



Review of Louisiana Pacific and Mountain Quota Holders Association 2022-2024 Forest Management Operating Plans

Manitoba Métis Federation

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1. Introduction

The Manitoba Métis Federation (MMF) has been engaged by the Province of Manitoba to prepare a summary of impacts to Red River Métis Rights, claims and interests, and to identify areas of interest and concern, in relation to the proposed Louisiana Pacific (LP) 2022-2024 two-year Operating Plan, and the proposed Mountain Quota Holders Association (MQHA) 2022-2024 two-year Operating Plan. This report presents a summary of these concerns and impacts based on a review of the LP and MQHA two-year Operating Plans.

The information provided in this report includes sensitive information shared with the MMF by our Red River Métis Citizens, with the understanding that it would be kept confidential and would not be disclosed other than by the MMF. Our Citizens have entrusted the MMF, as their democratically elected Métis Government, to safeguard and appropriately use this information on their behalf. The information provided in this report is the property of the MMF and cannot be duplicated or information described with the intent to disseminate its contents available at the time of writing and prepared within the limited budget allotted by the Province of Manitoba, and should be considered an indicative but partial overview of the Red River Métis overall land and resource use within the subject forest areas.

2. Red River Métis (Manitoba Métis)

2.1 History and Identity

The Red River Métis—as a distinct Indigenous people—evolved out of relations between European men and First Nations women who were brought together as a result of the early fur trade in the Northwest. In the eighteenth century, both the Hudson Bay Company and the Northwest Company created a series of trading posts that stretched across the upper Great Lakes, through the western plains, and into the northern boreal forest. These posts and fur trade activities brought European and Indigenous peoples into contact. Inevitably, unions between European men—explorers, fur traders, and pioneers—and Indigenous women were consummated. The children of these families developed their own collective identity and political community so that “[w]ithin a few generations, the descendants of these unions developed a culture distinct from their European and Indian forebears—a new people, Indigenous to the Western Territories (Alberta (Aboriginal Affairs and Northern Development) v. Cunningham, [2011] 2 SCR 670 at para. 5; 2008 MBPC R. v. Goodon, 59 at para. 25; Manitoba Métis Federation Inc. v. Canada (Attorney General), [2013] 1 SCR 623 at para. 2).

The Métis led a mixed way of life. “In early times, permanent settlements centred on hunting, trading, and agriculture” (Alberta v. Cunningham, at para. 5). “The Métis were employed by both of the fur traders’ major companies. By the early 19th century, they had become a major component of both firms’

however, the Métis became extensively involved in the buffalo hunt. As a people, their economy was diverse; combining as it did, living off the land in the Aboriginal fashion with wage labour (*MMF v. Canada*, at para. 29).

It was in the Red River, in reaction to a new wave of European immigration, that the Red River Métis first came into its own. Since the early 1800s, the Red River Métis — as a part of the larger Métis Nation—has asserted itself as a distinct Indigenous collective with rights and interests in its Homeland. The Red River Métis share a language (Michif), national symbols (infinity flags), culture (i.e., music, dance, dress, crafts), as well as a special relationship with its territory that is centred in Manitoba and extends beyond the present-day provincial boundaries.

The Red River Métis has been confirmed by the courts as being a distinctive Indigenous community, with rights that are recognized and affirmed in s.35 of the *Constitution Act, 1982*. In *R. v. Goodon*, the Manitoba court held that:

The Métis community of Western Canada has its own distinct related community that included numerous settlements located in present-day southwestern Manitoba, into Saskatchewan and including the northern Midwest United States. The Métis community today in Manitoba is a well-organized and vibrant community (paras. 46-47; 52).

This proud independent Métis population constituted a historic rights-bearing community in present-day Manitoba and beyond, which encompassed “all of the territory from the present-day City of Winnipeg and extending south to the present-day City of Regina” (para. 48).

The heart of the historic rights-bearing Métis community in southern Manitoba was the Red River Settlement; however, the Red River Métis also developed other settlements and relied on various locations along strategic fur trade routes. During the early part of the 19th century, these included various posts of varying size and scale spanning the Northwest Company and the Hudson Bay Company collection and distribution networks.

