Indigenous peoples in Canada think about reconciliation. Through this research, a barometer for reconciliation will be developed in collaboration with the National Centre for Truth and Reconciliation – located on the Fort Garry campus of the University of Manitoba.



## **ACKNOWLEDGMENT. AWARENESS. ENGAGEMENT.**

(Ibid, 2019, pg. 3)

This experience led to the creation of a teaching module that was prepared as part of *LARC 7400 – Landscape Topics*, a degree requirement for graduate students in landscape architecture. The teaching module was developed with guidance from the Indigenous Initiatives Coordinator at the Centre for the Advancement of Teaching and Learning at the University of Manitoba.

In Fall 2018, I attended the *Emergency Management Preparedness Conference*, hosted by the Interlake Reserves Tribal Council. This conference allowed for discussion on the four pillars of emergency management, including preparedness, response, recovery and mitigation (Government of Canada. Public Safety Canada, 2016h). It also included discussions with senior officials from the Red Cross on planning for emergency situations in Indigenous communities.

Through the *Land | Terre Design Research Network's Colloquium* held in October 2018, I was afforded the opportunity to discuss current research on Indigenous matters (amongst other focus areas, including heritage and identity in urban, rural and industrial landscapes, climate change and landscape architecture and knowledge mobilisation) to highlight strengths and gaps, and to support networking and publishing opportunities in landscape architecture.

Finally, I most recently attended the CSLA Congress in May 2019 – where the focus of the congress was on the CSLA's *Reconciliation Pillars, Acknowledgment, Awareness and Engagement – Landscape Architecture and Reconciliation*.

These various courses, activities and events have allowed for continued personal growth as a student in landscape architecture. I am passionate about the advancement of reconciliation and am committed to working towards the "establishment of a mutually respectful relationship between Indigenous and non-Indigenous peoples in Canada" (CSLA, 2019, pg. 2) I am very much grateful to the CSLA for their continued work towards reconciliation in the profession.

▲ **Figure 1.6** - View facing North from the Churchill Northern Studies Centre in Churchill, Manitoba. The landscapes of Northern Manitoba provide a stark contrast to those that we are used to in and around the City of Winnipeg. (Harper, 2017).

## LANDSCAPE ARCHITECTURE & RECONCILIATION

Within the profession of landscape architecture, it is important that we are engaged, and providing contributions to the conversations on the reality of the internal displacement of Indigenous communities. Relevant questions are: How can landscape architects' approach and conduct, work in ways that contribute to reconciliation? What can we learn as landscape designers from the experience of Lake St. Martin First Nation? As outsiders, and residents of the City of Winnipeg, one could say that we have benefited from what has happened to Lake St. Martin First Nation. However, it comes down to how can we learn from the perspective and experience of the community and the loss they have suffered? Can this experience teach us about reconciliation?

Through the CSLA (the professional organization for landscape architecture in Canada), and the dedicated work of a group of members from across the country, a *Reconciliation Action Plan* has been brought forth and approved by the CSLA Board of Directors towards the latter part of 2018. The focus of the Plan is on the establishment and maintenance of “a mutually respectful relationship between Indigenous and non-Indigenous peoples in Canada” (CSLA, 2019, pg. 2). For this to occur, there must be an “acknowledgment of the harm that has been inflicted, awareness of the past and action to change behavior towards Indigenous peoples” (Truth and Reconciliation Commission (TRC), 2015a, pg. 7). Notably, the *Reconciliation Action Plan* prescribes three actionable pillars, with sub-actions listed within each pillar – including those on national engagement, action and advocacy, the integration of information about Indigenous issues into the CSLA's existing systems and structures, and engagement with schools of landscape architecture (CSLA, 2018, pg. 6-9). Each of these pillars are an integral part of the alignment of the principles and goals of the CSLA with Indigenous cultures in Canada (CSLA, 2019, pg. 2).

The CSLA's Reconciliation Advisory Committee subsequently released a draft statement for members to discuss and provide feedback, with comment due at the end of Summer 2019. Feedback had not been released to members of the CSLA prior to the completion of this practicum.

The *Draft Statement on Landscape Architecture and Reconciliation* recognizes the “national effort that is being undertaken towards

reconciliation with Indigenous peoples as an important issue for the profession” (Ibid, pg. 2). The discipline of landscape architecture offers an “interdisciplinary approach that considers the environment in a holistic manner and the incorporation and consideration of Indigenous peoples, their values, voices and knowledge in the planning, design and management of the Canadian landscape” (Ibid, pg. 2). The *Reconciliation Action Plan* sets out actions for the CSLA as a professional organization and for their individual members.

The *Reconciliation Action Plan* and *Draft Statement on Landscape Architecture and Reconciliation* provides a framework for working with and advocating for displaced First Nations. They also provide a detailed description of the necessary pillars for the “establishment of a mutually respectful relationship between Indigenous and non-Indigenous peoples in Canada” (Ibid, pg. 2).

The first pillar, **acknowledgment**, “recognizes and respects the rights of the First Nations, Inuit and Métis Peoples of Canada and the truth that has been and continues to be lived by every First Nations, Inuit or Métis person and community. Every Indigenous and non-Indigenous Canadian has the responsibility to a shared vision of reconciliation. Through this vision and the principles of the Action Plan, our responsibilities can be acknowledged in this” (Ibid, pg. 3).

Through “policies, programs, advocacy, education, and outreach” (Ibid, pg. 3), the second pillar, **awareness**, looks to the CSLA to “affirm the landscapes of the First Nations, Inuit and Métis Peoples of Canada as vital to the process of reconciliation through policies, programs, advocacy, education and outreach. Within the profession of landscape architecture, it is important to be aware of our personal bias, prejudice, values, worldviews, and the effect that these may have on our work, and also be aware of, acknowledge and seek to integrate the values of worldviews of Indigenous peoples” (Ibid, pg. 3)

The final pillar, **engagement**, “highlights the CSLA’s commitment to supporting initiatives that encourage the establishment and maintenance of the mutually respectful relationships between Indigenous peoples of Canada, the CSLA, members of the CSLA and landscape architecture schools within the country” (Ibid, pg. 3)

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#### AC-KNOWLEDG-MENT

“To recognize the rights, authority, or status of”

(Merriam Webster, 2019a)

#### A-WARE-NESS

“The quality or state of being aware; knowledge and understanding that something is happening or exists”

(Merriam Webster, 2019b)

#### EN-GAGE-MENT

“The act of engaging; the state of being engaged (involved in activity, greatly interested)”

(Merriam Webster, 2019c)

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# OZ

## RECONCILIATION

The topic of reconciliation has been one of recurrent public discourse. This follows the release of the *Calls to Action* put forth by the Truth and Reconciliation Commission in 2015, the subsequent acceptance of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* by the Canadian Government in 2016, and *Bill C-262*, a private member's bill that progressed through to the final stage in Canada's legislative process, a third and final reading in Senate (Brake, 2019b) - before parliament dissolved for the Fall 2019 Federal Election. Documents prior, including the report submitted by the Royal Commission on Aboriginal Peoples (RCAP) also shed light on the relationships between Indigenous and non-Indigenous peoples and the land in Canada. Common threads woven through all documents point to a continued call for the participation of all Canadians in reconciliation. They are representative of an emerging dialogue and engagement within communities across the country.

▼ **Figure 2.1**- Supporters of Bill C-262 rallying on Grant Avenue in Winnipeg, MB on March 26th, 2019 to bring light to and promote the Bill (Sawatzky, 2019a).



## ROYAL COMMISSION ON ABORIGINAL PEOPLES

To understand the present state of reconciliation in Canada, it is important to discuss related documents and the processes and events that have transpired from these.

The Royal Commission on Aboriginal Peoples (RCAP) was established in 1991 following the failure of the Meech Lake Accord (1987-1990) and the Oka Crisis (1990) (Chartrand, 1996, pg. 300). There have been a number of Royal Commissions brought forward throughout Canadian history to address matters of public concern, however the mandate of RCAP was to “investigate and propose solutions to the challenges affecting the relationships between Aboriginal peoples (First Nations, Inuit and Métis), the Canadian Government and Canadian society as a whole” (Government of Canada. Library and Archives Canada, 2019b). The Royal Commission on Aboriginal Peoples “held a total of 178 days of public hearings, visited 96 communities and commissioned research and provided consultation with experts on the subject matter” (Government of Canada. Indigenous and Northern Affairs Canada, 2010a).

There were a total of five volumes submitted as part of the final report in 1996, including *Volume 1: Looking Forward, Looking Back*, *Volume 2: Restructuring the Relationship*, *Volume 3: Gathering Strength*, *Volume 4: Perspectives and Realities* and *Volume 5: Renewal: A Twenty-Year Commitment*. The central conclusions were made abundantly clear throughout the final document. The *Royal Commission on Aboriginal Peoples Report* was an “account of the relationship between Aboriginal and non-Aboriginal people that is a central facet of Canada’s heritage, the distortion of that relationship over time and of the terrible consequences for Aboriginal people including the loss of:

lands, power and self-respect.”

(Ibid, 2010a)

The Report also included findings and recommendations with the overarching question - “what are the foundations of a fair and honourable relationship between the Aboriginal and non-Aboriginal people of Canada?” (Ibid, 2010a) Laid out within the document was a “twenty-year agenda for implementing changes to better the lives of Aboriginal people in Canada” (Ibid, 2010a). In 2006, Paul Chartrand, one of the original commissioners from RCAP noted that the majority of the recommendations in the document had not been pursued and that not much had changed in terms of the relationship between the Aboriginal and non-Aboriginal people of Canada after twenty years (Troian, 2016). This was reflective of the appetite of the Federal Government at the time, with little emphasis placed on reconciliation during this time period. The Truth and Reconciliation Commission was one of the first public and tangible results emanating from the recommendations of RCAP.

## TRUTH AND RECONCILIATION COMMISSION

The Truth and Reconciliation Commission was created in 2008 as a result of the largest class action agreement in Canadian history, the *Indian Residential Schools Settlement Agreement (IRSSA)* (Marshall, 2013). The intention of the agreement was to provide recognition and compensation to survivors of residential schools and provide a pathway for reconciliation (Ibid, 2013). There are five elements included in the *IRSSA* that work together to address the impact of Indian Residential Schools, each with applicable schedules. These elements include, “a Common Experience Payment (CEP) for all eligible former students of Indian Residential Schools, an Independent Assessment Process (IAP) for claims of sexual or serious physical abuse, measures to support healing such as the Indian Residential Schools Resolution Health Support Program and an endowment to the Aboriginal Healing Foundation, commemorative activities and the establishment of a Truth and Reconciliation Commission” (Government of Canada. Indigenous and Northern Affairs Canada, 2019c). There are a total of twenty-two schedules included in the *IRSSA*. Schedule N of the *IRSSA* is where the official mandate for the Truth and Reconciliation Commission can be found (Truth and Reconciliation Commission, n.d.). Through the *IRSSA*, it was recognized that “the Truth and Reconciliation Commission would be established to contribute to truth, healing and reconciliation” (Ibid, n.d.).

Within the Terms of Reference for Schedule N, a number of goals were identified for the Truth and Reconciliation Commission (TRC), focusing on the devastating impacts of the Indian Residential Schools (IRS) system (Ibid, n.d.). Indian Residential Schools were formed by the Canadian government and Christian churches “as an attempt to both educate and convert Indigenous youth and to integrate them into Canadian society” (Miller, 2019). The students at the Indian Residential Schools were often underfed and malnourished, which left them susceptible to disease. It is estimated that a total of 150,000 Indigenous youth attended the schools between 1831 and 1996 (Ibid, 2019). It is believed that approximately 6,000 of those youth perished while attending the schools (Ibid, 2019). The Terms of Reference also identified specific responsibilities given to the Commission, including the issuance

“Canada must move

▼ **Figure 2.2** - A peaceful demonstration takes place along a street in Winnipeg. At this point, Lake St. Martin First Nation had been evacuated for over four years (Winnipeg Free Press, 2015b).

of a final report, establishment of a National Research Centre (the National Centre for Truth and Reconciliation (NCTR) on the Fort Garry Campus of the University of Manitoba is a tangible result of this) and maintenance of an active research agenda - amongst others (Moran, 2017).

The Truth and Reconciliation Commission (TRC) reached a formal conclusion of its work in June 2015, with a ceremony held to document the event. The Truth and Reconciliation Commission (TRC) release the Executive Summary at this time. The Executive Summary included findings from the Commission and 94 *Calls to Action*. The *Calls to Action* encourage “Indigenous and non-Indigenous Canadians to work together and move forward in the spirit of reconciliation” (Manitoba, News Releases, 2015). “As part of the *Indian Residential Schools Settlement Agreement (IRSSA)*, Prime Minister Justin Trudeau accepted the *Final Report of the Truth and Reconciliation Commission (TRC)* on behalf of Canada” (Government of Canada, Indigenous and Northern Affairs Canada, 2019c). The final report recognized that “Canada needs to move from apology to action if reconciliation with Aboriginal Peoples is to succeed” (CBC, 2015a).



from apology to action.”

► (CBC News, 2015a) - from *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*

## CALLS TO ACTION

There are 94 *Calls to Action* in the final report of the Truth and Reconciliation Commission, with a number that have particular relevance to landscape architecture and the case studies presented within this document.

The Canadian Broadcasting Corporation (CBC) has created an online portal to track the progress of the *Calls to Action* in Canada. Each response to the calls have been “fact-checked with invested stakeholders”, and Federal funding announcements has been “cross-referenced with actual and past financial expenditures” to ensure that accurate information has been posted within the portal (CBC, 2019a).

The progress of each of the *Calls to Action* is reflected through designations such as *not started*, *in progress with projects proposed*, *in progress with projects underway* and *complete*. Those tagged as *not started* reflect the fact that an action has not been set in place and has minimal funding committed to the action. Secondly, those with the designation of *projects proposed* have an action plan and funding, but the action plan has not yet been implemented. Finally, those with the designation of *projects underway* is in reference to active implementation of the action, with a clear timeline and funding secured (Ibid, 2019a). The status of the relative *Calls to Action* has been highlighted with each. The *Calls to Action* listed below and the page following do not represent the full 94 *Calls to Action* that were put forth by the Truth and Reconciliation Commission (TRC). The *Calls to Action* on the following two pages are relative to the *United Nations Declaration for the Rights of Indigenous Peoples* and the advancement of reconciliation - which were best represented in *Bill C-262*. The illustrated *Calls to Action* are relative to the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* because they illustrate the necessity of “all levels of government to adopt and implement *UNDRIP*” (Truth and Reconciliation Commission (TRC), 2015b, pg. 4). While Canada has announced their full support of the declaration in 2016, there has not been success in adoption and implementation in Canada. Without the adoption and implementation of *UNDRIP*, Indigenous rights continue to be placed below those of others in the country.

### CALL TO ACTION #43

*“We call upon Federal, Provincial, Territorial, and Municipal Governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.”*

(Truth and Reconciliation Commission (TRC), 2015b, pg. 4)

Projects Proposed (CBC, 2019b)

### CALL TO ACTION #44

*“We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.”*

(Ibid, pg. 4)

Projects Proposed (CBC, 2019c)

*“... mutual recognition, respect & shared responsibility for maintenance of relationships ...”*

► (Ibid, pg. 4+5)

**CALL TO ACTION #45**

"We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and Terra Nullius.

ii. Adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements."

(Ibid, pg. 4 + 5)

Not started (LCU, 2019d)

**CALL TO ACTION #47**

"We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and Terra Nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts."

(Ibid, pg. 5)

Not started (LCU, 2019e)

**CALL TO ACTION #57**

"We call upon federal, provincial, territorial, and municipal

governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism."

(Ibid, pg. 7)

Projects Proposed (LCU, 2019f)

**CALL TO ACTION #62**

"We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:

i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.

ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.

iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.

iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education."

(Ibid, pg. 7)

Projects Underway (LCU, 2019g)

**CALL TO ACTION #65**

"We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation."

(Ibid, pg. 8)

Projects Proposed (LCU, 2019h)

**CALL TO ACTION #92**

We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and Terra Nullius.

ii. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

iii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.

iv. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills based training in intercultural competency, conflict

resolution, human rights, and anti-racism."

(Ibid, pg. 10)

Projects Proposed (LCU, 2019i)



## UNITED NATIONS DECLARATION ON THE RIGHTS

The drafting of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* began as a response to findings enshrined in the *Study of the Problem of Discrimination against Indigenous Populations* - released by José R. Martínez Cobo, UN Special Rapporteur of the Commission on the Prevention of Discrimination and Protection of Minorities (First Nations Study Program, 2009e). From this, the Working Group on Indigenous Populations (WGIP) was created to put “exclusive focus to Indigenous issues in a global context” (Ibid, 2009e). The working group began its initial draft of a declaration of Indigenous Rights in 1985 (Ibid, 2009e). Almost eight years later, the initial draft was submitted to the Sub-commission on the Prevention of Discrimination and Protection of Minorities in 1993 (Ibid, 2009e). The sub-commission approved the draft almost one year later and from there, the draft moved to the Commission of Human Rights (Ibid, 2009e). The Commission of Human Rights then established another working group, this time involving human rights experts and Indigenous organizations from across the globe. A great deal of tension was present between these organizations and the UN member states (Ibid, 2009e). The latter of the two felt that the declaration would “undermine political autonomies” (Ibid, 2009e). The final draft released by the working group reflected a “compromise” between the two parties and in 2006, was accepted by the UN Human Rights Council (Ibid, 2009e).

*UNDRIP* was formally adopted by resolution of the United Nations General Assembly in late 2007, where all member states have equal representation and voting on pertinent international issues (United Nations. Department of Economic and Social Affairs, n.d.). The document provides a framework for the rights of Indigenous peoples around the world at the individual and the collective levels but is viewed as a non-binding agreement and has not been implemented as law in Canada (Government of Canada. Indigenous and Northern Affairs Canada, 2017).

Despite Canada’s presence and participation on the UN Human Rights Council and support of citizens across the country, *UNDRIP* did not garner immediate recognition from the Federal Government, that was led by the Conservative Party (and Prime Minister Stephen Harper) at the time. Concerns were raised on the provisions of the Declaration, namely “provisions on lands, territories and resources; free, prior and informed

### ARTICLE #1

*“Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all rights and fundamental freedoms as recognized in Charter of the United Nations, the Universal Declaration of Human Rights and International Human Rights Law.”*

(United Nations, 2008, pg. 8)

### ARTICLE #2

*“Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity.”*

(Ibid, pg. 8)

## OF INDIGENOUS PEOPLES

consent when used as a veto; self-government without recognition of the importance of negotiations; intellectual property; military issues; and the need to achieve an appropriate balance between the rights obligations of Indigenous peoples, States and third parties” (Government of Canada. Indigenous and Northern Affairs Canada, 2010b). After discussions with Indigenous leaders, the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* was formally recognized in 2010 through a *Statement of Support* issued by the Federal Government (Government of Canada. Indigenous and Northern Affairs Canada, 2017). Within the *Statement of Support*, the Federal Government remained steadfast in their commitment to strengthening the relationship with Indigenous peoples in Canada, as well as the “promotion and protection of their rights” (Government of Canada. Indigenous and Northern Affairs Canada, 2010b).

The Liberal Party came into political power following the 2015 Federal Election, with party leader Justin Trudeau being named as the 23rd Prime Minister of Canada. After assuming power, Trudeau provided mandate letters to the Ministers of the Cabinet, asking for implementation of the Declaration. In May 2016, the Minister of Indigenous and Northern Affairs Carolyn Bennett, made an announcement that Canada was now a full supporter of the Declaration, with no further concerns made to provisions discussed earlier (Government of Canada. Indigenous and Northern Affairs Canada, 2017). This text provides an initial introduction to articles in *UNDRIP* that are relative to the land and displacement associated with intentional flooding. *UNDRIP* has been included in this practicum to highlight the level of standards in Indigenous rights which the Canadian Government is required to hold themselves accountable. There are a total of forty-six articles in *UNDRIP*. The length of time it took for Canada to announce its full support of *UNDRIP* and the nervousness displayed by some politicians in accepting the declaration is indicative of the complexity surrounding *UNDRIP*. This is important to landscape architecture because it discusses the rights that *UNDRIP* could potentially give to communities when it comes to the land and displacement associated with intentional flooding - amongst other similar situations.