More specifically, in relation to the emergence of the Métis—as a distinct Indigenous Nation in Manitoba—the Supreme Court of Canada wrote the following in the *MMF v. Canada* case:

“ [21] The story begins with the Aboriginal peoples of Manitoba—the Cree and other less populous nations. In the late 17th century, European adventurers and explorers passed through. The lands were claimed by the Hudson Bay Company, a company of fur traders’ operation of the territory. Land, which included modern Manitoba. Aboriginal peoples continued to occupy the territory. In addition to the original First Nations, a new Aboriginal group, the Métis, arose—people descended from early unions between European adventurers and traders, and Aboriginal women. In the early days, the descendants of English-speaking parents were referred to as half-breeds, while those with French roots were called Métis.

[22] A large—by the standards of the time—settlement developed at the forks of the Red and Assiniboine Rivers on land granted to Lord Selkirk by the Hudson's Bay Company. The settlement consisted of 12,000 people, under the governance of the Hudson's Bay Company.

[23] In 1869, the Red River Settlement was a vibrant community, with a free enterprise system and established judicial and civic institutions, centered on the retail stores, hotels, trading undertakings and saloons of what is now downtown Winnipeg. The Métis were the dominant demographic group in the Settlement, comprising around 85 percent of the population [approximately 10,000 Métis], and held leadership positions in business, church and government.

The fur trade was vital to the ethnogenesis of the Red River Métis and was active in Manitoba from at least the late 1770s, and numerous posts and outposts were established along cart trails and waterways throughout the province. These trails and waterways were crucial transportation networks for the fur trade (Jones 2014; 2) and were the foundation for the intensive use of the Red and Assiniboine Rivers throughout the province. In x

the early 20th century, the Red River Métis continued to significantly participate in the commercial fisheries and in trapping activities, which is well documented in provincial government records.