### ARTICLE #10

*“Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”*

(Ibid, 2008, pg. 11)

### ARTICLE #18

*“Indigenous peoples have the right to participate in decision making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.”*

(Ibid, pg. 15 + 16)

### ARTICLE #26

*“1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*  
*2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*  
*3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.”*

(Ibid, pg. 19)

### ARTICLE #27

*“States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples’ laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.”*

(Ibid, pg. 20)

### ARTICLE #28

*“1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.*  
*2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.”*

(Ibid, pg. 20 + 21)

## BILL C-262

A private member's bill was introduced in the House of Commons in April 2016, one month prior to the announcement of Canada's full support, without qualification, of the *United Nations Declaration on the Rights of Indigenous Peoples*. The Bill was introduced by Romeo Saganash – a member of parliament from the Quebec riding of Abitibi – Baie James – Nunavik – Eeyou. The private member's bill, known as *Bill-C262*, was introduced to “ensure that the laws of Canada are in harmony with the *United Nations Declaration on the Rights of Indigenous Peoples*” (Parliament of Canada, 2015). *Bill C-262* provides a guideline for “implementation of the declaration, affirmation that the standards described are applicable to Canadian law, assurance of a collaborative process between government and Indigenous groups, creation of a national action plan to achieve objectives of the *United Nations Declaration on the Rights of Indigenous Peoples*, as well as transparency and accountability from the Canadian government, with the latter being received for review with parliament on an annual basis” (Ibid, 2015).

Support for the Bill has been made clear across Canada, with a number of rallies in cities across the country. Within the City of Winnipeg, a rally for *Bill C-262* was held at the Canadian Mennonite University at the end of March 2019. A panel discussion was held at the rally with Saganash, Leah Gazan (community organizer and local New Democratic Party nominee for Winnipeg Centre in the upcoming Federal Election), Paul Joffe (human rights lawyer) and Jennifer Preston (Indigenous rights advocate and Program Coordinator for Aboriginal Affairs for the Canadian Friends Service Committee). The rally took place at a critical time in the progression of the bill, as it was moving towards a second reading in the Senate Chambers. *Bill C-262* was referred from the Senate Chambers to the Standing Senate Committee on Aboriginal Peoples after a second reading at the end of May 2019. When the 42nd Parliament Sessions came to a close at the end of June 2019, *Bill C-262* stalled and parliament neglected to move it through final stages to become legislative law. Crown-Indigenous Relations Minister Carolyn Bennett commented that she felt that members of the Conservative Party were engaged in partisan games as a stall tactic on the Bill (Brake, 2019a).

“Let us **RISE** with more energy.  
Let us **STAND** with a greater determination.”

► (Brake, 2019b) - Romeo Saganash, in response to the death of Bill C-262 in the Senate Chambers

The Conservative Party opposition was apprehensive to passing *Bill C-262* due to *free, informed and prior consent (FPIC)* – a principle described in detail within the declaration. *FPIC*, a concept “rooted in international human rights law” (Fontana and Grugal, 2016, pg. 249) establishes an “obligation to consult - or obtain the consent of - Indigenous peoples before large development projects and legal reforms that would affect them can proceed” (Ibid, pg. 249) *FPIC* deserves to be recognized an inherent right for Indigenous peoples in Canada. Indigenous peoples should be given room to decide whether or not government or corporations are able to follow through with proposed actions that would impact their lives, lands, jurisdictions and futures (Declaration Coalition, 2018, pg. 1). Although believed to be a complex concept by those who opposed the bill, Independent Senator Justice Murray Sinclair, a member of the Independent Senators Group, Co-Chair of the Aboriginal Justice Inquiry in Manitoba and Chief Commissioner of the Truth and Reconciliation Commission, has described the opposite. As stated to APTN in May 2019, Senator Sinclair believes that the concept of *FPIC* is actually “quite simple” (Brake, 2019b). *FPIC* is defined as “Indigenous peoples’ right to make their own decisions about the use of their lands, territories and resources also flows from their customary land rights, which are affirmed and protected in international law” (Declaration Coalition, 2018, pg. 1).

If the Federal or Provincial Governments want to affect Indigenous land, discussions with the community must be initiated and permission obtained (Brake, 2019b).

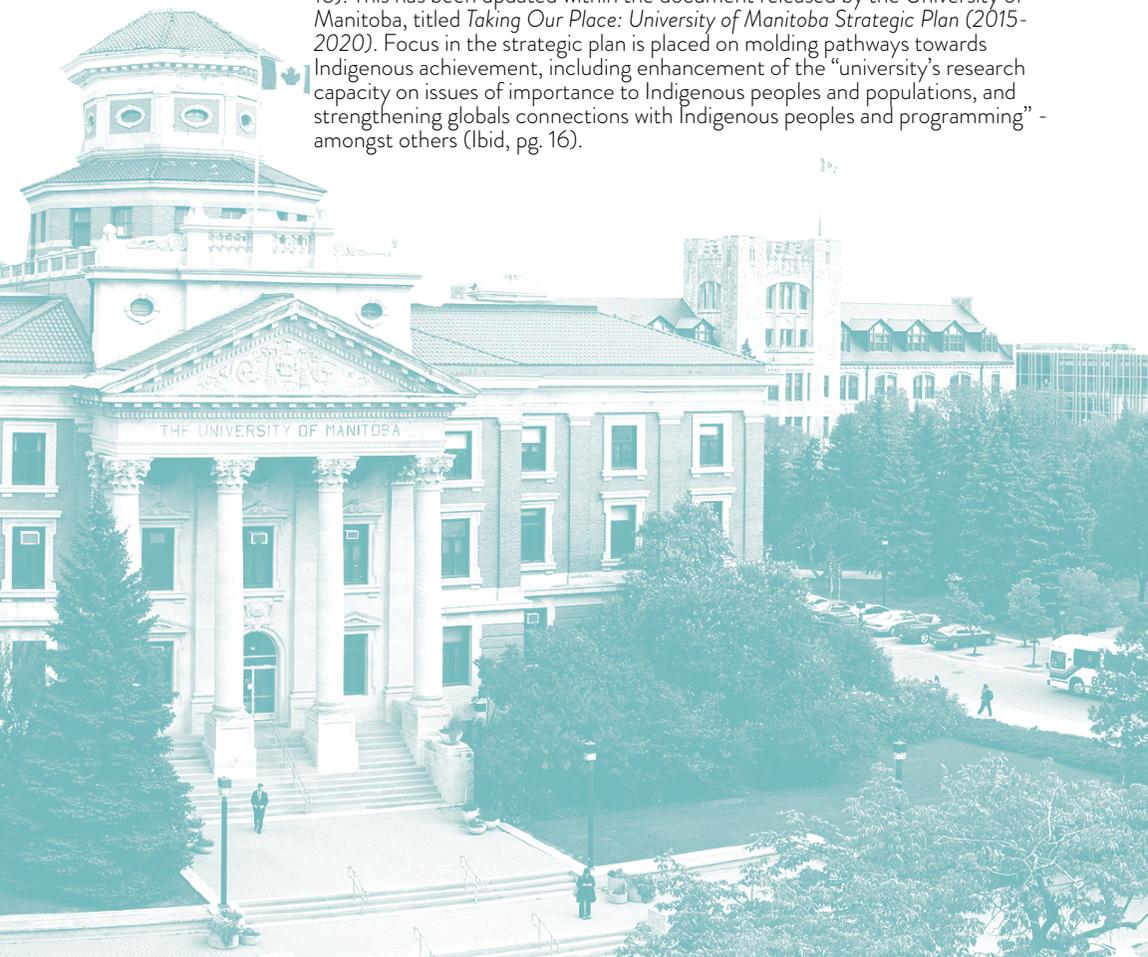
▼ **Figure 2.3** - Rally for Bill C-262 held at the Canadian Mennonite University in Winnipeg. The panel can be seen discussing the bill in detail to the audience (Sawatzky, 2019b).



## UNIVERSITY OF MANITOBA

The preceding documents provide an outline for the progression of reconciliation following the Royal Commission on Aboriginal Peoples (RCAP) within the broader context of Canada. It is important to highlight what is taking place in terms of reconciliation at the institution that I am studying within and that which is shaping the minds of the future in our city and beyond.

The University of Manitoba has an obligation as a publicly-funded institution to follow and to lead Canadians. It is important that the *Calls to Action* are a part of that. The institution is actively looking towards building a strong foundation for staff and students “through the sharing of Indigenous knowledge, cultures and traditions across all campuses” (Strategic Planning Committee, 2014, pg. 16). This has been updated within the document released by the University of Manitoba, titled *Taking Our Place: University of Manitoba Strategic Plan (2015-2020)*. Focus in the strategic plan is placed on molding pathways towards Indigenous achievement, including enhancement of the “university’s research capacity on issues of importance to Indigenous peoples and populations, and strengthening global connections with Indigenous peoples and programming” - amongst others (Ibid, pg. 16).



## FACULTY OF ARCHITECTURE

Within the *Faculty of Architecture's 2015-2020 Strategic Plan*, one of the major priorities includes the facilitation, strengthening and development of essential relationships with Indigenous communities (Faculty of Architecture Council, 2015, pg. 5). This could lead to the opportunity to "raise awareness of Indigenous issues within the faculty, support development of knowledge exchange with and between Indigenous communities, and support the work of organizations such as the Assembly of Manitoba Chiefs that represent Indigenous interests. Faculty and students could work towards improving the quality of life for Indigenous peoples through an encouragement and support of research that focuses on issues relevant to Indigenous communities" (Ibid, pg. 11).

▼ **Figure 2.4** - View from University Centre of the Fort Garry Campus of the University of Manitoba (Strategic Planning Committee, 2014).

The University of Manitoba has an obligation as a publicly-funded institution to follow and lead Canadians and it is important that the more recent Calls to Action are a part of that.

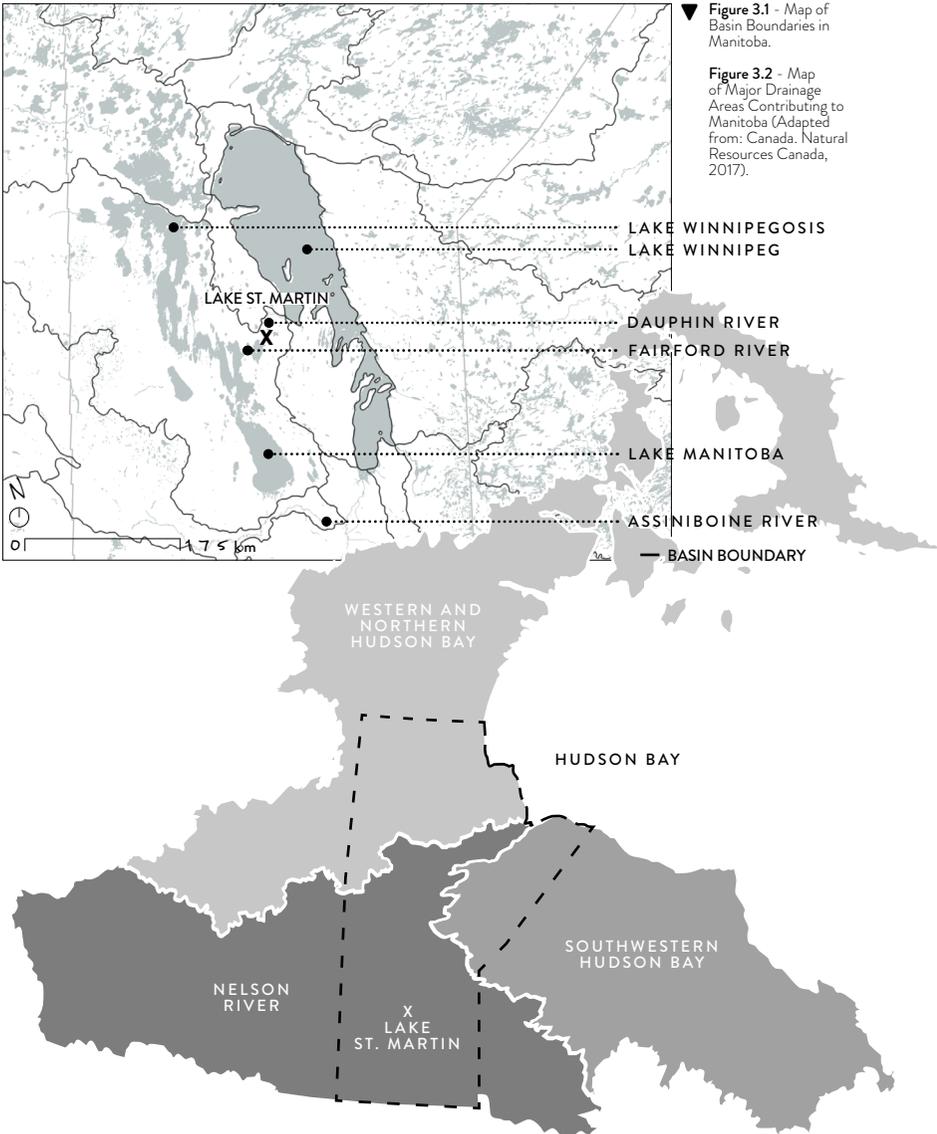
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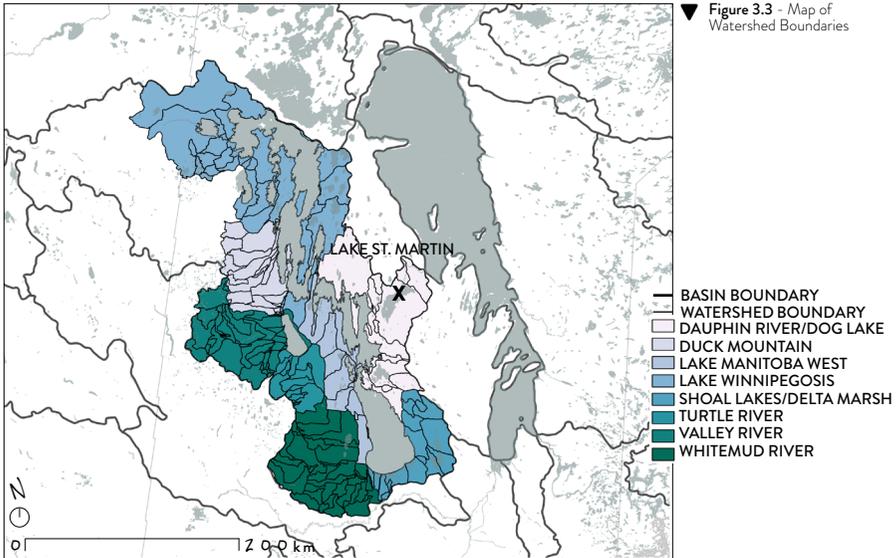
## CONTEXT

### DRAINAGE AREA, BASIN & WATERSHED BOUNDARIES



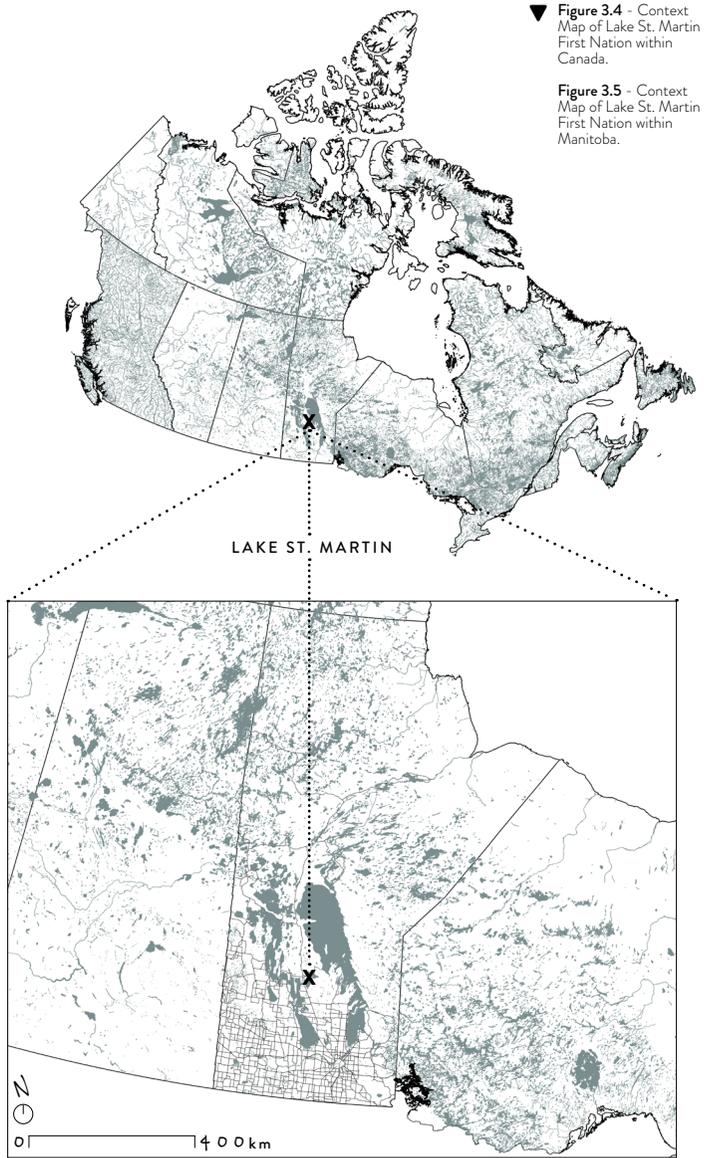
"... the lakes, the rivers, it's similar to a blood vein in your body. It's like that. It's like the water on Earth is its blood."