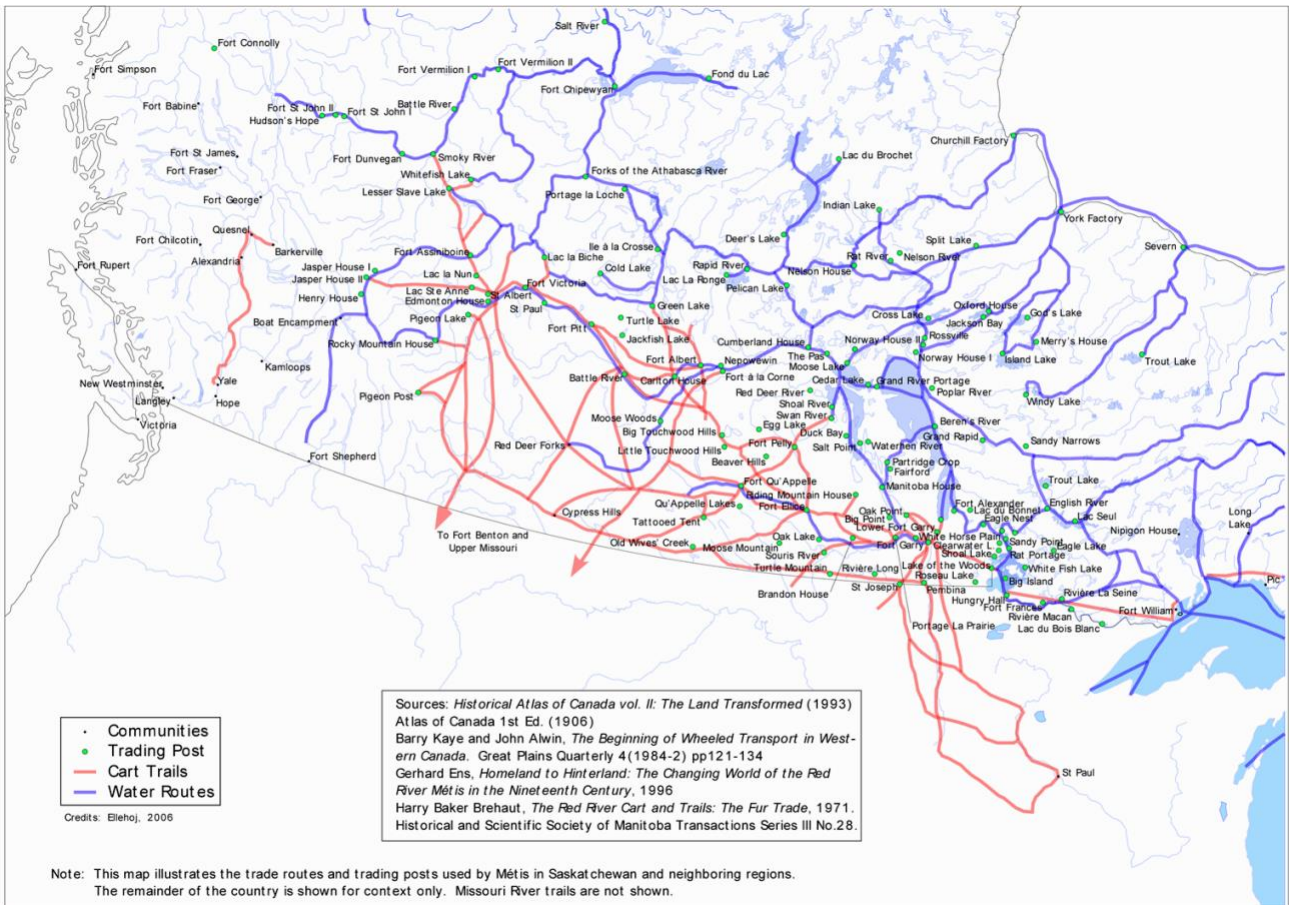


Figure 1: The Fur Trade Network: Routes and Posts Prior to 1870

2.2 Manitoba Métis Federation

On July 6, 2021, Canada and the MMF signed the Manitoba Métis Self-Government Recognition and Implementation Agreement which is the first agreement to give immediate recognition to an existing Métis government, namely, the Manitoba Métis Federation, which is the existing democratically elected government of the Manitoba Métis – also known as the Red River Métis. This Agreement will be followed by a treaty between the MMF and Canada and ensures that the MMF will continue to provide responsible and accountable self-government.

The MMF is the democratically elected government of the Red River Métis. The MMF is duly authorized by the Citizens of the Red River Métis for the purposes of dealing with their collective Métis rights, claims, and interests, including conducting consultations and negotiating accommodations (as per MMF Resolution No. 8). While the MMF was initially formed in 1967, its origins lie in the 18th century with the birth of the Red River Métis and in the legal and political structures that developed with it. Since the birth of the Métis people in the

Red River Valley, the Red River Métis asserted and exercised its inherent right of self-government. For the last 50 years, the MMF has represented the Red River Métis at the provincial and national levels.

During this same period, the MMF has built a sophisticated, democratic, and effective Métis governance structure that represents the Red River Métis internationally. The MMF was created to be the self-government representative of the Red River Métis—as reflected in the Preamble of the MMF's Constitution (the MMF Bylaws):

" WHEREAS, the Manitoba Métis Federation ~~govern~~ has been representative body of the Manitoba Métis Community

In addition, the following is embedded within the MMF's objectives, as set forth in the MMF Bylaws, which follows:

- " 1. To promote the history and culture of the Manitoba Métis, *otherwise to promote the cultural pride of its Citizenship.*
2. *To promote the education of its Citizens respecting their legal, political, social, and other rights.*
3. *To promote the participation of its Citizens in community, municipal, provincial, federal, Aboriginal, and other organizations.*
4. *To promote the political, social, and economic interests of its Citizens.*
5. *To provide responsible and accountable governance on behalf of the Manitoba Métis, also known as the Red River Métis, using the constitutional authority of the Government of Canada.*

The MMF is organized and operated based on centralized democratic principles, some key aspects of which are described below.

President: The President is the leader and spokesperson of the MMF. The President is elected in a national Election every four years and is responsible for overseeing the day-to-day operations of the MMF.

Cabinet: The MMF Cabinet leads, manages, and guides the policies, objectives, and strategic direction of the MMF and its subsidiaries. All 23 Cabinet Members are democratically elected by Red River Métis Citizens.

Regions: The MMF is organized into seven regional associations or "Regions" throughout the province (**Error! Reference source not found.**): The Southeast Region, the Winnipeg Region, the Southwest Region, the Interlake Region, the Northwest Region, the Pas Region, and the Thompson Region. Each Region is administered by a Vice-President and two Regional Executive Officers, all of whom sit on the MMF Cabinet. Each Region has an office which delivers programs and services to their specific geographic area.

Locals: Within each Region are various area-specific "Locals" which are administered by a chairperson, a vice-chairperson, a secretary, and a treasurer (or a secretary-treasurer, as the case may be). Locals must have at least nine Citizens and meet at least four times a year to remain active. There are approximately 140 MMF Locals across Manitoba.

The MMF has created an effective governance structure to represent the Red River Métis. It is important to bear in mind that there is only one large, geographically dispersed, Red River Métis. Red River Métis Citizens live, work, and exercise their s.35 rights throughout and beyond the province of Manitoba.

2.3 MMF Resolution No. 8

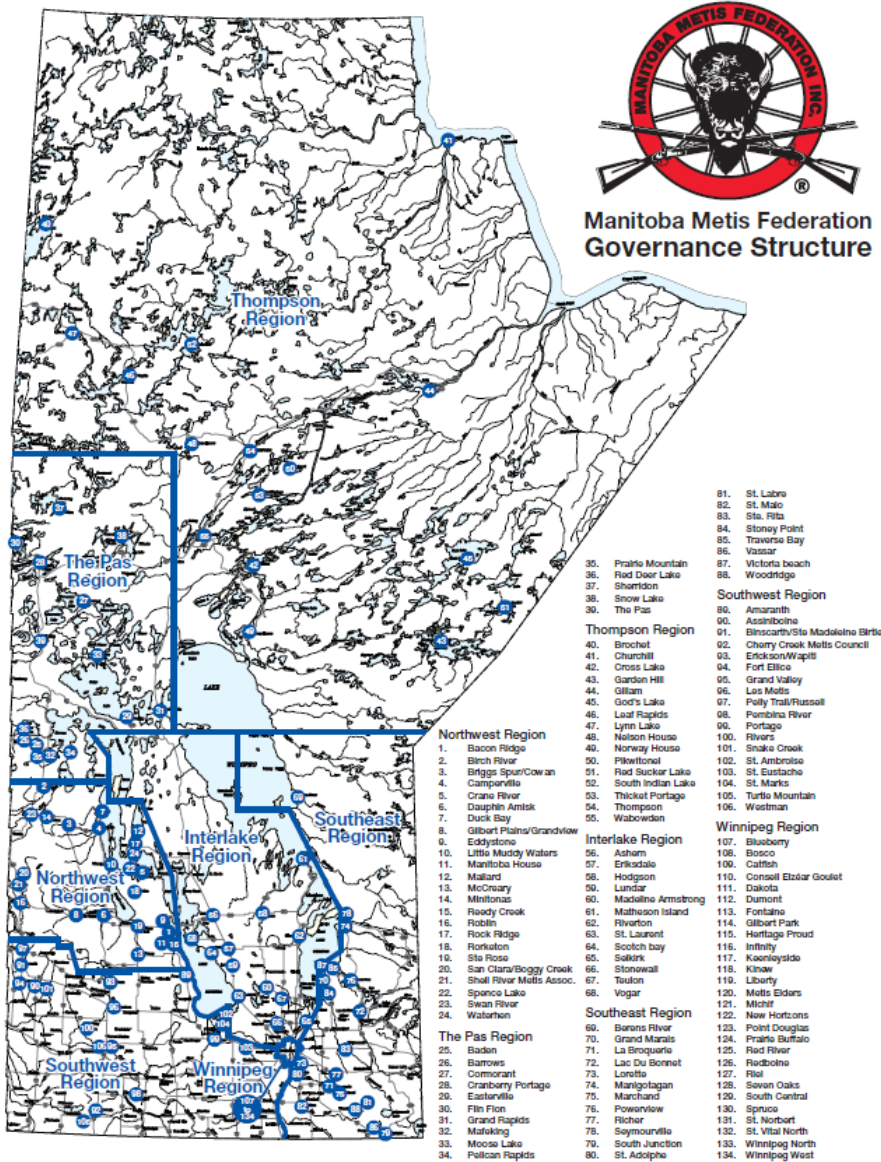


Figure 2. Manitoba Métis Federation (MMF) Regions

Among its many responsibilities, the MMF is authorized to protect the Aboriginal rights, claims, and interests of the Red River Métis, including those related to harvesting, traditional culture, and economic development, among others.

In 2007, the MMF Annual General Assembly unanimously adopted Resolution No. 8 that sets out the framework for engagement, consultation, and accommodation to be followed by Federal and Provincial governments, industry, and others when making decisions and developing plans and projects that may impact the Red River Métis. Under MMF Resolution No. 8, direction has been provided by the Red River Métis for the MMF Home Office to take the lead and be the main contact on all consultation undertaken with the Red River Métis. Resolution No. 8 reads, in part that:

...t h i s a s s e m b l y c o n t i n u e [s] t o g i v e t h e d i r e c t i o n t o
c o n t a c t o n a l l c o n s u l t a t i o n s a f f e c t i n g t h e M é t i s c o m m u n i t y a n d t o w o r k c l o s e l y w i t h t h e R e g i o n s a n d L o c a l s t o
e n s u r e g o v e r n m e n t s a n d i n d u s t r y a b i d e b y e n v i r o n m e n t

The MMF Home Office works closely with the Regions and Locals to ensure the rights, interests, and perspective of the Red River Métis are effectively represented in matters related to consultation and accommodation.