► (Bone and Pratt, 2014, pg. 17) - Anishinaabe Elder Francis Neepinak, as part of the Treaty Elders' Teachings in *Untuwe Pi Kin He: Who We Are*



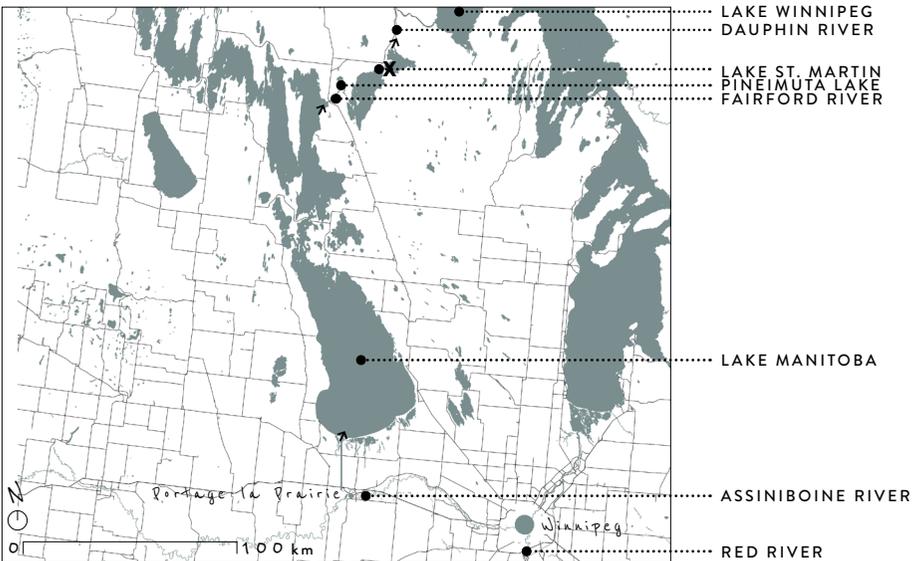
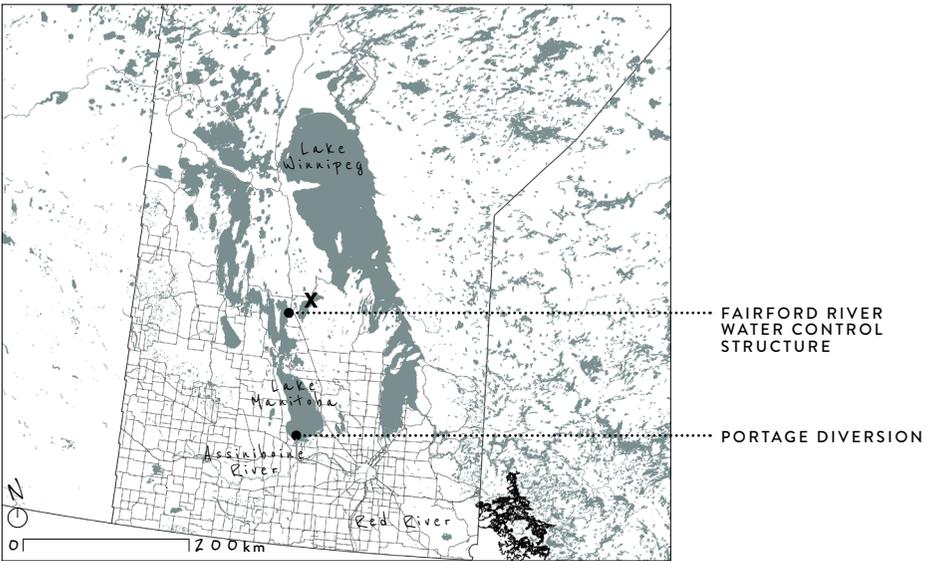
The community of Lake St. Martin sits within the Dauphin River Drainage Basin. Water from Lake Manitoba flows through the Fairford River into Lake St. Martin. From Lake St. Martin, water then flows to the Dauphin River. The water from the Dauphin River ends up in Lake Winnipeg. The drainage basin sits within the larger Nelson River Drainage Area as indicated. Water is regulated from the Fairford River Water Control Structure (FRWCS), which has had significant impact on the community of Lake St. Martin over the years.

# HYDROLOGY CONTRIBUTING TO LAKE ST. MARTIN

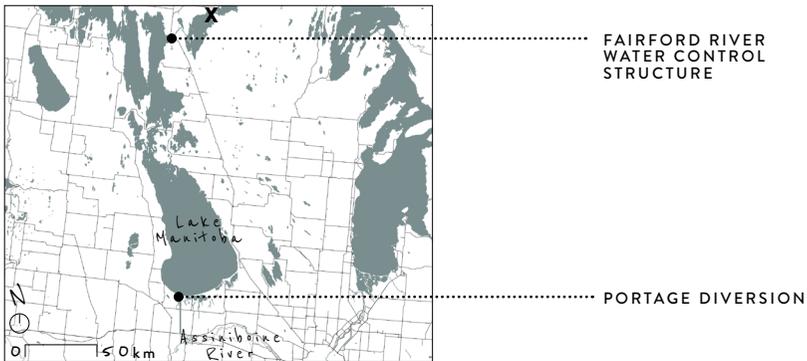


▼ **Figure 3.6** - Context Map of Water Control Structures Contributing to Lake St. Martin illustrated within the context of the Central and Southern Manitoba.

**Figure 3.7** - Context Map of Inflows and Outflows to Lake St. Martin within Manitoba.



## PORTAGE DIVERSION



► **Figure 3.8** - Context Map of Water Control Structures Contributing to Lake St. Martin within Central and Southern Manitoba.

The Royal Commission on Flood Cost Benefit (1958) recommended construction of the Portage Diversion, amongst other flood control projects (Lake Manitoba/Lake St. Martin Regulation Review Committee, 2013, pg. 12). The original intent of the channel was to divert water from the Assiniboine River and ultimately protect the City of Winnipeg. This operation has had subsequent effects on Lake Manitoba's water quality and lake level regulation (Ibid, pg. 12).

The flooding at Lake St. Martin during the 'Superflood' is representative of a lengthy history of flooding within the Indigenous community. Prior to European contact, Indigenous peoples remained nomadic within their traditional territory where they would fish in one area and hunt in the next. Temporary settlements existed near bodies of water that were known to be prone to seasonal flooding. However, after European contact permanent settlements were established in these areas based on government directives, other times were based on the will of the First Nation. Though I have searched, I cannot find definitive answers as to how the government and Lake St. Martin First Nation came to the decision that the settlement and reserve land would be in its location near the water body of Lake St. Martin. This could mean that the settlement was there prior to the signing of Treaty 2 and that the reserve status simply formalized this. It could also mean that they were moved to this location with consultation and it could mean that they were moved to this location without consultation. Part of the difficulty in solidifying this is that there were no clear public records to access on this for my research (though there may be references in the archives held by the Government of Canada in Ottawa). Flooding problems within this community began in 1961 with the introduction of the Fairford River Water Control Structure (FRWCS). Between "1809 and 1901, an additional channel was dredged at the origin of the Fairford River, the only outlet from the lake, in an effort to reduce maximum lake levels" (Lake Manitoba Regulation Review Advisory Committee, 2003, pg. 1) This action proved to be ineffective. A "control structure was built on the Fairford River in 1933 to prevent the lake from falling too low, but the structure could do nothing to manage high lake levels and associated flooding" (Ibid, pg. 4). It is perhaps counterintuitive that control structures are used both in times of flooding and in times of drought. The purpose of the Fairford Control Structures was also to maintain high water levels on Lake Manitoba in periods of drought.

Although saturated by water on annual basis, the first heavy flooding event experienced by Lake St. Martin was in 1997 (Manitoba. Flooding Information, n.d.b). At this time, lawsuits were filed by the community against both the Provincial and Federal Governments. These charges were subsequently put on hold as the Federal Government was in agreement that the community should be moved to *higher ground*. This is something that Lake St. Martin First Nation had argued for years. Within this context, the Provincial Government provided written assurance that "... not only would they negotiate a long-term solution, but they would assist the First Nation with rebuilding its devastated community" (Sinclair, 2011). There are no records however, that this was facilitated or implemented.

## FAIRFORD RIVER WATER CONTROL STRUCTURE

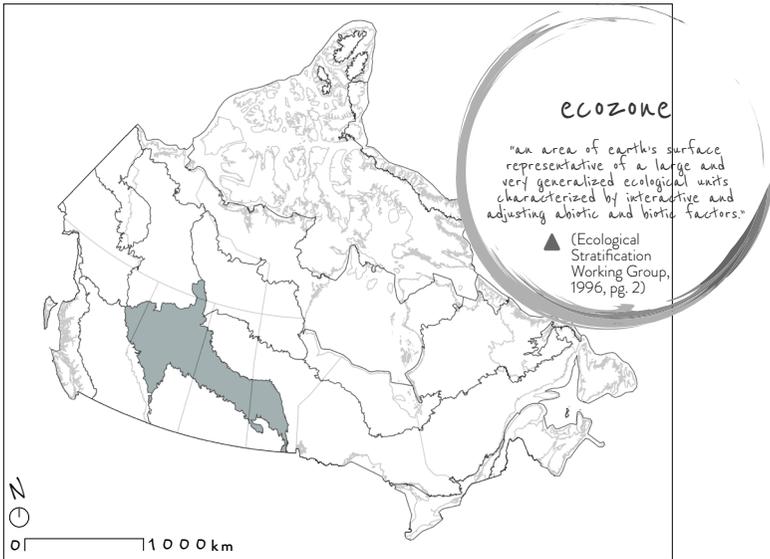
The Fairford River Water Control Structure (FRWCS) is located on the Fairford River between Lake Manitoba and Lake St. Martin (Government of Manitoba, n.d.a). The structure was built by the Manitoba government and is operated by the Hydrologic Operations Branch. The two primary purposes of the structure are:

- "to reduce flooding on Lake Manitoba by allowing additional water to flow down the Fairford River into Lake Pinemuta and Lake St. Martin and eventually into Lake Winnipeg via the Dauphin River;
- to maintain lake levels during periods of low inflow by reducing outflow into the Fairford River" (Lake Manitoba/Lake St. Martin Regulation Review Committee, pg. 14).

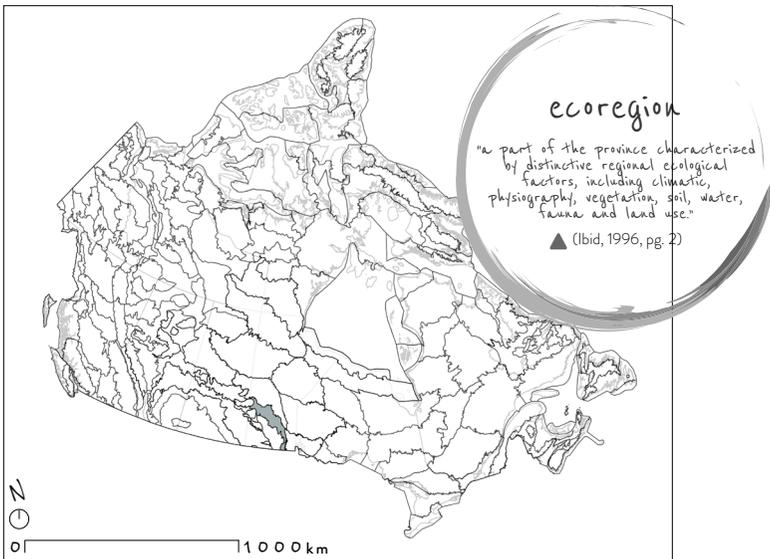
Flooding issues in the Lake St. Martin Reserve, however, **began** with the completion of this structure in 1961, and subsequent use of the Fairford River Water Control Structure. As a result, the land at Lake St. Martin First Nation (Reserves 49 and 49A) has been saturated on an annual basis. Through the use of ArcGis 10.2.2, Raghavender Geebu analyzed the geographical impact of the Fairford River Water Control Structure (FRWCS) on the community of Lake St. Martin as part of his Master's thesis titled, '*Analyzing the geographical impact of water control structures and the 2011 "Super Flood" of Manitoba on Lake St. Martin First Nation using historical aerial photos, light detection and ranging data, and geographical information system*' completed at the University of Manitoba in 2017. The initial map in this thesis compares the land in 1948, prior to the introduction of the Fairford River Water Control Structure (FRWCS). From these years, there was an approximate land loss of **7.5% (418.5 acres)**. The second map in his thesis represents 12 years later, 1961, and indicates a further loss of an additional **8.6% of land (901.5 acres)** (Geebu, 2017, pg.64). When the FRWCS was planned and constructed, it is noted that consideration was not given to its impact on communities downstream. If the same structure were to be built today, there would be consultation with affected communities, where voices from the First Nations could be heard - whether it be in opposition of the project or not. Having a seat at the table would have allowed for Lake St. Martin First Nation to have had meaningful conversations with the Provincial Government on water levels before the FRWCS and the impact that the structure was going to have on those levels after being built.

"Our patience has run out. We want to  
▶ move to higher ground."

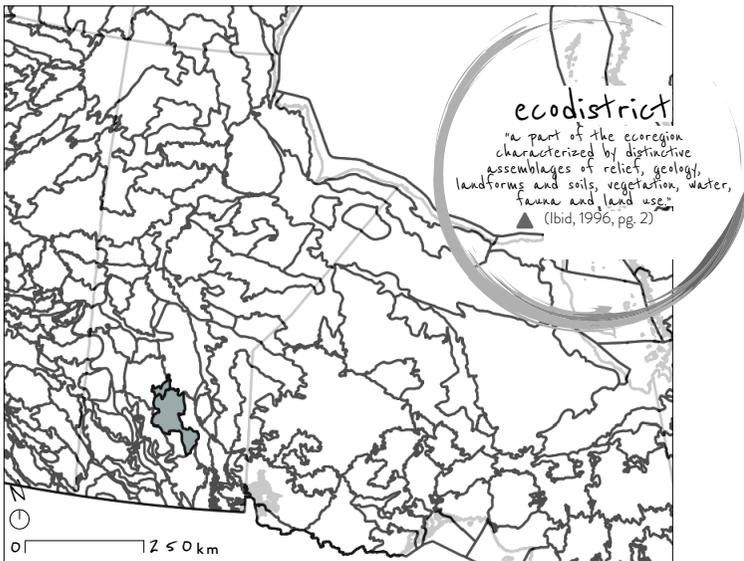
# ECOZONES, REGIONS AND DISTRICTS



► Figure 3.9 - The Boreal Plains Ecozone



► Figure 3.10 - The Interlake Plains Ecoregion



► **Figure 3.11** - The Gypsumville Ecodistrict where the Lake St. Martin Reserve is located

Lake St. Martin Reserves 49 and 49A are situated within the Boreal Plains Ecozone. The reserves are still within the Boreal Plains Ecozone. The ecozone covers 650,000 square kilometers and is stretched “across the middle portions of Manitoba and Saskatchewan and approximately two-thirds of Alberta” (Ibid, pg. 86).

The reserve land can be further classified into the Interlake Plains Ecoregion. The Interlake Plains Ecoregion is a representative mosaic of farmland and boreal forest (Smith, et al., 1998, pg. 190).

The final classification of the reserve land associated with Lake St. Martin is the Gypsumville Ecodistrict. This ecodistrict is 1291 square kilometres in area and occupies the north-central portion of the Interlake Plains Ecoregion (Ibid, pg. 196). The community of Gypsumville acts as the “service centre for the ecodistrict and adjacent areas” (Ibid, pg. 197). Within the ecodistrict, “slopes range from level to 2 percent and are frequently less than 50 metres long, although some slopes are as long as 150 metres” (Ibid, pg. 196). It is noted that within this ecodistrict, “nearly all of the soils are imperfectly drained” (Ibid, pg. 196) and that “stoniness and irregular patterns of imperfectly and poorly drained conditions contribute to soil problems contribute to soil problems” (Ibid, pg. 196). This means that the soil and ultimately the land is not suitable for cultivation. Practicing agriculture around the area of Lake St. Martin is not encouraged. This limits the usable land for the First Nation to maintain a sustainable livelihood.

## SURFICIAL GEOLOGY

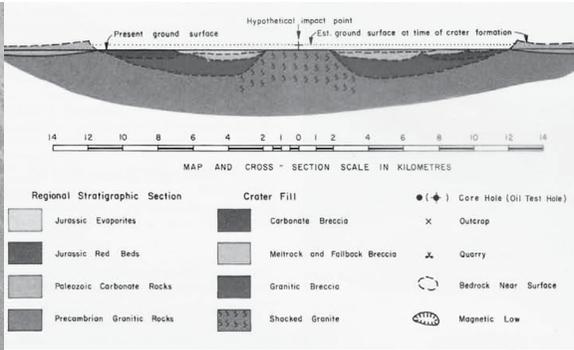
The reserve land associated with Lake St. Martin First Nation (49 and 49A) prior to the 2011 'Superflood' was located in close proximity to the Lake St. Martin Crater. The crater is estimated at approximately 24 km in diameter and dates back to the late Triassic Period (Bannatyne and McCabe, 1984, pg. 10). It is believed that the meteorite, initially part of an Apollo Asteroid (group of asteroids in orbit near the surface of the Earth) that struck the Lake St. Martin area, was a minimum of 1 km in diameter (Ibid, pg. 10).



► **Figure 3.12** - Plan View of Lake St. Martin Crater (Bannatyne and McCabe, 1984, pg. 10).

► **Figure 3.13** - Section Cut of Lake St. Martin Crater (Bannatyne and McCabe, 1984, pg. 10).

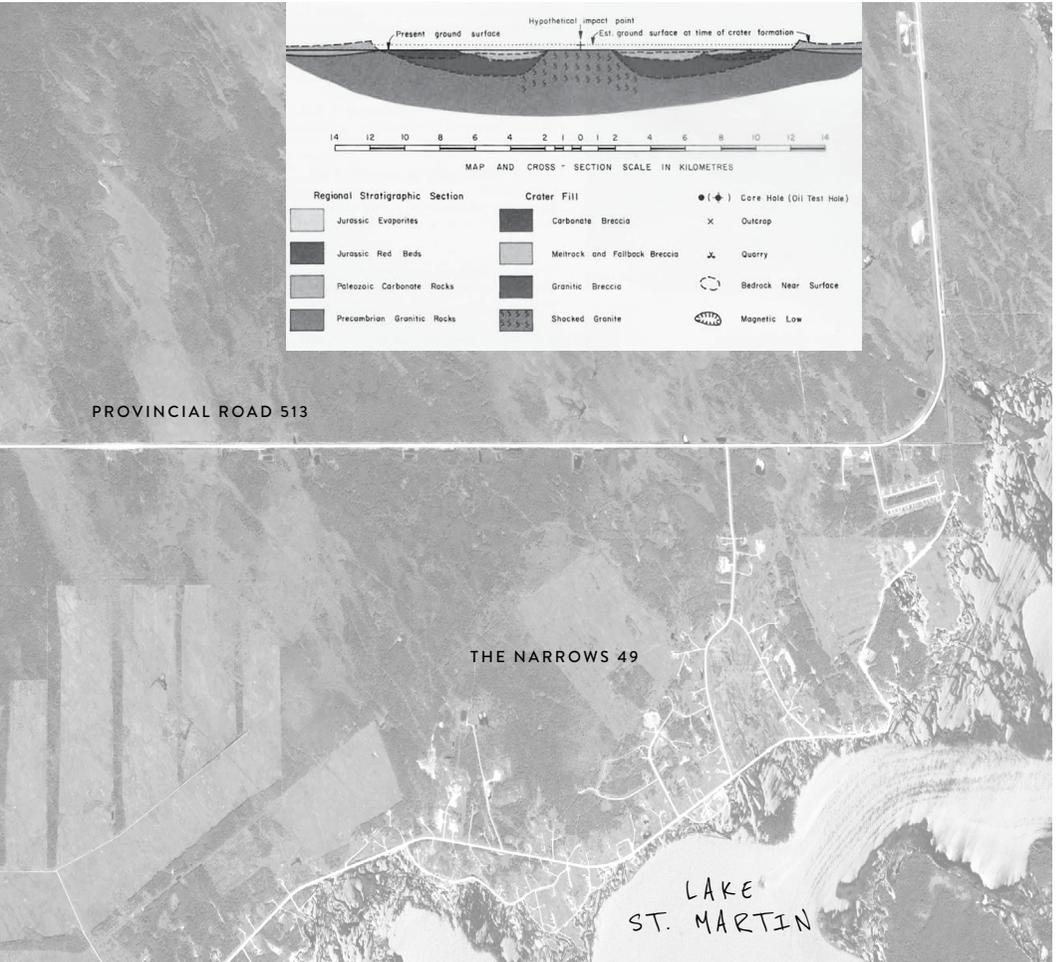
▼ **Figure 3.14** - The Lake St. Martin Crater in relation to the the reserved land Narrows 49 associated with Lake St. Martin First Nation (Google Maps, 2019).



PROVINCIAL ROAD 513

THE NARROWS 49

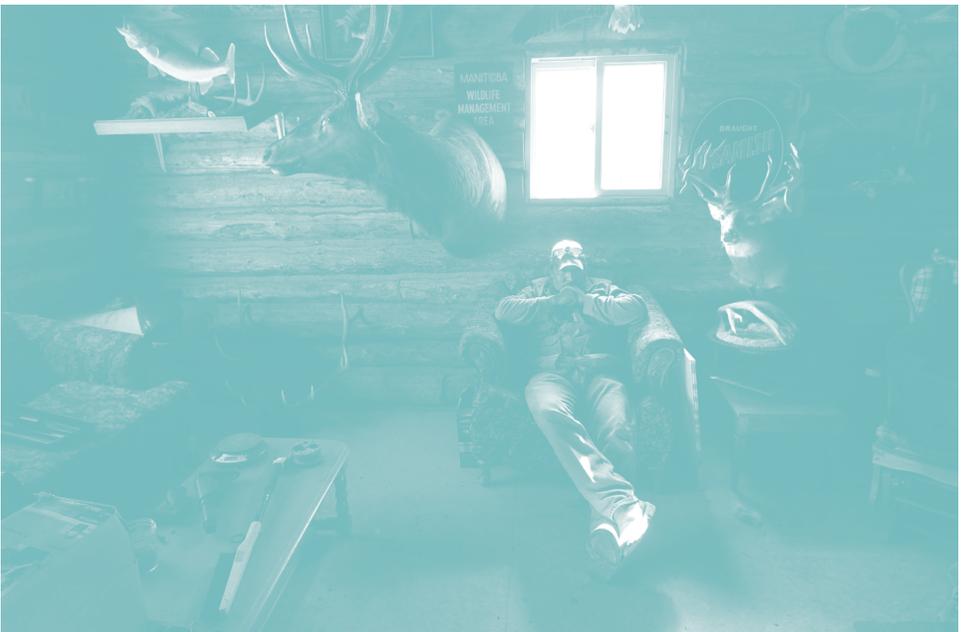
LAKE ST. MARTIN



## A COMMUNITY BUILT ON HUNTING AND FISHING

The members of Lake St. Martin First Nation were traditionally fishers and hunters, with particular historical focus placed on hunting buffalo in the area. Aside from providing an important source of sustenance for the community, both fishing and hunting also provided an avenue of income as well. It is also important to note that both men and women were involved with the practice - with women preparing the fishing nets and the men getting together to make the canoes used for travel and fishing (Ballard, 2017). The community of Lake St. Martin had a total of three churches that would serve as gathering places, both inside and outside of the buildings for residents and activities such as the preparation of fishing nets and building of canoes (Ibid, 2017).

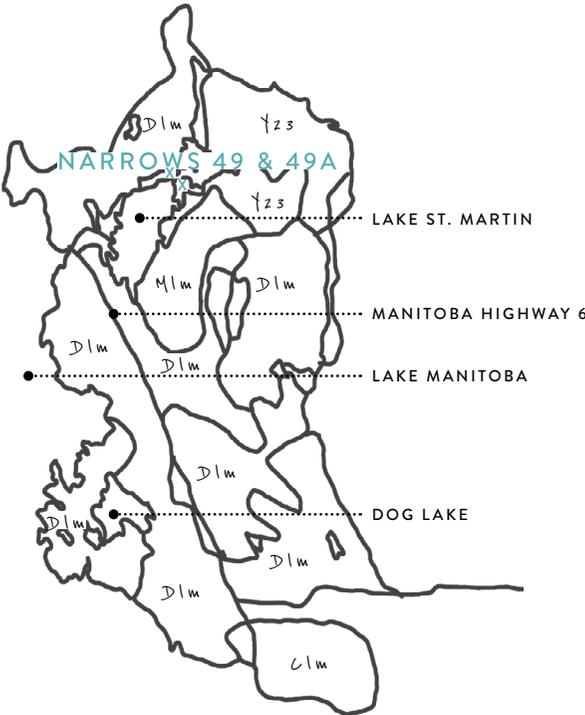
The sustainability of fishing and hunting in surrounding areas of the community was tested following a decline in resource access for the Lake St. Martin First Nation due to technology in use by the colonial settlers (Ibid, 2017). The superior technology gave the settlers a profound advantage and eventually led to over harvest in both fishing and hunting (Ibid, 2017). The members of Lake St. Martin First Nation pushed through, however, and began to practice agriculture, even though the land was not ideal for this, to maintain a degree of sustainable self-sufficiency in the community. Although the First Nation has maintained a degree of fishing and hunting following, this has been significantly tested and reduced following the 2011 'Superflood' (Thompson and Ballard, 2013).



► **Figure 3.15** - Clint Beardy, a member of Lake St. Martin First Nation is seen above. Beardy remained in the community following evacuation efforts, citing deep roots to the lands of his ancestors (Winnipeg Free Press, 2012c).

# SOIL ORDERS OF LAKE ST. MARTIN

The portion of reserve land (The Narrows 49) on the northern shores of Lake St. Martin is classified as dark gray chernozemic and luvisolic soil on loam. Chernozemic soils are defined as “well to imperfectly drained soils having surface horizons darkened by the accumulation of organic matter from decomposition of xerophytic or mesophytic grasses and forbs representative of grassland communities or of grassland- forest communities with associated shrubs and forbs” (Agriculture Canada Expert Committee on Soil Survey, 1987, pg. 53). Similar to chernozemic soils, luvisolic soils develop within “well to imperfectly drained sites, in sandy loam to clay base-saturated parents materials under forest vegetation in subhumid, mild to very cold climates” (Ibid, pg. 75).



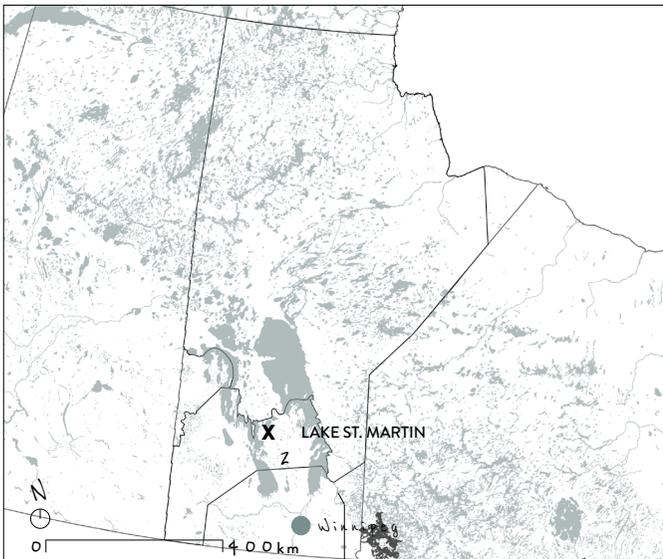
<b>C. BLACK CHERNOZEMIC SOILS ON:</b>	
Dcd Ccl	sand parent material sandy loam
Dcl Ccl	loam clay loam
Ccy	clay
<b>D. DARK GRAY CHERNOZEMIC AND DARK GRAY LUVISOLIC SOILS ON:</b>	
Dsd Dsl	sand parent material sandy loam
Dlm Dcl	loam clay loam
Dcy	clay
<b>F. GRAY LUVISOLIC SOILS ON:</b>	
Fsd Fsl	sand parent material sandy loam
Flm Fcl	loam clay loam
Fcy	clay
<b>J. BLACK SOLONETZIC SOILS ON:</b>	
Jlm	loam parent material
Jcy	clay
<b>M. EUTRIC BRUNISOLIC SOILS ON:</b>	
Msd Msl	sand parent material sandy loam
Mlm	loam
<b>O. ORGANIC CRYOSOLIC SOILS ON:</b>	
O11	fibric sphagnum material
O23	mesic woody forest
<b>P. DYSTRIC BRUNISOLIC SOILS ON:</b>	
Psd	sand parent material
<b>R. REGOSOLIC SOILS ON:</b>	
Rsd	sand parent material
Rlm Rcl	loam clay loam
<b>T. TURBIC CRYOSOLIC SOILS ON:</b>	
Tsd	sand parent material
<b>U. GLEYSOLIC SOILS ON:</b>	
Usl	sandy loam parent material
Ulm Ucl	loam clay loam
Ucy	clay
<b>X. ORGANIC FIBRISOLS ON:</b>	
X11	fibric sphagnum material
<b>Y. ORGANIC MESISOLS ON:</b>	
Y21 Y23	mesic sedge material mesic woody forest
<b>MISCELLANEOUS NON SOILS</b>	
R2	HARDROCK OUTCROP
R3	HARDROCK OUTCROP

► **Figure 3.16** - Soil Order Map of Manitoba (Agriculture and Agrifood Canada, 2013)

The Narrows 49A is associated with the organic order. These soils are composed of organic material. They are also known to be saturated with water for extended periods of time as they exist within poorly and very poorly drained depressions (Ibid, pg. 82). This classification helps substantiate concerns that Lake St. Martin First Nation has fostered for decades in relation to their saturated land.

## LAKE ST. MARTIN FIRST NATION

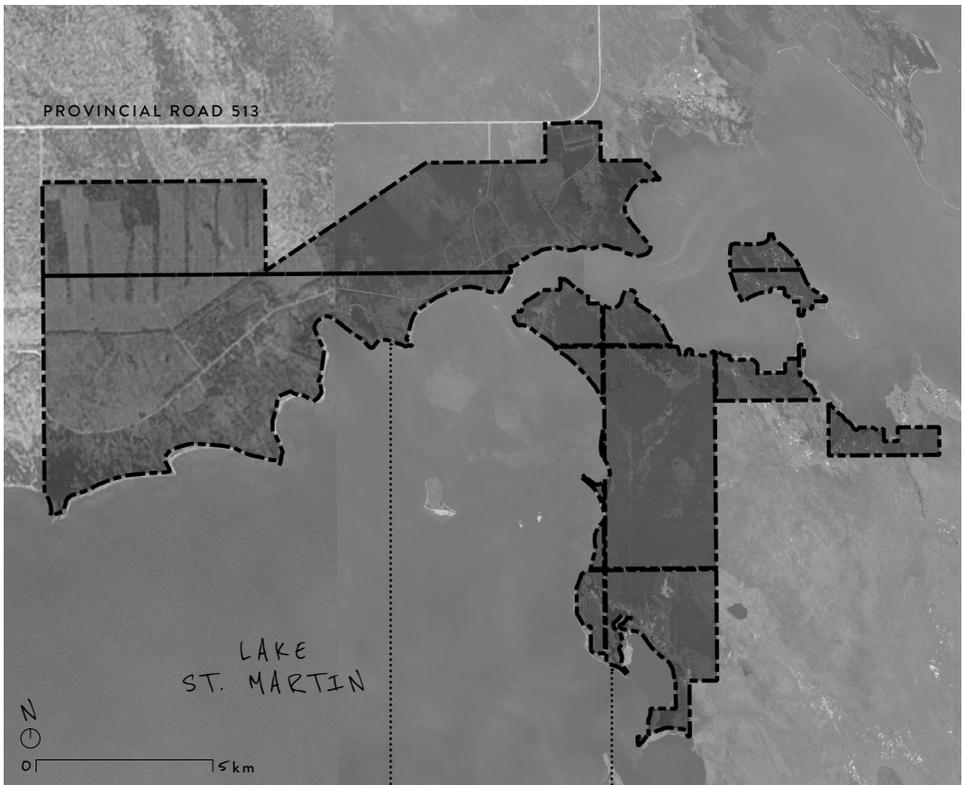
The people of Lake St. Martin First Nation have lived in the Interlake Region, situated between Lake Manitoba and Lake Winnipeg, since treaties were signed in the late 1800's and the creation of reserves by the Federal Government (Ballard, 2017). Although the state of infrastructure and housing has deteriorated following the introduction of the Fairford River Water Control Structure, members of First Nation continued to reside on the Narrows 49 portion of reserve land until the 2011 'Superflood'.



► Figure 3.17 - Context Map of Lake St. Martin First Nation in relation to the City of Winnipeg.

Prior to the 2011 'Superflood', all members of Lake St. Martin First Nation resided along the back shore of the northern side of Lake St. Martin on the Narrows 49 portion of reserve land.

A fluctuation of numbers on the evacuee list sparked a Federal investigation in 2012. When the community was evacuated, there were 767 members on the list given to the Manitoba Association of Native Firefighters (MANFF) (Rabson, 2012). Only 587 members were listed as evacuated in a bulletin issued by the province in June 2011 (Rabson, 2012). In August 2011, the total number of evacuated members was listed as 725 to the media (Rabson, 2012). February 2012 saw a total number of 1157 evacuees listed with the federal government (Rabson, 2012). In March 2012, 1268 members of Lake St. Martin First Nation were registered as evacuees with MANFF (Rabson, 2012). MANFF was provided with names of those eligible for evacuation in the community, and they would then provide the Government of Manitoba's Emergency Management Organization with the list to instigate an evacuation (Rabson, 2012). MANFF paid the bill for the hotel rooms and living expenses for evacuees. The Emergency Measures Organization were to repay MANFF, who then would be reimbursed by the Government of Canada, as they have jurisdiction over the reserve (Rabson, 2012).



► Figure 3.18 - Context Map of reserve land associated with Lake St. Martin First Nation (Bing Maps, 2019).

THE NARROWS 49      THE NARROWS 49A

The Narrows 49    2,613 ha  
 51° 44' 17" N, 98° 27' 13" W  
 (Government of Canada. Natural Resources Canada, 2016a)

The Narrows 49A    982 ha  
 51° 43' 23" N, 98° 22' 11" W  
 (Government of Canada. Natural Resource Canada, 2016b)

# 04

## DISPLACEMENT

The displacement of people continues to be an ongoing threat within the world context. According to the UN Refugee Agency's annual *Global Trends* survey, a staggering 68.5 million people were forcibly displaced in 2017 alone (United Nations High Commissioner for Refugees, 2018). We often associate the concept of displacement with refugees and individuals that are living within "civil unrest, political violence and armed conflict" (United Nations High Commissioner for Refugees, 2017). These associations are regularly made within countries that are considered to be poor or developing, but rarely is the same association made within developed countries such as Canada (Denov and Campbell, 2002, pg. 21).

An annual report released by the United Nations Development Programme lists Canada within the top 10% of countries who strive towards human development on a consistent basis. Within the United Nations Development Programme, human development is viewed as the expansion and enrichment of human life - rather than just the economies in which these humans live (United Nations Development Programme, n.d.). Focus is placed on the betterment of people, providing opportunities and choice for them (Ibid, n.d.). For this report, countries are ranked based on their Human Development Index (HDI) value. The Human Development Index follows the health and education achievements of each country, including life expectancy, school enrollment and gross national income (Ibid, n.d.). A value between 0 and 1 are assigned to each country, with further classification as having very high human development, high human development, medium human development and low human development (Ibid, n.d.). Countries with a history of displacement tend to rank lower on the list - a direct correlation between displacement and its impact on health and education (Global Education Monitoring Report team, 2018).

While displacement due to "civil unrest, political violence and armed conflict" (United Nations High Commissioner for Refugees, 2017) has been limited within Canada, the prevalence of climate change (evidenced through forest fires and flooding) and forced migration of Indigenous peoples has brought forth the emergence of internal displacement (Internal Displacement Monitoring Centre, 2019a).

"Internal Displacement is the greatest tragedy of our time.  
The internally displaced people are among the most vulnerable of the human family."

(Comms Internal Displacement Monitoring Centre, 2019) - Kofi Annan, former United Nations Secretary General

DOMINATION

DISCRIMINATION

ASSIMILATION

Within the *United Nation's Guiding Principles on Internal Displacement* (1998), internally displaced persons (IDPs) are described as “persons or groups who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internally recognized border” (United Nations Office for the Coordination of Humanitarian Affairs, 2004). These guiding principles provide a compilation of applicable international and human rights law but are not considered to be a legally binding document themselves.

The principles place focus on the stages of displacement, including: protection against displacement (principles 5 to 9), protection during displacement (principles 10 to 23), framework for humanitarian assistance (principles 24 to 27) and protection during return, local integration in the locations where the persons have been displaced and resettlement in another part of the country (principles 28 to 30) (Internal Displacement Monitoring Centre, 2019b).

The Internal Displacement Monitoring Centre (based out of Geneva, Switzerland) monitors internal displacement across the globe, providing fundamental research and evidence on internal displacement (Comms Internal Displacement Monitoring Centre, 2019). Information gathered by the centre is used to inform decisions and shape policies to improve the lives of people who are living in or at risk of internal displacement (Ibid, 2019). Unlike refugees, internally displaced people are not protected under international law, and in this case, they are strictly dependent upon the Federal Government to provide protection and assistance within the country (Office of the High Commissioner, n.d.). Within Canada, the majority of internally displaced peoples result from forest fires and the consequence of flooding within the country (whether unintentional or intentional). Indigenous communities, including Lake St. Martin, are often impacted by intentional flooding. The colonial history of our country and continued displacement of Indigenous communities in Canada chronicles a story of “sustained domination, discrimination and assimilation” (Denov and Campbell, 2002, pg. 22).

ASSIMILATION

DOMINATION

# DISPLACEMENT

▼ **Figure 4.1** - A member of Lake St. Martin First Nation stands along the edge of the Lake St. Martin in reflection (Siu, 2014)

## DUE TO SETTLEMENT AND OCCUPATION BY OTHERS - CASE STUDY

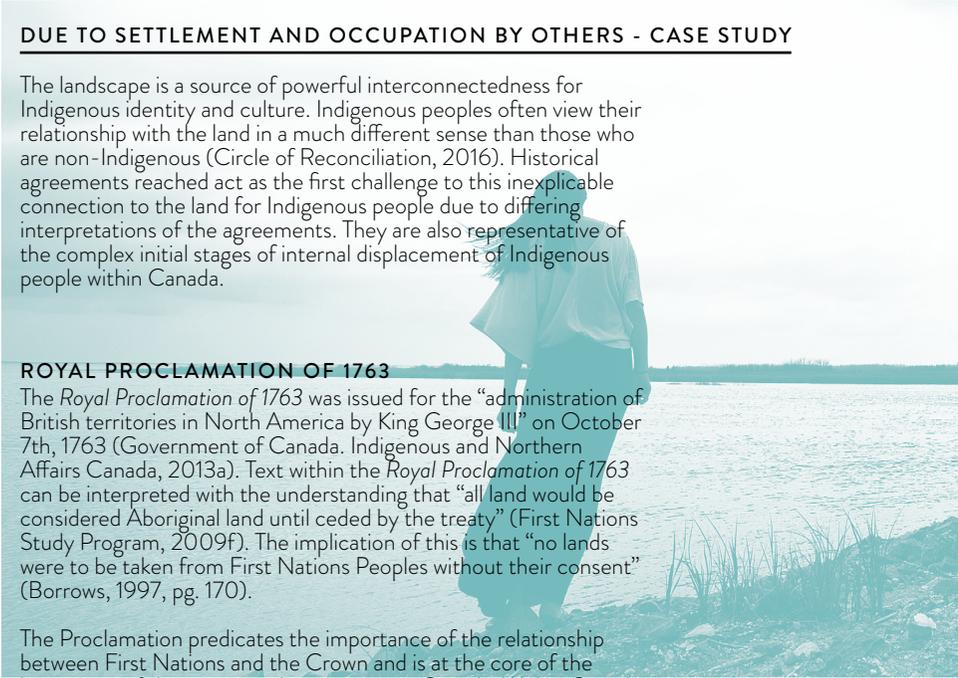
The landscape is a source of powerful interconnectedness for Indigenous identity and culture. Indigenous peoples often view their relationship with the land in a much different sense than those who are non-Indigenous (Circle of Reconciliation, 2016). Historical agreements reached act as the first challenge to this inexplicable connection to the land for Indigenous people due to differing interpretations of the agreements. They are also representative of the complex initial stages of internal displacement of Indigenous people within Canada.

### **ROYAL PROCLAMATION OF 1763**

The *Royal Proclamation of 1763* was issued for the “administration of British territories in North America by King George III” on October 7th, 1763 (Government of Canada. Indigenous and Northern Affairs Canada, 2013a). Text within the *Royal Proclamation of 1763* can be interpreted with the understanding that “all land would be considered Aboriginal land until ceded by the treaty” (First Nations Study Program, 2009f). The implication of this is that “no lands were to be taken from First Nations Peoples without their consent” (Borrows, 1997, pg. 170).

The Proclamation predicates the importance of the relationship between First Nations and the Crown and is at the core of the beginnings of the treaty-making process in Canada. Within Canada, the Crown is associated with the Queen and is an “abstract concept or symbol that represents the state and its government” (Hall, 2019).