Resolution No. 8 has five phases:

Phase 1: Notice and Response

Phase 2: Funding and Capacity

Phase 3: Engagement or Consultation

Phase 4: Partnership and Accommodation

Phase 5: Implementation

Each phase is an integral part of the Resolution No. 8 framework and proceeds logically through the stages of consultation.

2.4 Manitoba Métis Rights, Claims, and Interests

The Manitoba Métis possess Aboriginal rights, including pre-existing Aboriginal collective rights and interests in lands recognized and affirmed by section 35 of the *Constitution Act, 1982*, throughout Manitoba. The Manitoba court recognized these pre-existing, collectively held Métis rights in *R. v. Goodon* (at paras. 58; 72):

I conclude that there remains a contemporary community in southwest Manitoba that continues many of the traditional practices and customs of the Métis people.

I have determined that the rights-bearing community is an area of southwestern Manitoba that includes the City of Winnipeg south to the U.S. border and west to the Saskatchewan border.

As affirmed by the Supreme Court of Canada, such rights and relationships *R. v. Powley, 2003 SCC 43, at para. 50* and are grounded on a "cultural interest in the land that is integral to the nature of the Métis distinctive community and their relationship to the land" *MMF v. Canada*, at para. 5). Importantly, courts have also recognized that Métis harvesting rights may not be limited to Unoccupied Crown Lands (*R. v. Kelley, 2007 ABQB 41, para. 65*).