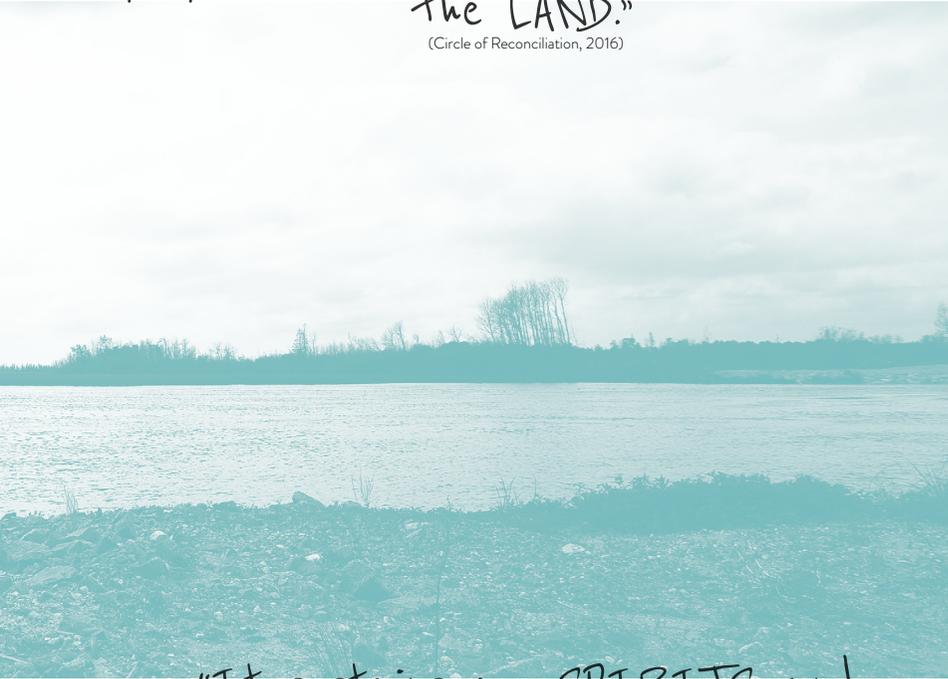
“There were differing objectives from the First Nations and the Crown in regards to the formulation of principles within the Proclamation” (Borrows, 1997, pg. 170). Notably, the colonial settlers were attempting to secure “territory and jurisdiction”, whereas First Nations were concerned with “preservation of land and sovereignty” (Ibid, pg. 170).



"For Indigenous peoples continued existence - throughout the world - LAND is a PREREQUISITE.

It is important because Indigenous peoples are inextricably CONNECTED to the LAND."

(Circle of Reconciliation, 2016)



"It sustains our SPIRITS and BODIES; it determines how our societies develop and operate based on available environmental and natural resources; and our socialization and governance FLOW from this INTIMATE relationship."

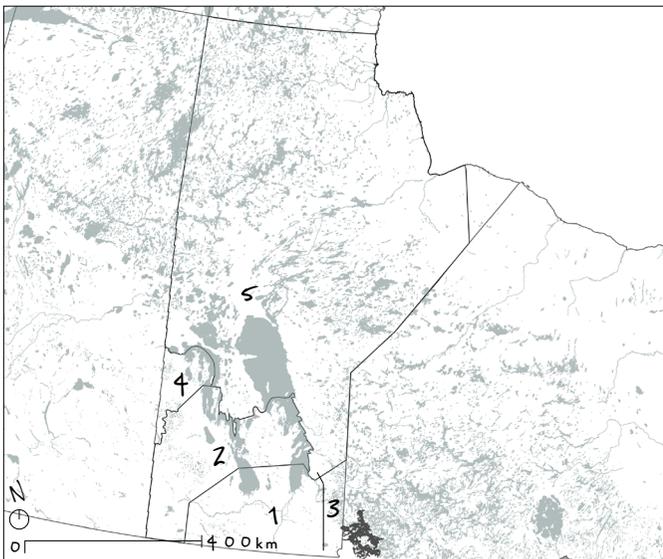
(Ibid, 2016)

## DOCTRINE OF DISCOVERY & TERRA NULLIUS

The concept of *Terra Nullius* is that “no one owned the land prior to European assertion of sovereignty” (Assembly of First Nations, 2018, pg. 3). The European assertion of sovereignty throughout the world prior to the 20th century, was upheld by *Terra Nullius*. This is important to understand how Canada was formed as the nation we know today. The “Doctrine of Discovery emanates from a series of formal statements from the Pope”, originating in the 1400’s” (Ibid, pg. 2). “Discovery was used as legal and moral justification for colonial dispossession of sovereign Indigenous nations, including First Nations, in what is now Canada” (Ibid, pg. 2) “Christian explorers claimed lands for their monarchs who felt they could exploit the land regardless of the original inhabitants” (Ibid, pg. 2).

The Supreme Court has since confirmed that “*Terra Nullius* never applied in Canada” (Ibid, pg. 4) – and that the Doctrine of Discovery should be viewed in the same regard, as confirmed by the *Royal Proclamation of 1763* (Ibid, pg. 3). The *Royal Proclamation* “recognized Aboriginal Title during European settlement ...” (First Nations Study Program, 2009b). While the Supreme Court decision in 2014 is significant, there are several TRC *Calls to Action* (2015) that call for the repudiation of the two concepts, including the “repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, including the Doctrine of Discovery and *Terra Nullius*, and the reformation of laws, government structures, and policies within their respective institutions that continue to rely on such concepts” (Truth and Reconciliation Commission (TRC), 2015a, pg. 200).

## TREATIES



► Figure 4.2 - Treaty Map of Manitoba.

"... as long as the sun SHINES, the grass GROWS and the rivers FLOW."

▲ (Krasowski, 2019, pg.278) - Representative view on the longevity of treaties, viewed as lasting forever by participating First Nations.

Treaties are best described as, "(1) a formally concluded and ratified agreement between countries, (2) an agreement in written form between nation-states that is intended to establish a relationship governed by International Law; and (3) a negotiated agreement that clearly spells out the rights and responsibilities and relationships of First Nations and the Federal and Provincial Governments" (Treaty Relations Commission of Manitoba, 2019a).

Treaties were negotiated in Canada in both the "pre- and post-Confederation eras" (Treaty Relations Commission of Manitoba, 2019b). Treaties signed prior to Confederation include: "eight Maritime Peace and Friendship Treaties (1725-1779); three Peace & Neutrality Treaties (1701-1760); thirty Upper Canada Treaties (1781-1862); two Robinson Treaties (1850) and fourteen Douglas Treaties (1850-1854)" (Ibid, 2019b). Following Confederation in 1867, the Dominion of Canada began to negotiate treaties with a number of First Nations within the country (Ibid, 2019b). The "negotiation of Numbered Treaties in Western Canada began after Canada acquired Rupert's Land from the Hudson's Bay Company" (Kraft, 2011). The Canadian Government then needed rapid settlement of the west to secure sovereignty over the territory and eventually recoup its purchase costs. A total of eleven Numbered Treaties were negotiated in Canada between 1871 and 1921 (Treaty Relations Commission of Manitoba, 2019c). These numbered treaties allowed the government to further explore and "pursue agriculture, settlement, transportation links and resource development" (Ibid, 2019c). There are a total of five Numbered Treaties and adhesions that bisect through the province of Manitoba.

The traditional view held by non-Indigenous peoples on the treaties that were negotiated in Canada are that the Indigenous people surrendered their land to the Government of Canada (Krasowski, 2019, pg. 1). This interpretation is built upon formal sources of history, such as treaty text and Commissioner reports. Oral histories from the First Nations, however, often contradict this and are adamant that there was "no surrender of lands through the treaty process" (Ibid, pg. 1). The First Nations "agreed to share their land with settlers, in exchange for benefits" that were being offered by the Federal Government (Ibid, pg. 1).

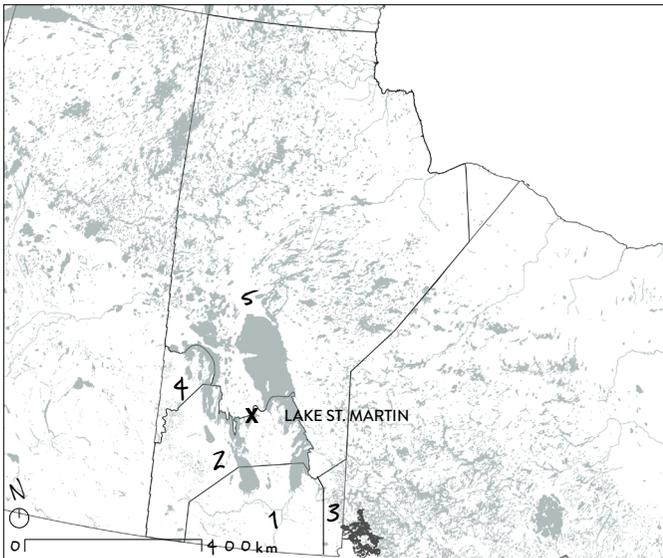
No surrender. The land was to remain INDIGENOUS!

## TREATY NO. 2

The community of Lake St. Martin resides on Treaty No. 2 territory. This Treaty was signed at Manitoba Post (on Lake Manitoba) on August 21, 1871 and concluded a few short weeks after the first treaty (Aboriginal Affairs and Northern Development Canada, 2015, pg. 5). There are a number of First Nations that share in the rights and responsibilities of Treaty Two, including: Dauphin River, Ebb and Flow, Keeseekoowenin, Lake Manitoba, Lake St. Martin, Little Saskatchewan, O-Chi-Chak-Ko-Sipi (Crane River), Pinaymootang (Fairford) and Skownan (Waterhen) (Treaty Relations Commission of Manitoba, 2019d).

August 21st, 1871 - 92,462.6 km<sup>2</sup> of land

(Aboriginal Affairs and Northern Development Canada, 2015, pg. 5)



► Figure 4.3 - Treaty Map of Manitoba with the location of Lake St. Martin First Nation highlighted.

Through this Treaty 92,462.6 km<sup>2</sup> of land in Central/Southwestern Manitoba and a small percentage of land in Southeastern Saskatchewan was “ceded” to the Government (Aboriginal Affairs and Northern Development Canada, 2015, pg. 5). The treaties also included a number of Crown and First Nation obligations.

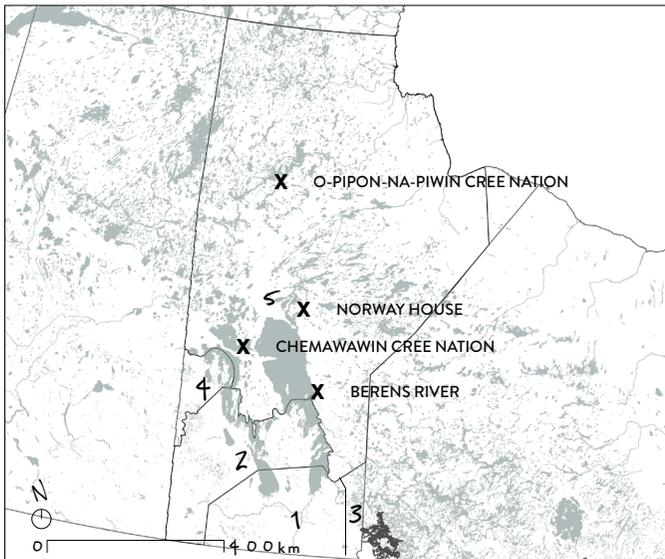
The land-related obligations of the Crown included, “... to lay aside and reserve for the sole and exclusive use of the Indian inhabiting the said tract the following lots of land ... Saving, nevertheless, the rights of the white or other settler now in the occupation of any lands” (Ibid, pg. 5) and “... one hundred and sixty acres for each family of five persons, or in the same proportion for a greater or smaller number of persons” (Ibid, pg. 5). For the Indigenous population, the treaty included text that they must “... strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen ... promise and engage that they will in all respects obey and abide by the law; that they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty’s subjects, whether Indians or whites, now inhabiting or hereafter inhabit any part of the said ceded tract ... and that they will aid and assist the officers of Her Majesty in bringing justice and punishment to any Indian offending against the stipulations of the treaty, or infringing the laws” (Ibid, pg. 5).

Treaties were viewed much differently between the British and Canadian Governments and the First Nation signatories. The “governments saw the treaties as a way to legalize the ceding of Indian lands to clear the way for European settlement, mining and railways” (Canada’s First Peoples, 2007). The associated governments used the treaties as a vehicle to diminish all First Nation claims and rights to the land, with the exception of the reserves of land that the Indigenous peoples would be placed on to live, though the Crown did hold ultimate right to the land (Ibid, 2007). This view was in direct opposition to that of the First Nations, who signed the treaties to ensure survival within the country. The First Nations felt that they were entering into agreements to share the land - it was certainly never viewed by the First Nations that they would be giving up title to the land (Ibid, 2007).

# TREATY NO. 5

Members of Chemawawin Cree Nation reside on Treaty No. 5 territory. Treaty Five was negotiated by the largest group of First Nations in Manitoba and was initially signed in Berens River on September 20, 1875 and Norway House on September 24th, 1875 (Aboriginal Affairs and Northern Development Canada, 2015, pg. 13). The First Nations communities that share in the right and responsibilities of Treaty Five includes: Berens River, Black River, Bloodvein, Chemawawin, Cross Lake, Fisher River, Hollow Water, Kinonjeoshtegon (Jackhead), Little Grand Rapids, Misipawistik, Mosakahiken, Norway House, Opaskwayak, Pauingassi and Poplar River (Treaty Relations Commission of Manitoba, 2019e).

September 20th & 24th, 1875 - ~259,000 km<sup>2</sup> of land  
 (Aboriginal Affairs and Northern Development Canada, 2015, pg. 13)



► **Figure 4.4** - Treaty Map of Manitoba with the locations of Chemawawin Cree nation and O-Pipon-Na-Piwin highlighted, as well as the two location that Treaty Five was signed in 1875.

Within this Treaty, over 259,00 km<sup>2</sup> of land was “ceded” to the Government, including parts of Central and Northern Manitoba, with a small portion included from Saskatchewan (Aboriginal Affairs and Northern Development Canada, 2015, pg. 13).

The land-related obligations of the Crown included; ‘... And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands, due respect being had to lands at present cultivated by the said Indians, and other reserves for the benefit of the said Indians ... provided all such reserves shall not exceed in all one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families’, ‘... Her Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any band as She shall deem fit’, ‘... the aforesaid reserves of land or any interest therein may be sold or otherwise disposed of by Her Majesty’s Government for the use and benefit of the said Indians entitled thereto...’ and ‘... such sections of the reserves above indicated as may at any time be required for public works or buildings, of whatsoever nature, may by appropriated for that purpose by Her Majesty’s Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon’ (Ibid, pg. 13 + 14).

The Treaty was negotiated over a relatively short time period and such, it was noted that “the Indigenous participants had little choice in the matter of treaty terms” (Krasowski, 2019, pg. 165). This short time period of negotiations also led to incomplete or inaccurate translations of the negotiations being recorded with the Indigenous peoples. In relation to prior numbered treaties that had been signed, the First Nations also received much smaller portions of land.

Treaty adhesions were made based on the fact that some bands were not present at the initial signing of the treaties (Treaty Relations Commission of Manitoba, 2019f). Treaty adhesions were also made on Treaty Five, beginning in 1908 (Tataskweyak Cree Nation/Split Lake). The “most recent treaty adhesion was negotiated in 2006” (Ibid, 2019f) for O-Pipon-Na-Piwin Cree Nation in South Indian Lake. Treaty adhesions are viewed by the communities as holding just as sacred of a “relationship with the Crown as the original treaties merited” (Ibid, 2019f). Both the Crown and the First Nations involved in adhesions are “subject to the same conditions and obligations as the original signees” (Ibid, 2019f). In 2001, the Assembly of Manitoba Chiefs were in agreement with the creation of the Treaty Relations Commission of Manitoba, when the office officially opened its door in 2005. The mandate of the Treaty Relations Commission of Manitoba office is to “strengthen, rebuild and enhance the treaty relationship and mutual respect as envisaged by the Treaty Parties” (Treaty Relations Commission of Manitoba, 2019g).

## CONSTITUTION ACT, 1867 AND 1982

Through the *Constitution Act, 1867*, exclusive jurisdiction “over Indians (sic) and land reserved for Indians was given to the Canadian Federal Government” (Institute for Research of Public Policy.Policy Options, 2010). At the time, the document provided structure for Confederation in Canada. The *Constitution Act, 1982* included amendments to the constitution and the introduction of the *Charter of Rights and Freedoms*.

Until 1982, Section 91 of the *Constitution Act, 1867* was the only legal document that provided reference to Aboriginal Peoples in Canada. As Brian Bird discusses within his entry for the *Policy Options Constitutional Affairs Essay* competition, “[Prior to 1982]... Aboriginal and treaty rights of Aboriginal Peoples of Canada were vulnerable to governmental extinguishment by way of clear and plain legislative action” (Institute for Research of Public Policy.Policy Options, 2010). The enactment of the *Constitution Act, 1982*, and more specifically, Section 35(1) ensured that these Aboriginal and treaty rights were the recipients of constitutional protection, however the meaning and significance of the provision was not immediately clear upon presentation (Ibid, 2010). A precedent-setting decision on Section 35 was made by the Supreme Court of Canada in 1990 (*R. v. Sparrow*) (Ibid, 2010). While the section itself does not “promise immunity from government regulation in contemporary society but it does hold the Crown to a substantive promise” (First Nations Study Program, 2009g). Within this section the government must “bear the burden of justifying legislation that has some negative effect on any Aboriginal rights protected under Section 35(1)” (Supreme Court of Canada, 1990).

### CONSTITUTION ACT, 1867 - SECTION 91 OF CLASS 24, POWERS OF PARLIAMENT

“It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and the House of Commons, to make laws for the Peace, Order and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends all

Matters coming with the Classes of Subjects next hereinafter enumerated; that is to say, ...

24. Indians, and Lands reserved for Indians

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the provinces.”

Section 25 of the *Constitution Act, 1982*, gives protection to categories of rights and freedoms against Charter claims, including “aboriginal rights, treaty rights and other rights or freedoms that pertain to the Aboriginal Peoples of Canada” (Government of Canada, Crown-Indigenous Relations and Northern Affairs Canada, 2019e). The final category suggests that the rights indicated in Section 25 of the Constitution are much broader than in terms of those presented and affirmed in Section 35 (Rights of the Aboriginal Peoples of Canada)(Ibid, 2019e).

Relative to the *Constitution Act, 1982*, the *Meech Lake Accord* “was a series of constitutional amendments aimed at keeping Quebec in Canada” (CBC News, 2015b). This was “viewed in opposition by Indigenous leaders, who felt that the constitution ignored their rights and place within Canada” (Ibid, 2015b).

The “Accord required unanimous ratification by Parliament and all ten Provincial Legislatures” (Ibid, 2015b). The first ratification vote was scheduled for June 12, 1990 in Manitoba and it was expected that a passing vote would take place (Ibid, 2015b). If Elijah Harper, the only Indigenous member of the Manitoba Legislative Assembly at the time, voted no on the Accord - then it would be possible for it to be defeated. Harper said no a total of eight times over the course of one week in the Manitoba Legislature. This was a contributing factor in the eventual demise of the accord, and is viewed as a decisive change in the course of history for the rights of Indigenous peoples in Canada because Elijah Harper was providing and advocating as a voice for Indigenous rights within a public forum with a national audience.

**CONSTITUTION ACT, 1982 - SECTION 25**

*“The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty, or other rights or freedoms that pertain to the Aboriginal peoples of Canada including:*

- a. Any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and*
- b. Any rights or freedoms that now exist by way of land claim agreements may be so acquired”*

(Ibid, 2019F)

*Section 25 of the Constitution Act, 1982, gives protection to categories of “rights and freedoms against Charter claims”.*

(Government of Canada, Department of Justice, 2019F)

**CONSTITUTION ACT, 1982 - SECTION 35**

*35. (1) The existing aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed.*

*(2) In this Act, “Aboriginal Peoples of Canada” includes the Indian, Inuit and Metis peoples of Canada.*

*(3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims or agreements or may be so acquired.*

*(4) Notwithstanding any other provision of this Act, the Aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.*

*Commitment to participation in constitutional conference*

*35.1 The Government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91, of the “Constitution Act, 1867”, to Section 25 of this Act or to this Part,*

*(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the province, will be convened by the Prime Minister of Canada; and*

*(b) the Prime Minister of Canada will invite representatives of the Aboriginal Peoples of Canada to participate in the discussion on that item.”*

(Ibid, 2019F)

## RESERVES AND THE INDIAN ACT

The *Indian Act* (1876) and subsequent amendments provide governance for the reserve system in Canada. Under the *Indian Act*, reserves are "... held by Her Majesty for the use and benefit of the respective bands for which they were set apart, and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are to be used is for the benefit of the band" (First Nations Study Program, 2009d).

Reserves, as translated within the Ojibway language (*gigii-mii ishkonaamin*) in *Untuwe Pi Kin He (Who We Are: Treaty Elders' Teachings Volume I)* means

"The land we set aside for ourselves."

► (Bone and Pratt, 2014, pg. 77)

### MANITOBA

63 reserves

~ 78,000 band members

214,803.7 hectares of reserve land

► (Government of Canada. Indigenous and Northern Affairs, 2013b)

### CANADA

2.6 million hectares of reserve land

This is less than 0.2% of Canada's total land mass.

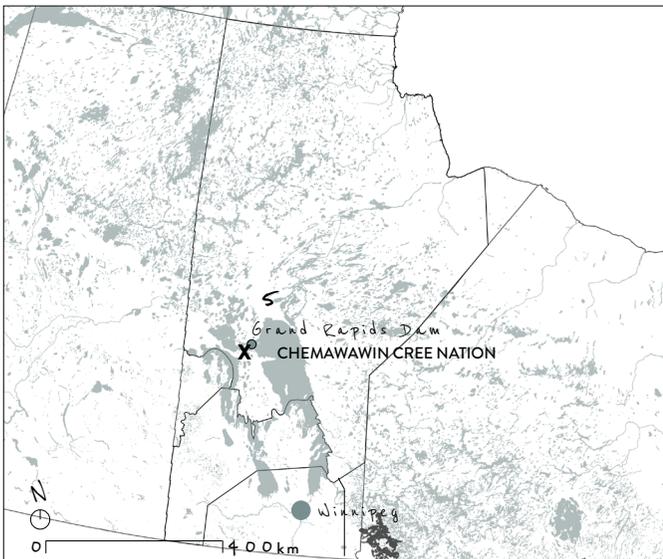
► (Government of Canada. Indigenous and Northern Affairs, 2010c)



► **Figure 4.5** - A member of Lake St. Martin First Nation stands at the Lake St. Martin Emergency Channel in protest (Siu, 2014).

## CHEMAWAWIN CREE NATION DUE TO INDUSTRY AND FLOODING - CASE STUDIES

The first case study focuses on Chemawawin Cree Nation and is an early depiction of Indigenous displacement due to industry and flooding - in this case changes to the waterway through the construction of the Grand Rapids Dam. Grand Rapids is home to the first hydroelectric generating station in Northern Manitoba. While planning for the project began around 1957, the official announcement for the project was not made until the early 1960's within the Manitoba Legislature (Waldram, 1988a, pg. 85). The project's location along the Saskatchewan River required water levels of nearby Cedar Lake to be raised by approximately 3.5 metres, with devastating consequences to be felt by the adjacent Indigenous community of Chemawawin Cree Nation (Ibid, pg.85). The rise of the water level meant that the community of around 300 people at the time, would effectively be submerged underwater and thus were required to relocate no later than the spring of 1964 (Ibid, pg. 86). Chemawawin Cree Nation is signatory to Treaty 5, that was signed in 1875. Treaty 5 saw signatures by the largest number of First Nations in the province of Manitoba (Treaty Relations Commission of Manitoba, 2019e). Chemawawin Cree Nation was relocated from Reserve No. 1 to No. 2 in 1963, following the construction of the Grand Rapids Hydro Dam. The Grand Rapids Hydro Dam caused extensive flooding to their ancestral lands.



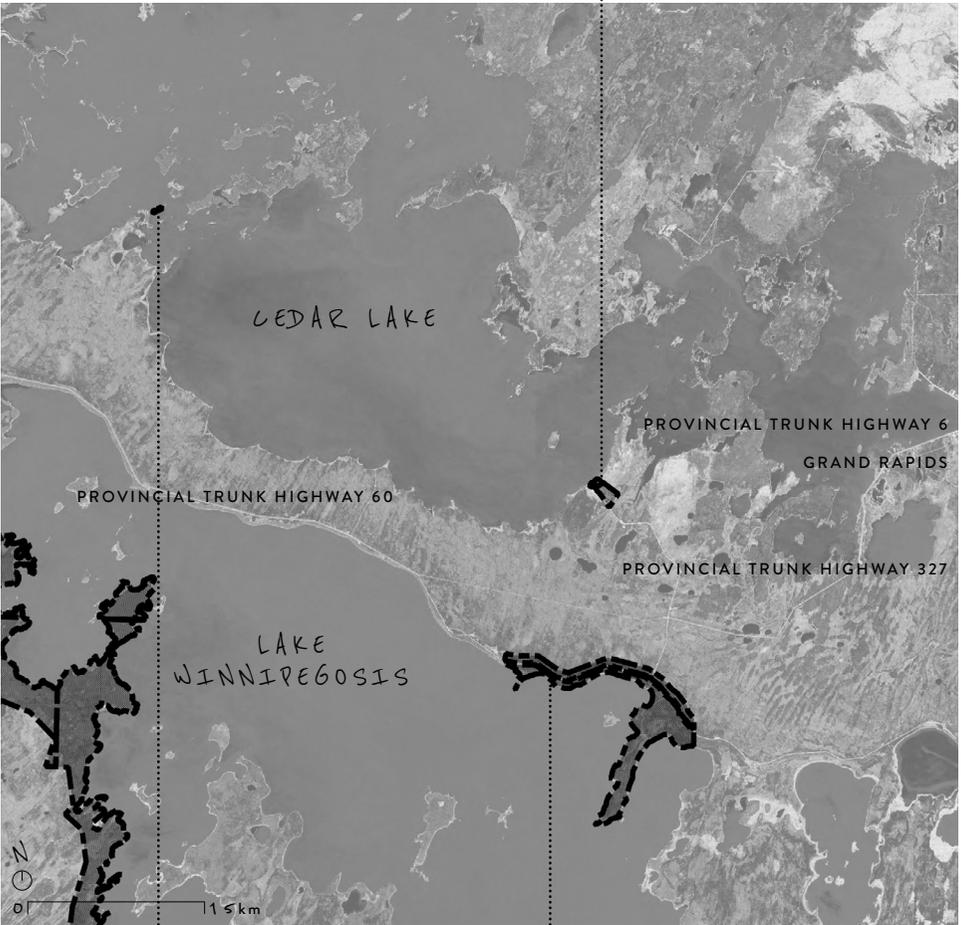
► Figure 4.6 - Context Map of Chemawawin Cree Nation in relation to the City of Winnipeg.

Chemawawin Cree Nation chose the land for Reserve No. 3 as a land entitlement under the *Grand Rapids Forebay Agreement* (University College of the North, n.d.). This agreement is described in detail on the next page. Reserve No.3 is minimally populated - with a total of 15 people residing in this area (Canada. Statistics Canada, 2016b).

▼ **Figure 4.7** - Context Map of reserve land associated with Chemawawin Cree Nation (Bing Maps, 2019).

Chemawawin 2 **237 ha**  
 $53^{\circ} 6' 14'' N, 99^{\circ} 47' 56'' W$   
 (Government of Canada. Natural Resources Canada, 2016e)

**POPULATION**  
**1252**  
 (Canada. Statistics Canada, 2016a)



Chemawawin 1 **12 ha**  
 $53^{\circ} 18' 51'' N, 100^{\circ} 23' 0'' W$   
 (Government of Canada. Natural Resources Canada, 2016d)

Chemawawin 3 **11,115 ha**  
 $52^{\circ} 57' 4'' N, 99^{\circ} 43' 45'' W$   
 (Government of Canada. Natural Resources Canada, 2016f)

## THE FOREBAY COMMITTEE

Once it was realized that Chemawawin Reserve Land No. 1 would effectively be submerged underwater with the construction of the Grand Rapids Hydroelectric Generating Station, the Manitoba Government formed the Forebay Committee, whose terms of reference included:

*"coordination with all government agencies involved, negotiation with people affected by the project, keeping people informed of the developments concerning relocation and the power projects, informing residents of Chemawawin and Moose Lake of decisions made in Winnipeg and provided administrative services for relocation."*

(WalDRAM, 1988a, pg. 86)

Community members from Chemawawin Cree Nation were not given the opportunity to participate on the committee and felt that attending the meetings were out of reach as the majority of them took place in Winnipeg – an approximate ten hour roundtrip from their homes. Before the land could be secured at Chemawawin for flooding behind the Grand Rapids Dam, the committee needed to secure approval from the Federal Government under the Indian Act to allow the land to be taken (Ibid, pg. 88 + 89). Under the Indian Act (1951) at the time, two routes for obtaining the land emerged. The first, indicated that the land could be surrendered to the Federal Government. The Federal Government would then give control of the land to the Province of Manitoba (Ibid, pg. 89). The second option provided the Federal Government the ability to “expropriate the land without the Indians’ permission and transfer it directly to the province” (Ibid, pg. 89). This however was counterintuitive to the Federal Government’s policies at the time. The exchange of land was viewed as the only option at the time, but not without concern. A letter from the Forebay Committee was submitted to Chief Donald Easter in the summer of 1962, which effectively communicated what the community would receive for surrender of reserve lands (Ibid, pg. 90). The letter from the committee drew comparisons from Treaty Five (including the community as one of the signatories in 1876), as the committee wrote back that:

*"... we feel as though this letter is similar to a TREATY. We cannot accept what we do NOT think is RIGHT, as it is not we who will SUFFER for our mistake but our children and our children's children."*

(Ibid, pg. 102)

The Government of Manitoba was intent on building the dam and provided strict warning that the project would proceed with or without compensation to the community. It was decided that a direct exchange of land would occur with the community, however an abundance of controversy continues to surround the selection of land for the site of the new community. It was noted that "... the site chosen has proven to be horribly inhospitable; it is in fact the opposite of the original Chemawawin site in virtually every respect" (Ibid, pg. 89).

Evidence from minutes of the Forebay Committee suggest that three sites were looked at seriously, with the site at Easterville heavily promoted by the Provincial Government as it provided the best opportunity for a road and electricity to be most easily provided to the community (Ibid, pg. 90). The site in Easterville was selected through a community vote in June 1961. The community's desire for higher land was noted, however many visits to the site were undertaken in the winter and such, once the snow melted it became obvious that this was not the community site that they thought they had signed up for. Negotiations between Chemawawin and the Forebay Committee followed "... with respect to the surrender of the reserve land and the development of the new community" (Ibid, pg. 94). An original letter of intent was issued by the Forebay Committee to the chief of Chemawawin, and sent again with revisions in June 1962.

Within the letter of intent, the Government of Manitoba promised:

"The provision of new or reconditioned homes with pit toilets and electricity;

The construction of a new school;

The establishment of a forest management unit for the exclusive use of the community;

The establishment of a "planned" community, part reserve for the Treaty Indians, and part non-reserve for the non-status Indians and Metis;

The construction of a road to the community;

The use of local labour 'as much as possible' in the construction of the townsite;

The exchange of land in the ratio of two acres of new land for each acre of reserve land taken;

The payment of \$20,000 into the Band's account;

The undertaking of 'scientific and engineering studies and investigations in order to assure maximum economic development of the interior and fringe areas of the forebay for wildlife propagation;

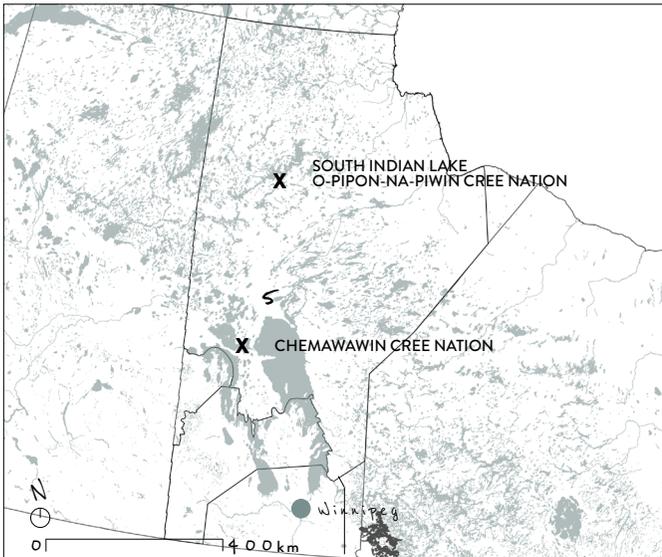
The undertaking of 'every step possible to maintain the income of the people of Chemawawin at their new site' (Ibid, pg. 103 + 104).

Following the relocation and in the subsequent years, it became evident that all aspects of the letter were not being met by the Provincial Government and tensions began to mount. Subsequent agreements between Chemawawin Cree Nation, Easterville Community Council and the Manitoba Hydro Electric Board (1990) and Chemawawin First Nation, the province and the Manitoba Hydro Electric Board (2004) have been signed and ratified with acknowledgment on Hydro's behalf to work towards resolving past grievances.

"The disturbance of burial grounds has been a constant source of pain to the Chemawawin and Misipawistik people. At Grand Rapids, graves were disturbed by blasting done during the construction of the dam; at Chemawawin, floodwaters have exposed coffins and skeletal remains."

## SOUTH INDIAN LAKE

The second case study of Indigenous displacement through industry and flooding is the construction of the Churchill River Diversion and how this affected the Indigenous settlement of South Indian Lake. South Indian Lake was founded in 1875 following Treaty 5, but was not recognized as an Indigenous Settlement until much later. For the purposes of this practicum, I was not able to find and confirm the exact date of this designation. The intention behind the Churchill River Diversion project was to “increase the water flow to ... large generating stations on the lower Nelson River. Most of the water flow out of the Churchill River would be diverted at South Indian Lake into the Nelson River” (Manitoba Hydro, n.d.a). As was the case in Chemawawin, the community members of South Indian Lake were made aware of the need to relocate in consultation. South Indian Lake voraciously fought the project; however, the Provincial Government made the controversial decision to proceed (Waldram, 1988a, pg. 115). While Chemawawin required the transfer of land from those residing on it, the land that the South Indian Lake community resided on was not considered to be reserve land (Ibid, pg. 158).



► Figure 4.8 - Context Map of South Indian Lake (O-Pipon-Na-Piwin Cree Nation) in relation to the City of Winnipeg.

**POPULATION**  
**981**

(Canada. Statistics Canada, 2016c)

▼ **Figure 4.9** - Context Map of South Indian Lake Indigenous Settlement and the reserve land associated with O-Pipon-Na-Piwin Cree Nation (Bing Maps, 2019)



**INDIGENOUS SETTLEMENT**

56° 46' 49" N, 98° 55' 49" W  
(Government of Canada. Natural Resources Canada, 2016g)

**O-PIPON-NA-PIWIN CREE NATION**

Though the community is clearly much larger, this is the only land that has been currently allocated as reserve lands.

Edward Schreyer, an premier of Manitoba in 1969 asked whether,

"Can we ... face up to the prospect of disrupting ... communities ... completely upsetting the lake on which they depend on for their livelihood making it quite impossible for at least some of them to continue to live independently?"

(Waldram, 1988a, pg. 132)

Schreyer also noted that building the Churchill River Diversion would undoubtedly have negative effects on the community but felt that the benefits (direct color TV broadcasts, direct-dial telephone service, unlimited electrical power and job opportunities) would outweigh those (Ibid, pg. 156). The community members of South Indian Lake pursued legal action to have the diversion project halted, including the filing of an interim injunction in 1973 (Ibid, pg. 140). At this point, Manitoba Hydro began to approach members of the community on an *individual basis* with compensation deals (Waldram, 1988b). Following this, the Northern Flood Committee (NFC) was formed as a result of other communities (Nelson House, Norway House, Cross Lake, Split Lake and York Factory) within the purview of the project, coming to the realization that they would be affected as well. At this time, the NFC felt that flooding of Indigenous land would be in direct violation of Treaty Five (Waldram, 1988a, pg. 152). On the other hand, the Provincial Government felt that the "*Federal-Provincial Agreement* of 1966 gave them the right to do so" (Ibid, pg. 152). The NFC was officially recognized by the province in 1976 and shortly thereafter, work began on the draft *Northern Flood Agreement* (Ibid, pg. 154). The agreement would be "in effect for the lifetime of the project" and included provisions for sustainable livelihoods and compensation (Ibid, pg. 160). Shortly thereafter, the Churchill River Diversion became operational and effectively reshaped the existing hydrology pathways in Northern Manitoba.

## NORTHERN FLOOD AGREEMENT

The *Northern Flood Agreement* was signed in 1977 by the Federal and Provincial Governments, as well as representatives from five First Nation communities (Cross Lake, Nelson House, Norway House, Split Lake and York Factory), “where reserve lands were expected to be flooded” through planned hydroelectric projects (Manitoba Hydro, n.d.b).

The *Northern Flood Agreement* was solidified as an attempt to outline fair compensation for damage done to Indigenous land. The CSLA had been established as a professional organization in Canada for thirteen years (1964) at the time that the agreement was signed. There have also been subsequent implementation agreements concluded with four of the five original signatories (with the exception of Cross Lake).

At the time that the *Northern Flood Agreement* was signed, the people residing at South Indian Lake included people recognized as being members of the Nelson House Band, *non-status* Indians (sic) and Métis, living on Crown land, some held by lease or permit. Most of the *non-status* Indians subsequently gained or regained status through *Bill C-31*, an act addressing gender discrimination in the Indian Act (for example, women lose their Indian status when they married a non-status person). The land the people lived on was not an Indian Reserve. The Government of Manitoba believed that they had the power to expropriate the land for public purposes (as the government does for any land in Manitoba held under Crown lease or under permit). The two case studies illustrate the complexities of issues involved on land that is settled. The relationship between Federal and Provincial Governments when large infrastructure projects are involved indicate the different roles that each have in relation to Indigenous communities. Attitudes have changed since the times of Chemawawin and South Indian Lake, but each distinct government is led by democratic parties which interpret policies and laws somewhat differently. First Nations across Canada have reiterated that their agreements are with the Crown, and that consultation is often never adequate.

The case studies of Chemawawin and South Indian Lake happened at a time when *RCAP*, *UNDRIP*, the TRC’s *Calls to Action* and *Bill C-262* did not exist. There is much to learn from these precedents and these documents as we can imagine if this was done today, processes would be different. Consultation with First Nation communities would be paramount. Indeed we see much more proactive engagement from groups who are being impacted by large infrastructure projects. However, a consistent objection from Indigenous groups is a lack of *timely* consultation. There is much more that can be done moving forward. However, the importance of using case studies such as these is to improve our understanding of how governments are enabled to expropriate entire communities and how compensation can be considered fair and just.



## LAKE ST. MARTIN AND THE 2011 'SUPERFLOOD'

The ongoing internal displacement of Indigenous communities is highlighted through the story of Lake St. Martin First Nation and the 2011 'Superflood', underscoring the communities' continued struggle to return home almost eight years after being flooded out.