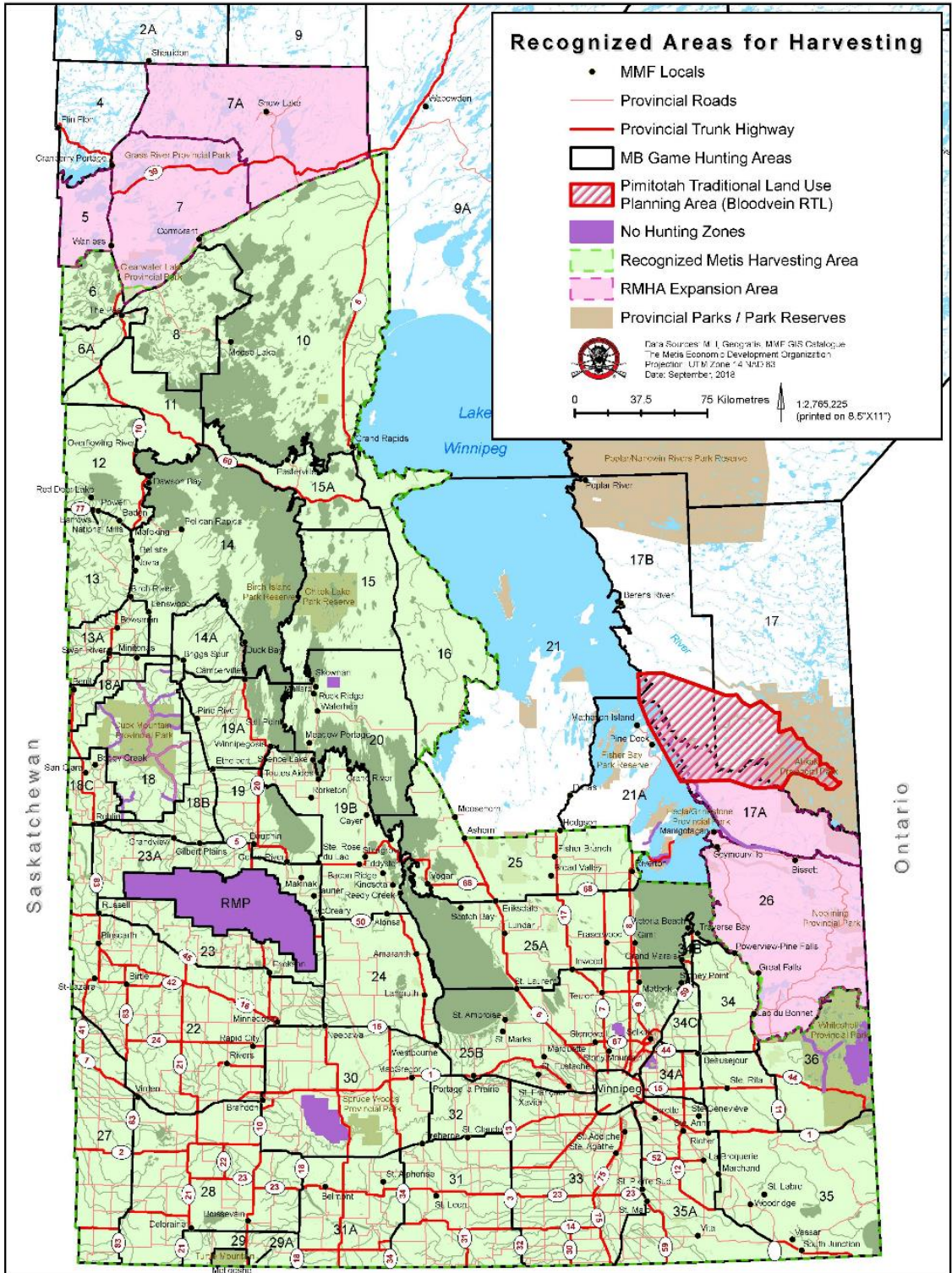


Figure 3. MMF-Manitoba Harvesting Agreement Recognized Manitoba Métis Harvesting Zones

The Crown, as represented by the Manitoba government, has recognized some aspects of the Manitoba Métis' harvest negotiated agreements. The MMF-Manitoba Points of Agreement on Métis Harvesting (2012) (the MMF-Manitoba Harvesting Agreement). This Agreement, adopted at the 44th Annual General Assembly of the Manitoba Métis Harvesting Rights Council, recognizes that the meaning of section 35 of the Constitution Act, 1982, exist within the [Recognized Métis Harvesting Zone], and that these rights may be exercised by Manitoba Métis Rights Holders consistent with Métis customs, practices and traditions. Manitoba Harvesting Agreement (section 1). In particular, the MMF-Manitoba Harvesting Agreement recognizes that Métis gathering for food and domestic use, including for social and ceremonial purposes and for greater certainty, Métis harvesting includes the harvest of timber from approximately 169,584 km² (the "Recognized Harvesting Area"). Manitoba Harvesting Agreement, section 2; Figure 3). The MMF further asserts rights and interests exist beyond this area, which require consultation and accommodation as well.

Beyond those rights already established through litigation and recognized by agreements, the Manitoba Métis claims commercial and trade-related rights. Courts have noted that Métis claims to commercial rights remain outstanding (R. v. Kelley at para. 65). These claims are strong and well-founded in the historical record and the customs, practices, and traditions of the Manitoba Métis, and it is incumbent on the Crown and Proponents to take them seriously.

As noted above, the Manitoba Métis has its roots in the western fur trade (R. v. Blais, 2003 SCC 44 at para. 9 [Blais]; R. v. Goodon at para. 25). The Manitoba Métis are descendants of early unions between Aboriginal women and European traders (MMF v. Canada at para. 21). As a distinct Métis culture developed, the Métis took up trade as a key aspect of their way of life (R. v. Powley at para. 10). Many Métis became independent traders, acting as middlemen between First Nations and Europeans (R. v. Goodon at para. 30). Others ensured their subsistence and prosperity by trading resources they themselves hunted and gathered (R. v. Goodon at para. 31, 33, & 71). By the mid-19th century, the Manitoba Métis had developed the collective feeling that trade with the Government of the country was a central part of their life (R. v. Goodon at para. 69(f)). Commerce and trade are, and always have been, integral to the distinctive culture of the Manitoba Métis. Today, the Manitoba Métis have an Aboriginal, constitutionally protected right to continue this trading tradition in modern ways to ensure that their distinct community will not only survive, but also flourish.

Unlike First Nations in Manitoba, whose commercial rights were converted and modified by treaties and the Natural Resources Transfer Agreement (NRTA) (R. v. Blais), Métis rights, in contrast, are not affected by the NRTA (R. v. Blais) and continue to exist and be protected as Aboriginal rights in Manitoba are, for example, inherently limited by section 35 of the Constitution Act, 1982 (R. v. Powley at para. 10). Métis rights, in contrast, are not tempered by the "taking up" clauses found in the NRTA and are respected as they are, distinct from First Nations rights.

In addition to the abovementioned rights to land use that preserve the Métis culture and way of life, the Manitoba Métis have other outstanding land related claims and interests with respect to lands. These include claims related to the 1870 Order of Her Majesty in Right of Canada, which transferred the Western Territories into the Union (the "1870 Order").

question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the

The manner in which the federal Crown implemented this constitutional promise owing to the Manitoba Métis—through the Dominion Lands Act and the resulting Métis scrip system—effectively defeated the purpose of the commitment. Accordingly, the MMF claims these federal Crown actions constituted a breach of the honour of the Crown, which demand negotiati stamp province' within Manitoba as well.

The MMF also claims that the Dominion Lands Act and the resulting Métis scrip system were incapable of extinguishing collectively held Métis title in specific locations where the Manitoba Métis are able to meet the legal test for Aboriginal title as set out by the Supreme Court of Canada. These areas in the province, which the Manitoba Métis exclusively occupied—as an Indigenous people—prior to the assertion of sovereignty, establish a pre-existing Métis ownership interest in these l

The Manitoba Métis also have an outstanding legal claim within v of Manitoba relating to the 1.4 million acres of land promised to the children of the Métis living in the Red River Valley, as enshrined in section 31 of the Manitoba Act, 1870 (MMF v. Canada at para

This land promised was a nation-building, constitutional compact that the new province [of Manitoba] " for future generat " liasg place" was to have been achieved by providin in the heart of the new province (MMF v. Canada at paras 5-6) .

Instead, the federal Crown was not diligent in its implementation of section 31, which effectively defeated the purpose of the constitutional compact. In March 2013, the Supreme Court of Canada found that the federal Crown failed to diligently and purposefully implement the Métis land grand provision set out in section 31 of the Manitoba Act, 1870 (MMF v. Canada at para 154). This constituted a breach of the honour of the Crown. In arriving at this legal conclusion

" What is at issue is a constitutional grievance go remains outstanding, the goal of reconciliation and constitutional harmony, recognized in section 35 of the Constitution Act, 1982 and underlying section 31 of the Manitoba Act, remains unachieved. The ongoing rift in the national f adopted to cure remains unremedied. The unfinished business of reconciliation of the Métis people with Canadian sovereignty is a matter of national and constitutional import (MMF v. Canada at para 140) . "

This constitutional breach is an outstanding Métis claim flowing from a judicially recognized common law obligation which burdens the federal Crown (MMF v. Canada at paras 156; 212). It can only be resolved through good faith negotiations and a just settlement with the MMF (see for example: R v Sparrow, [1990] 1 SCR 1075 at paras 51–53; R v Van der Peet, [1996] 2 SCR 507 at paras 229, 253; Haida at para 20; Carrier Sekani at para 32) . Lands both within the 'old pos Manitoba—since little Crown lands remain within the 'old pe—may need to be stamp pro considered as part of any future negotiations and settlement in fulfillment of the promise of 1.4 million acres, together with appropriate compensation .

On November 15, 2016, the MMF and Canada concluded a Framework Agreement for Advancing Reconciliation (the " Framework Agreement ") . The Fr

aimed, among other things, at finding a shared solution to the MMF v. Canada and advancing the process of reconciliation between the Crown and the Manitoba Métis. It provides for negotiations on various topics including the management of potential sensitive areas under the Framework Agreement and active and ongoing negotiations.

3. Review Methodology

To identify impacts to Métis Rights, claims, and interests and areas of concern to the Red River Métis, the MMF undertook a review of LP's proposed 2022-2024 two-year Operating Plan (OP) for Forest Management Units (FMUs) 10, 11, and 13 and MQHA's proposed 2022-2024 two-year OP for FMUs 12 and 14. The review included a high-level environmental review of both forest management two-year operating plans to identify potential concerns with operational plans, mitigation measures, and consultation.

4. Louisiana Pacific 2022-2024 Two-Year Operating Plan Review

The proposed LP Forest Management License #3 2022-2024 two-year OP details the forest management activities proposed for the two-year period between April 1, 2022 and April 1, 2024. The activities described within the OP include planning, harvesting areas, road building, stream crossings, stand renewal, and tending, and research. The OP was completed as per the Forest Management License Agreement signed between LP and the Province of Manitoba, which came into effect on September 21, 1994, and, along with the Environment Act License No. 2191E, has been extended by the Province of Manitoba until December 31, 2022.