To understand the extent to which the community of Lake St. Martin was affected during the 2011 'Superflood', it is important to discuss relevant engineered control structures to provide context to the underlying issues. The wettest year on record by the end of autumn in 2010, was followed by a 15-year high snowfall (Manitoba Flood Information, n.d.b.). The 2011 'Superflood' was the result. Manitoba has built numerous structures to moderate the impact of flooding within the province. Those influencing Lake St. Martin First Nation include the Portage Diversion, the Fairford River Water Control Structure (FRWCS) and the Emergency Channel that was constructed in 2011 to drain flood water from Lake St. Martin and Lake Manitoba into Lake Winnipeg following the 'Superflood'.

The levels of Lake Manitoba and Lake St. Martin reached new heights during the summer of 2011. The engineering firms of KGS and AECOM were hired by the Province of Manitoba to assess options for emergency reduction of water levels. Within KGS and AECOM's Report titled *Analysis of Options for Emergency Reducton of Lake Manitoba and Lake St. Martin Levels (2011)*, the firm expressed that "... if no action is taken, extremely high water levels on Lake Manitoba and Lake St. Martin are expected to continue for an extended duration, leaving communities, homes, cottages and farms at risk of further damage from flooding, wind and waves. The spring break-up of lake ice at such elevated water levels also has the potential to cause devastating damage to properties around the lake. At that time, spring runoff will cause "another rise in water levels and further extend the duration of flooding" (KGS and AECOM, 2011, pg. 2). The report noted that "[the] water [at Lake St. Martin] peaked at almost 806 feet, almost 3 feet higher [than the historic peak of 1955]" (Ibid, pg. 2). Though AECOM has landscape architects on staff, there is no indication within the report of the involvement in the project.

Also included within the report from KGS and AECOM was the recommendation that an Emergency Channel be constructed for Lake St. Martin. Possible channel locations were explored following presentation of the report in July, with the outlet opening at the beginning of November of the same year (2011). The province closed the Lake St. Martin Emergency Channel a year later, with lower water levels being recorded on Lake St. Martin.

For the construction and implementation of the Emergency Channel, the province used the *Emergency Measures Act* – superseding the requirement for an environmental assessment to take place (Thompson, Ballard and Martin, 2014). The implementation of the **Emergency Measures Act** also allowed the Provincial Government to override the duty to consult Indigenous people as under Section 35 of the Constitution (Manitoba. Indigenous and Northern Relations, n.d.c). Under the *Emergency Measures Act*, the following emergency powers are granted:

#### EMERGENCY MEASURES ACT

- “12 (1) Upon the declaration of, and during a state of emergency or a state of local emergency, the minister may, in respect of the province or any area thereof, or the local authority may, in respect of the municipality or other area within its jurisdiction, or an area thereof, issue an order to any party to do everything necessary to prevent or limit loss of life and damage to property or the environment, including any one or more of the following things:
- (a) cause emergency plans to be implemented;
  - (b) utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of any emergency or disaster;
  - (c) authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
  - (d) control, permit or prohibit travel to or from any area or on any road, street or highway;
  - (e) cause the evacuation of persons and the removal of livestock and personal property and make arrangements for the adequate care and protection thereof;
  - (f) control or prevent the movement of people and the removal of livestock from any designated area that may have a contaminating disease;
  - (g) authorize the entry into any building, or upon any land without warrant;
  - (h) cause the demolition or removal of any trees, structure or crops in order to prevent, combat or alleviate the effects of an emergency or a disaster;
  - (i) authorize the procurement and distribution of essential resources and the provision of essential services;
    - (i.1) regulate the distribution and availability of essential goods, services and resources;
  - (j) provide for the restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;
  - (k) expend such sums as are necessary to pay expenses caused by the emergency or disaster.”

(Manitoba. Manitoba Laws, 2019)

## LAKE ST. MARTIN AND THE 2011 'SUPERFLOOD'

More than 80% of the homes at Lake St. Martin were destroyed as a result of the 2011 'Superflood' (Rabson, 2011). However though specific information about the levels of damage is difficult to find, 113 homes were deemed condemned (CTV Winnipeg, 2014). Eighty houses were demolished, and surprisingly 49 of the condemned homes were sold often with evacuees personal items still inside (Ibid, 2014). The Winnipeg Free Press published a number of articles on the 2011 'Superflood' and its aftermath, and the mould seen in photos within these articles was a major problem after the water receded. Reports of flooding and the desire to move the reserve to *higher ground* has been present for decades. The site of the community clearly suffered catastrophic damage from the 'Superflood'. This is not surprising as the community has requested a move to *higher ground* since 1961, with the request never having realized. Community members had developed strategies to mitigate effects of flooding but nothing could have prepared them for the volume of water that was directed toward them in 2011. Immediately following the 2011 'Superflood', serviced lots with houses in the community of Gypsumville were made available for displaced members of the community. Community members feared that the Gypsumville site would become a permanent settlement and as result many of these homes sat empty (Rabson, 2011). Vacant homes in Kapyong Barracks in Winnipeg were also looked at for temporary occupation however, of the 59 homes that were unoccupied, 57 were deemed not fit for human occupation (ie. beyond economic repair, on hold or required major renovations) (Paul, 2011). In conjunction with academics from the University of Manitoba, including Dr. Shirley Thompson, Assistant Professor, and Myrle Ballard, a PhD student at the time, "an analysis of three rural sites proposed by the province and four sites proposed by the community were assessed by band staff, chief and council" using the Physical, Environment, Social, Cultural and Economic (PESCE) analysis tool (Thompson and Ballard, 2013, pg. 53-55). The tool itself gave the opportunity for the community to organize their thinking for a temporary and/or permanent site. Sites were then assessed using the tool based on political, environmental, social, cultural and economic assets (Ibid, pg. 52).

As this was taking place, the Provincial Government was in negotiations to purchase land next to the existing reserve as a permanent location for a new reserve location. This land was not designated reserve land, which would have been required by the Federal Government before purchase. Complicating this was the fact that a band election was to be held at the end of June 2012, when the community was displaced. The Chief, Adrian Sinclair, was re-elected. Land negotiations between the Provincial and Federal Governments, and Lake St. Martin continued, until a *Memorandum of Understanding* was signed by all parties in May 2013 for a settlement package for the new community (Paul, 2014). The first tender for housing was issued in November 2016 and approximately one-quarter of on-reserve members of Lake St. Martin First Nation began to return in late 2017 (Rabson, 2016).

## COMPENSATION FOR FLOODED COMMUNITIES

Following the events of the spring of 2011, a class-action lawsuit for “damages suffered to personal property and evacuation from the reserves” (McKenzie Lake Lawyers, 2018) was filed by members of Lake St. Martin, Dauphin River, Little Saskatchewan and Pinaymootang First Nations. The settlement agreement was reached and approved by the Manitoba Court of Queen’s Bench in early 2018. A total of \$90 million was awarded to all individuals who are members and were residents of the affected First Nation communities, including Lake St. Martin. The award has not been without its issues, as approximately 70% of claims made before the July 17, 2018 deadline to file for benefits under the settlement were considered deficient. Deficiency letters were sent to applicable parties on February 13, 2019 and claimants were given until April 2, 2019 to respond with the missing information or documentation.

The new community resides on four and a half quarter sections in the RM of Grahamdale and is comprised of both Crown land and private land that was purchased by the Provincial Government (JR Cousins Consulting Ltd., 2017). A community plan has since been developed by JR Cousins Consulting Ltd., with the beginnings of the necessary infrastructure now in place. Members of the community began to return to the community in the fall of 2017. As of March 2019, there has been a total of 328 residents that have returned to the newly established community (Government of Canada, Indigenous Services Canada, 2019h). Other community members remain in private accommodation within the City of Winnipeg, with a handful still living within extended stay hotel accommodations to meet additional needs support. An additional 130 homes are in the process of being built and it is anticipated that the majority of the remaining community members will begin to move into these houses at the end of October 2019.

## PROPOSED LAKE MANITOBA AND

The proposed Lake Manitoba and Lake St. Martin Outlet Channels project began as a result of reports compiled by the *2011 Flood Review Task Force*, and the *2013 Lake Manitoba and Lake St. Martin Regulation Review Committee*. From these reports, recommendations were made for next steps – including the development of the Lake Manitoba and Lake St. Martin Outlet Channels. Once again, the local engineering firm of KGS was brought in to develop a conceptual design report, which included six potential options for the Lake Manitoba Outlet Channel and four options for the Lake St. Martin Outlet Channel. This led to an open house in Ashern, Manitoba to review the conceptual plans in September 2014. Ashern is less than 200 km northwest of Winnipeg and approximately 85 km from the community of Lake St. Martin. Public information sessions followed in Moosehorn, Manitoba and the City of Winnipeg in the summer of 2017. Following presentation of the potential options, an environmental assessment was required to be completed for the affected areas. From the environmental assessment, it was determined that the Lake Manitoba Outlet Channel area consisted of grassland, agriculture, wetlands and forest, while the area within the proposed Lake St. Martin Outlet Channel area consisted of wetlands and upland forests (Manitoba. Manitoba Infrastructure, 2018). The level of consultation that has occurred with Lake St. Martin First Nation and other affected First Nations is not clear as there has simply not been enough information made available on this. Due to the scattered community, the state of politics, and the class action lawsuit having been resolved just over one year ago, there has not

## LAKE ST. MARTIN OUTLET CHANNELS

been much literature published and shared. It is my understanding that there would have been consultation with the Chief, however I do not know to what extent the evacuees that are still living in Winnipeg have been involved as part of conversations with the Provincial Government. The project is anticipated to cost upwards of \$540 million to construct all necessary components. The engineering design and construction contracts for each respective channel were awarded in late 2018. Hatch Engineering (with assistance by TREK Geotechnical Inc., Stantec Consulting Ltd. and Dillon Consulting Ltd.) received the contract for the Lake Manitoba Outlet Channel and KGS Group (with assistance by WSP Global Inc. and North/South Consultants Inc.) received the go-ahead for the Lake St. Martin Outlet Channel (CBC News, 2018). Note that Stantec Consulting Ltd., Dillon Consulting Ltd. and WSP Global Inc. all employ landscape architects within their respective firms. The Lake Manitoba Outlet Channel will allow for an increased ability to control the water levels of Lake Manitoba below those of a flood. The project will include a water control structure and a number of bridges (Manitoba. Manitoba Infrastructure, n.d.d). Measuring 23 km in length, the channel will connect “Watchorn Bay on Lake Manitoba to Birch Bay on Lake St. Martin” (Ibid, n.d.d). For this project, the Lake St. Martin Outlet Channel will be built so that the water can be drained from Lake St. Martin to Lake Winnipeg efficiently. The existing Emergency Channel would be repurposed, “acting as a recharge channel for wetland complex” (Ibid, n.d.d). At this time, it is not anticipated that construction on the channel will begin until 2020.



## ACTION ITEMS AND CONCLUDING THOUGHTS

The culmination of the practicum work has resulted in my deeper understanding of the importance that any proposal for a better way forward should focus on the establishment and maintenance of a mutually respectful relationship between Indigenous and non-Indigenous peoples in Canada. This practicum began with a dissatisfaction of the treatment of the people from Lake St. Martin as a result of the 2011 ‘Superflood’. An investigation into details acting upon this community led to the realization that an understanding of the agreements between Canada’s Indigenous people was imperative to interpret actions taken by the Federal and Provincial Governments, and by response of the Lake St. Martin First Nation reserve. What was revealed is a complex mesh of binding and non-binding agreements that ultimately led, and leads to the disenfranchisement of Indigenous communities. The details of all cases are ultimately crucial to each situation. Two case studies within the region, although in different Treaty lands, illustrate a practice of using the sweeping powers of the Provincial and Federal Governments to enact devastating consequences upon Indigenous communities. The action items provided within this section are the result of an analysis of the complicated network of laws, policies and agreements which form the Canadian context for the community members of Lake St. Martin, culminating in the catastrophic flooding event of 2011. Indigenous and Aboriginal law has changed significantly over the last 60 years. More specifically, there have been laws and court decisions concerning Aboriginal peoples and Aboriginal Rights. There has also been an increased recognition and understanding of Indigenous Rights, outside of the Canadian court and legislative systems. The legal “landscape” in 2019 is considerably different than it was in the late 1960’s and 1970’s, when the projects concerning Chemawawin First Nation and South Indian Lake took place. If planned and developed today, it is possible that neither of these projects would have taken place based on the Provincial and Federal Governments duty to consult first, and then to provide reasonable accommodation if that was the route taken after consultation.

The **first action item** is based on awareness. Awareness is the second pillar in the CSLA’s *Reconciliation Action Plan*. As a design student in landscape architecture, it has been important to begin to unravel the legal frameworks and agreements to understand how decisions are made to change the conditions of the land. Within this action item, it is important to learn about the Indigenous peoples who live and work in areas that students of landscape architecture and landscape architects may study and practice in, and understand their associated histories, cultures, and landscapes. If an opportunity presents itself to work for and/or with Indigenous peoples and/or communities, it is important practice active listening. While practicing active listening, it is also important to be aware of our own personal bias, history, values, culture, and language. We learn that understanding the geophysical and social context of a region is important, however equally important is the acknowledgement, awareness and the engagement of Indigenous peoples in Canada and in the projects we work on. To reconcile past and recent history, is to be knowledgeable of the policies, acts, treaties and laws that regulate individual and group behaviors. Though as noted earlier, this practicum has been limited due to a lack of engagement with this

community *before* engaging with the community. Otherwise, misunderstanding could occur not knowing what the community values or what the community desires.

There have been political barriers to people from Lake St. Martin First Nation including the question of whether the Provincial and Federal Governments have fulfilled their duty to consultation and reasonable accommodation. As evidenced through the discussion of Site 9 in the introduction, lands that were to be chosen for the new community site would need to have been transferred from the Provincial Crown to the Federal Crown to satisfy current laws governing Indian Reserves. Lake St. Martin remained steadfast in their commitment to return to higher ground, an ongoing request and discussion that has taken place since the Fairford Water Control Structure was completed in 1961. Perhaps the Provincial and Federal Governments could have consulted further with Lake St. Martin First Nation in regards to their move to those lands. In retrospect, if concerns from Lake St. Martin First Nation in regards to moving to higher ground had been pursued further by the Provincial and Federal Governments, it is possible that the situation in 2011 could have been avoided altogether. What is the role of the landscape architecture within this? Landscape architects provide a central service for the compilation of all physical, environmental and cultural aspects of the land. As landscape architects, we can provide a particular depth of analysis to projects through advocacy work alongside communities and continued action.

The **second action item** would be the exercise of completing a **pre-mortem** within each First Nation. The idea of a **pre-mortem** was initially forwarded by applied psychologist, Gary Klein. The concept provides encouragement to “use prospective hindsight” (Farnam Street Media Inc., n.d.) and talk in “future tense” (Ibid, n.d.) as opposed to a post-mortem using retrospective hindsight and past-tense. From the perspective of conducting a **pre-mortem** within communities, an assessment of reserve land (from a cultural and legal perspective) in the province would prove beneficial to lessening the impact and negating circumstances such as the ones that Lake St. Martin experienced from internal Indigenous displacement for over eight years. Similar to the Emergency Management Plans that are being conducted by the Red Cross within the province, these assessments could be done on a cyclical basis, with the assignment of varying levels of risk associated with the selection of each community.

The **third action item** would be to encourage practitioners with experience in working with First Nation communities to provide mentorship to students and young professionals who are interested in and looking to gain similar experience throughout their careers. There are landscape architecture firms and professionals in Canada who have decades of experience working with First Nation communities. As their knowledge is deep and very important, I believe that it could be shared further among students and young professionals. The CSLA’s Reconciliation Advisory Committee begins to do this through

setting out basic ideas that landscape architects can use in their work in Canada, including working with Indigenous peoples and communities, if given the opportunity - however I feel that a mentoring relationship would take this knowledge one step further.

A form of this type of mentorship and engagement is started here with an interpretation of *From the South: Global Perspectives on Landscape and Territory* (2019), a book and online PDF edited by Flavio Sciaraffia, Sourav Kumar Biswas, Thomas Nideroest and Hannes Zander. The book examines the global south and amongst other issues, the high impact that resource extraction has had on the land. The book is composed through the lens of the young professional and is propositional in nature, while also positioning landscape as a tool for critical examination and social and political transformation of the land in these ways. This is the **fourth action item** which encourages designers to read *From the South* and other texts which offer different approaches.

The core ideas, concepts and propositions in *From the South* are organized through categories of actionable items that apply to all geographical contexts and are promoted through an interdisciplinary lens, with the encompassing belief that the landscape is used as a medium to understand and construct territorial systems. These categories include establishing landscape planning and landscape architecture as suitable disciplines to address current territorial challenges, acknowledging the performative and functional aspects of natural systems as potential ecological infrastructures, planning integrated territorial and landscape systems in the context of climate change, risks and social inequalities, managing equity in access and distribution open spaces and ecological amenities and engaging in participatory and anticipatory planning to avoid conflicts over landscape resources of critical importance. This is relevant to the situation at Lake St. Martin.

#### 4.1 "Establish landscape planning and landscape architecture as suitable disciplines to address current territorial challenges."

(Picon and Sciaraffia, 2019, pg. 27)

The first of the core ideas establishes landscape architecture and planning as a suitable discipline to address current territorial challenges. The utilization of the landscape as a framework to integrate different levels of governance and stakeholders to promote multifunctional territories that accommodate competing demands could act as an initial stepping stone to this discussion. This idea is indicative of the challenges that community members of Lake St. Martin faced and face in the process of returning home. Decisions were made at the Provincial and Federal levels of Government, often in competition with the needs and demands of the community. Members of Lake St. Martin First Nation often felt that they were not given a seat at the table, so to speak - and if given a seat, they often felt that their voices were not being heard. Rather than using the landscape as a framework to integrate different levels

of governance and stakeholders to promote a multi-functional territory, the landscape served as a point of contention and disconnection between the Provincial/Federal Governments and the community. The overview that landscape architects hold could assist in numerous aspects of decision making. This could have been different if there had been transparency and clear lines of communication open between the Provincial and Federal levels of Government and Lake St. Martin First Nation. The solution offered by landscape architects following the 2011 'Superflood' would be long range and broad-scale planning and design. This would take place through appropriate consultation and dialogue amongst all affected parties.

The landscape of the Interlake Region would benefit from a shift in thinking to be viewed as a framework in the push for balance between the administrative boundaries in place and the scale of socio-ecological processes at the heart of Indigenous communities (including the many unique basins that shape the landscape). Each of these basins is further defined through smaller watersheds - areas where surface water drains to one common point. The community of Lake St. Martin is downstream of the outlet of Lake Manitoba. Lake Manitoba and the community of Lake St. Martin are within the Dauphin River drainage basin. The Dauphin River basin is subject to environmental processes and territorial pressures, including change of land use, climate, and the regulation of water levels. This regulation occurs with the operation of the Portage Diversion, which is used to divert water from the Assiniboine River into Lake Manitoba. Lake Manitoba then drains into Lake Winnipeg through the Fairford River, Lake St. Martin and Dauphin River. Within this sequence, communities along the river system (and more specifically Lake St. Martin First Nation within this practicum) become a dumping ground during major flood events such as the 2011 'Superflood' for excess water, and in return, larger communities to the south such as Winnipeg remain protected. The scale and scope of the planning and design process has to include the entire manipulated watershed, including the Assiniboine River watershed. This core idea begins as a conversation. Communities should be actively involved and engaged with discussions about the landscape at all times possible. Landscape architects can also impress upon communities what the landscape entails - including all living/non-living elements as an example.

#### 4.2 "Acknowledge the performative and functional aspects of natural systems as potential ecological infrastructures."

(Picon and Sciaraffia, 2019, pg. 27 + 28)

The second core idea acknowledges the performative and functional aspects of natural systems as potential ecological infrastructures. Acknowledgment is an essential pillar within the CSLA's *Draft Statement on Landscape Architecture and Reconciliation*. Through the policies, programs, advocacy, education and outreach of the profession, this acknowledgment to Indigenous peoples can become commonplace. Landscape architects acknowledge and assess the strengthening of natural systems over time and compare their accumulated monetary value against decaying hard infrastructures such as the flood control structures and measures within the province. The *2011 Provincial Task Force Report*

suggests that there are possibilities to utilize wetland retention and restoration on flood prone sites as alternatives to ‘engineered’ infrastructure but argue that further modeling would be required. However, it is data heavy and requires much more information that currently does not exist. Landscape architects could work to encourage the government to invest in systems required to build an elevational data bank that could make modeling these systems more feasible. The report includes 126 recommendations. These recommendations looked at the operation of water control structures, suggested procedures for undertaking flood mitigation measures, reviewed of Manitoba’s Flood Forecasting System, flood preparedness, flood fighting capacity and response, adequacy of existing flood control infrastructure, environmental impacts, land use policies and zoning, communications to the public and impacts on road networks, bridges to businesses to public access and First Nations and flooding (2011 Flood Review Task Force, 2012, xi-xxiii).

Through this analysis, landscape architecture can also identify hard infrastructures with the potential to be subsidized, or even replaced, by functional landscapes, if appropriate, and compare overall implementation and maintenance costs between the two. As landscape architects, we can also acknowledge culture values as part of ecological systems, whereas others may not be as quick to do so. Landscape architects could be involved in the conversation in the planning, design and conservation of ecological systems that provide regulating services – including flood control and improvement of water quality. The normative response from the governments and many First Nations is to look to engineers who have most often been taught to build infrastructure that quickly controls situations, rather than using ecological systems. Through my research, evidence of landscape architects involvement in the planning and design of the proposed Lake Manitoba and Lake St. Martin Outlet Channels was not found, although it is acknowledged that there are firms listed within the project that do employ landscape architects at their respective firms. This is an indication that perhaps landscape architects are not seen by the public or the marketplace as having relevant experience and knowledge, or being necessary to the process altogether.

### 4.3 “Plan integrated territorial and landscape systems in the context of climate change, risks and social inequalities.”

(Picon and Sciaraffia, 2019, pg. 28 + 29)

The third core idea examines the planning of integrated territorial and landscape systems in the context of climate change, risks and social inequalities. The Interlake Region, including the Lake Manitoba and Assiniboine River basins, and the Lake St. Martin and Central and Lower Assiniboine watersheds, requires consideration as an intricate network of rural and natural areas, with several spatial configurations that would benefit from planning and design which considers biophysical and social phenomena. Within the regional scale, the landscape of the Interlake Region can also be utilized

and designed as a framework and medium to organize growth and accommodate unpredicted changes in the region – inclusive of the threat of flood. As an example, the Province of Manitoba’s *Integrated Watershed Management Plan* provides a model which starts to move in this direction. At a smaller scale, it is important that the community of Lake St. Martin pushes forward in the design of landscape infrastructure that integrates services, facilities, infrastructures and recreational programs with ecosystems services. The first step would include the community becoming familiar with the concept of ecosystem services and those that would be available to them. This could provide empowerment for the community to live in harmony with these services and could give the potential for the community to become a model reserve. It is important that an integrated system that works across regional, rural, local, land and water systems be planned and designed for future generations.

#### 4.4 “Manage inequity in access and distribution of open spaces and ecological amenities.”

(Picon and Sciaraffia, 2019, pg. 29)

The fourth core idea looks at the management of inequity in access to ecological amenities. The community of Lake St. Martin has been inundated with water over the last fifty years, beginning in 1961 with the construction of the Fairford River Water Control Structure. As landscape architects, we can clarify and illustrate this history and injustice to provide action towards the management of ecological amenities in communities such as Lake St. Martin. By doing this, we can also ensure an equitable distribution of the four types of ecosystem services including the provision of material or energy outputs from ecosystems (food, water and other resources), regulation (quality of air or soil, or by providing flood and disease control), habitats and cultural spaces (Green Facts, 2019). We can also assist groups to discern if they have the lands they were promised in the Treaties.

#### 4.5 “Engage in participatory and anticipatory planning to avoid conflicts over landscape resources of critical importance.”

(Picon and Sciaraffia, 2019, pg. 30)

The final core idea calls for engagement in participatory and anticipatory planning to avoid conflicts over landscape resources of critical importance. As the CSLA’s *Draft Statement on Landscape Architecture and Reconciliation* suggests, “the incorporation and consideration of Indigenous peoples, their values, their voices and their knowledge in the planning, design and management of the Canadian landscape should be the goal of all landscape architects” (CSLA, 2019, pg. 2) The voices of Lake St. Martin were not heard during the 2011 ‘Superflood’. The responsibility of the landscape architect in this context would be to help the community find its voice moving forward, while also fostering local stewardship within landscapes of importance. The profession of landscape

architecture can do this through multiple avenues, including the utilization of non-monetary evaluation methods for ecosystems services to understand social priorities in advance. This, in turn, allows for the allocation of financial resources to planning and design actions that have been vetted in an early stage by *all* stakeholders (including the community). As landscape architects, we can also consider the social, cultural, political and natural dimensions of and with the residents, to integrate the community throughout the life-cycle of each project and planning process to build shared goals in a reciprocal and mutually respectful nature. It is important to acknowledge that the Province was unprepared for and overwhelmed by the speed and magnitude of the 2011 'Superflood'. Landscape architects have not been involved in the planning and engineering of these communities. Landscape architecture as a profession is generally not well known in society, and this is the case in many First Nation communities. Proactive individuals who are not planners or engineers have become involved with a number of communities in Manitoba. These individuals offer their expertise to conduct studies with the communities. This work is often completed within the academic realm and such is the case with work done by Myrle Ballard and Shirley Thompson with Lake St. Martin First Nation. A general move for the past thirty-plus years in landscape architecture has been away from regional work. This is changing, the McHarg Center at the University of Pennsylvania is used as an example of this, and landscape architects have work to do to apprise engineers, planners, governments, and communities of what we have to offer. As members of multidisciplinary teams, we offer the ability to see and understand increasing and decreasing scales - from the region to the site and to comprehend the impact of numerous human and non-human systems at these scales.

The **fifth and final action item** proposed relates directly back to the CSLA's *Reconciliation Action Plan* and the landscape architecture educational institutions in Canada. As the Plan notes, there is a line item for the engagement of schools of landscape architecture in reconciliation. This would involve the integration of reconciliation into the curriculum at all schools of landscape architecture (CSLA, 2019, pg. 9). There are currently four schools of landscape architecture with accreditation, including the University of Manitoba, University of British Columbia, University of Calgary, Université de Montréal, University of Toronto and the University of Guelph. The University of Guelph offers both Bachelors and Masters level degrees. I believe this section of the *Reconciliation Action Plan* to be of particular importance and relevance because it provides a framework in which students of each of the programs can be provided with a basic knowledge in this area of practice. Reconciliation could be integrated into the curriculum through a number of different avenues. As the *Reconciliation Action Plan* mentions, this could be done through lecture series, Indigenous programming and coordination (Ibid, pg. 9). This could also be done through studios at each institution or seminars that integrate the knowledge of professionals with experience in working with First Nations. These professionals could also be integrated as guest critics

during a studio slot. I also see reconciliation as being woven into everything as an explicit section to all that we do in our landscape architecture education. This is what I have tried to do throughout my time as a student in the Department of Landscape Architecture at the University of Manitoba. Reflecting back, I feel that this is what my exploration of reconciliation in landscape architecture has allowed and will continue to allow for moving forward into professional practice. As with the various courses, activities and events described within the preface of this document, this practicum has allowed for continued personal growth as a student in landscape architecture. I am passionate about the advancement of reconciliation and am committed to working towards the “establishment of a mutually respectful relationship between Indigenous and non-Indigenous peoples in Canada” (Ibid, pg. 2).

▼ **Figure 6.1** - Rally for Bill C-262 held at the Canadian Mennonite University in Winnipeg. Members of the audience can be seen holding placards to promote the passing of the Bill (Sawatzky, 2019c).



## CONCLUDING THOUGHTS

The plight of Lake St. Martin First Nation has served as the vehicle for moving forward through this practicum, with the topics of reconciliation and displacement interwoven as a mesh within. Throughout this research, I have learned that we still have a long way to go in acknowledging and building awareness, starting with Lake St. Martin First Nation and their fight to return 'home' almost eight years after being flooded out of their original reserve land. As a personal goal at the beginning of my practicum, I worked to build my own awareness on the topics through seeking out different avenues of learning to aid in my understanding of reconciliation and displacement. This is part of what individuals who are interested in working with Indigenous communities could work toward.

The topics of reconciliation and displacement are, in general, shifting contexts, and it is acknowledged that they have changed during the course of my practicum. As an example of this shift, the CSLA's Reconciliation Advisory Committee gathered feedback for its Draft Statement on Landscape Architecture and Reconciliation over the course of the summer in 2019. The feedback had not been made available to members of the professional organization at the end of the practicum. An example of change was Bill C-262. When the 42nd Parliament Sessions came to a close at the end of June 2019, Bill C-262 stalled and parliament neglected to move it through final stages to become legislative law. There is an upcoming Federal Election at the end of October 2019, and Justin Trudeau, current Prime Minister of Canada and Liberal Party Leader, has put forth a promise to legislate Bill C-262 if he becomes re-elected. Based on these two examples, it is important to note that when working with Indigenous communities, we must understand that laws and policies are shifting and changing.

Each section of the practicum works to build awareness, through unraveling the legal frameworks and agreements to understand how decisions are made to change the conditions of the land. Collectively, the action items within the final section act as a guide when working with Indigenous communities. Through building awareness, completing a pre-mortem, providing mentorship, encouraging reading of applicable scholarly texts that offer alternative approaches and integrating reconciliation into the curriculum, we can encourage further work towards reconciliation and displacement.

The culmination of the practicum has resulted in a much deeper understanding of the importance that any proposal for a better way forward focuses on the "establishment and maintenance of a mutually respectful relationship between Indigenous and non-Indigenous peoples in Canada" (CSLA, 2019, pg. 2). As a graduating student from the Department of Landscape Architecture, I am committed towards the establishment of this relationship and will bring my passion about the advancement of reconciliation into my professional practice.



# List of Figures

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## Figure 1.1 -

Harper, J., 2019. *Context Map of Lake St. Martin First Nation*. [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba Land Initiative, 2017. *LRS - Road Network (2017)*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Manitoba Land Initiative, n.d. *1:100,000 (all municipal roads)*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

## Figure 1.2 -

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## Figure 1.3-

Used with permission from the Winnipeg Free Press.

Winnipeg Free Press, 2015. *Approximately 60 evacuees from the 2011 flood left their city based Lake St. Martin First Nation government office on Berry St. in Winnipeg Friday morning and marched to the Federal office on Hargrave St. and the Manitoba Legislative Building*. File Name: 20150508\_demo2. Wayne Glowacki Photograph Collection. Retrieved from: <<https://www.winnipegfreepress.com/breakingnews/Lake-St-Martin-and-Little-Saskatchewan-evacuees-march-downtown-ask-public-to-help-them-303104231.html>> [Accessed April 2019]

**Figure 1.4 -**

Used with permission from the Winnipeg Free Press.  
 Winnipeg Free Press, 2012a. *Maryjane Beardy a resident of Lake St. Martin FN holds a sign while chief Adrian Sinclair speaks during a rally on the steps of the Manitoba Legislative Building.* File Name: 121126\_lake\_st\_Martin\_. Mike Deal Photograph Collection. Retrieved from: <<https://www.winnipegfreepress.com/breakingnews/First-Nations-flood-evacuees-to-rally-outside-Legislative-Building-180856401.html>> [Accessed April 2019]

**Figure 1.5 -**

Used with permission from the Winnipeg Free Press.  
 Winnipeg Free Press, 2017. *Temporary street signs in the Lake St. Martin First Nation housing development under construction.* File Name: 201270609\_\_St.\_Martin6wq. Wayne Glowacki Photograph Collection. Retrieved from: <<https://www.winnipegfreepress.com/local/lake-st-martin-gets-closer-to-home-491701771.html>> [Accessed April 2019]

**Figure 1.6 -**

Photograph by Author.  
 Harper, J., 2017. *Churchill, Manitoba.* [photograph] (Janelle Harper's own private collection).

**Figure 2.1 -**

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 Sawatzky, M., 2019a. 20190326MS002. [photograph] (Matthew Sawatzky's own private collection).

**Figure 2.2 -**

Used with permission from the Winnipeg Free Press.  
 Winnipeg Free Press, 2015b. *Tony Marsden pushing his grandson Jackson both Lake St. Martin evacuees from the 2011 flood were among the approximately 60 protesters that left their city based Lake St. Martin First Nation government office on Berry St. in Winnipeg and are walking to the Federal office on Hargrave St. and the Manitoba Legislative Building.* File Name: 20150508\_demo. Wayne Glowacki Photograph Collection. Retrieved from: <<https://www.winnipegfreepress.com/local/dozens-protest-years-of-exile-303163731.html>> [Accessed April 2019]

**Figure 2.3 -**

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**Figure 3.1 -**

Harper, J., 2019. *Map of Basin Boundaries in Manitoba.* [map] Created in QGIS and Adobe Illustrator. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada.* [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories).* [shapefile map] (Government of Canada). GIS File: ScienceBase Catalog, 2019. *North America Watersheds.* [shapefile map] (United States Geology Survey (USGS)).

**Figure 3.2 -**

File created and edited in Adobe Illustrator.

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Harper, J., 2019. *Map of Watershed Boundaries in Manitoba*. [map] Created in QGIS and Adobe Illustrator. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada). GIS File: ScienceBase Catalog, 2019. *North America Watersheds*. [shapefile map] (United States Geology Survey (USGS)).

**Figure 3.4 -**

Harper, J., 2019. *Context Map of Lake St. Martin First Nation within Canada*. [map] Created in QGIS and Adobe Illustrator. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada).

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Harper, J., 2019. *Context Map of Major Control Structures Contributing to Lake St. Martin within Central and Southern Manitoba*. [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba Land Initiative, 2017. *LRS - Road Network (2017)*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Manitoba Land Initiative, n.d. *1:100,000 (all municipal roads)*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

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Harper, J., 2019. *Context Map of Inflows and Outflows to Lake St. Martin within Manitoba*. [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba Land Initiative, 2017. *LRS - Road Network (2017)*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Manitoba Land Initiative, n.d. *1:100,000 (all municipal roads)*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented

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Harper, J., 2019. *Context Map of Major Control Structures Contributing to Lake St. Martin within Central and Southern Manitoba*. [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba Land Initiative, 2017. *LRS - Road Network (2017)*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Manitoba Land Initiative, n.d. *1:100,000 (all municipal roads)*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

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Harper, J., 2019. *Boreal Plains Ecozone*. [map] Created in QGIS and Adobe Illustrator. GIS File: Canadian Geospatial Data Infrastructure, 2017. *Ecozones*. [shapefile map] (Government of Canada) GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

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Harper, J., 2019. *Interlake Plains Ecoregion*. [map] Created in QGIS and Adobe Illustrator. GIS File: Canadian Geospatial Data Infrastructure, 2017. *Ecoregions*. [shapefile map] (Government of Canada) GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

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Harper, J., 2019. *Gypsumville Ecodistrict*. [map] Created in QGIS and Adobe Illustrator. GIS File: Canadian Geospatial Data Infrastructure, 2017. *Ecodistricts*. [shapefile map] (Government of Canada) GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

**Figure 3.12 -**

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**Figure 3.13 -**

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**Figure 3.14 -**

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**Figure 3.15 -**

Used with permission from the Winnipeg Free Press. Winnipeg Free Press, 2012c. *Lake St. Martin Feature Clint Beardy sits pensively in his log cabin that he built with some friends next to his house in Lake St. Martin. Beardy refused to leave his land during flooding last spring and fought hard on his own to save*

it. *He never plans on leaving this land-which he believes belongs to his ancestors and has deep roots-no matter what the band or federal government decide to do.* File Name: 121126\_lake\_st\_Martin\_. Mike Deal Photograph Collection. Retrieved from: <<https://www.winnipegfreepress.com/local/water-woes-just-wont-end-146774935.html>> [Accessed April 2019]

**Figure 3.16 -**  
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**Figure 3.17 -**  
Harper, J., 2019. *Context Map of Lake St. Martin First Nation in relation to Winnipeg*. [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba Land Initiative, n.d. *Treaty Boundaries*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

**Figure 3.18 -**  
Harper, J., 2019. *Context Map of reserve land associated with Lake St. Martin First Nation* [map] Created in QGIS and Adobe Illustrator. GIS File: Open Government Portal, 2017. *Aboriginal Lands of Canada Legislative Boundaries*. [shapefile map] (Government of Canada) and Bing Maps, 2019 [online] Available through: [www.bing.com/maps](http://www.bing.com/maps) [Access August 2019]

**Figure 4.1 -**  
Used with permission from Michelle Siu, photojournalist.  
Siu, M., 2014. *Lake St. Martin*. [photograph] (Michelle Siu's own private collection).

**Figure 4.2 -**  
Harper, J., 2019. *Treaty Map of Manitoba* [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba Land Initiative, n.d. *Treaty Boundaries*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

**Figure 4.3 -**  
Harper, J., 2019. *Treaty Map of Manitoba with the location of Lake St. Martin First Nation highlighted*. [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba Land Initiative, n.d. *Treaty Boundaries*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

**Figure 4.4 -**  
Harper, J., 2019. *Treaty Map of Manitoba with the locations of Chemawawin Cree Nation and O-Pipon-Na-Piwin highlighted, as well as the two locations that Treaty Five was signed in 1875* [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba

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#### Figure 4.5 -

Used with permission from Michelle Siu, photojournalist.  
Siu, M., 2014. *Lake St. Martin and other First Nations fisherman and their families protest the re-opening of the Lake St. Martin emergency channel. The province claims the outlet will alleviate flooding while fisherman claim it is devastating their fishing livelihood* [photograph] (Michelle Siu's own private collection).

#### Figure 4.6 -

Harper, J., 2019. *Context Map of Chemawawin Cree Nation in relation to the City of Winnipeg*. [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba Land Initiative, n.d. *Treaty Boundaries*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

#### Figure 4.7

Harper, J., 2019. *Context Map of reserve land associated with Chemawawin Cree Nation* [map] Created in QGIS and Adobe Illustrator. GIS File: Open Government Portal, 2017. *Aboriginal Lands of Canada Legislative Boundaries*. [shapefile map] (Government of Canada) and Bing Maps, 2019 [online] Available through: [www.bing.com/maps](http://www.bing.com/maps) [Accessed August 2019]

#### Figure 4.8 -

Harper, J., 2019. *Context Map of South Indian Lake (O-Pipon-Na-Piwin Cree Nation) in relation to the City of Winnipeg*. [map] Created in QGIS and Adobe Illustrator. GIS File: Manitoba Land Initiative, n.d. *Treaty Boundaries*. [shapefile map] (Government of Manitoba) and 2001 Her Majesty the Queen in Right of Manitoba, as represented by the Minister of Conservation. All rights reserved. GIS File: Open Government Portal, 2002. *Lakes and Rivers of Canada*. [shapefile map] (Government of Canada). GIS File: Statistics Canada, 2016. *Census Boundary Files (Provinces/territories)*. [shapefile map] (Government of Canada)

#### Figure 4.9 -

Harper, J., 2019. *Context Map of South Indian Lake and the reserve land associated with O-Pipon-Na-Piwin Cree Nation* [map] Created in QGIS and Adobe Illustrator. GIS File: Open Government Portal, 2017. *Aboriginal Lands of Canada Legislative Boundaries*. [shapefile map] (Government of Canada) and Bing Maps, 2019 [online] Available through: [www.bing.com/maps](http://www.bing.com/maps) [Access August 2019]

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Used with permission from Matthew Sawatzky.  
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