4.1 Métis Land Use and Areas of Concern

Previously collected Traditional Knowledge and Land Use data within the MMF database shows that Métis land use within FMUs 10, 11, and 13 is extensive, indicating a strong connection between the Red River Métis and Manitoba. Based on the overlap between areas used by MMF Citizens for hunting, plant gathering, fishing, cultural areas, and Ecological Knowledge, we recommend that the Government of Manitoba provide digital shapefiles of the proposed cutblocks then meet with the MMF to discuss specific areas of immediate concern relevant to the two-year OP, and collaborate to identify mutually agreeable mitigation measures where required.

4.2 Comments and Recommendations

Following our review of the LP 2022-2024 two-year OP, the MMF raises the following comments and concerns with corresponding recommendations:

Comment 1: 2022-2024 Operating Plan – FML 3 – Volume I: Harvest and Renewal, pages 6-7. LP has identified that pre-harvest surveys are completed on all proposed cutblocks at least one field season in

advance of harvesting, in order to collect information about the planned forestry areas, including but not limited to watercourses, critical wildlife habitat features, presence of endangered or rare species, and forest health signs and symptoms. The OP states that pre-harvest surveys help assess cutblock areas prior to harvest in order address forest management concerns, and better plan for harvest and renewal operations. The Red River Métis holds a deep connection to the land, with generations worth of Traditional Knowledge about Manitoba. MMF spend substantial time on the land, observing the holistic interactions of the forest, and could provide a wealth of insight for pre-harvest surveys.

Recommendation 1: The MMF requests that opportunities be available, with appropriate corresponding funding, to support Red River Métis participation in conducting on-the-land activities to directly support and help meaningfully inform Pre-harvest survey field work through the transmission of Métis Knowledge to the LP and the planning team.

Comment 2: *2022-2024 Operating Plan – FML 3 – Volume I: Harvest and Renewal Plan, page 9.* Section 2.6 of LP's two-year OP contains details of how Crown-Indigenous consultations occur with Indigenous communities. This section of the OP repeatedly describes how engagement, information exchange, and consultation between LP and local First Nations communities occurs, and how concerns from First Nations are documented and may result in further planning refinements. However, this section of the OP makes no reference to how information exchange occurs between LP and the MMF. The Red River Métis, as represented by the MMF, are a group distinct from First Nations and must be engaged accordingly by Manitoba.

Recommendation 2: The MMF requests that LP outline and implement a distinct plan for appropriate and respectful consultation, engagement, and meaningful two-way information exchange with the Red River Métis, as Métis also possess equal Aboriginal Rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.

Comment 3: *2022-2024 Operating Plan – FML 3 – Volume I: Harvest and Renewal, page 28.* Table 4-1 of the proposed OP indicates that the proposed harvest volume for softwood is 390% of the annual allowable cut volume for FMU 10. The MMF acknowledges that LP included a disclaimer stating that previous years of undercut in FMU 10 would balance harvesting above the annual Sustainable Harvest Level for a single year.

Recommendation 3: The Red River Métis is concerned about the large difference in volume between the proposed harvest and sustainable harvest level for softwood in FMU 10, where the proposed harvest volume is 390% larger than the annual allowable cut volume. The MMF is concerned that this volume of proposed harvest (above the sustainable harvest level) will create impacts to the ecosystem and therefore to the Rights, claims, and interests of the Red River Métis. The MMF requests that the proposed harvest volume for FMU 10 be decreased. A decrease will lessen the gap between the proposed harvest volume and the annual allowable cut volume, and, within the FMU, will ensure that distribution of harvest above the annual allowable cut volume does not exceed ecological thresholds at the landscape unit level. Exceeding ecological thresholds (such as watersheds/subwatersheds) may create cumulative impacts on fish and wildlife species harvested by the Red River Métis. These thresholds are well-documented (Bryan & Henshaw, 2013).

Comment 4: *2022-2024 Operating Plan – FML 3 – Volume I: Harvest and Renewal, page 43.* The OP indicates that a more comprehensive tending plan will be developed if a tending program is necessary, which will identify treatment unit and block-level details. Additionally, stand maintenance activities will need approval from Manitoba Conservation t

Recommendation 4: The MMF requests to be notified should any applications for pesticide use be submitted to Manitoba Conservation and be engaged and consulted by LP or Manitoba prior to the permit approval.

Comment 5: *2022-2024 Operating Plan – FML 3 – Volume I: Harvest and Renewal, page 44.* Section 6 of the OP outlines research and monitoring projects conducted within the Forest Management License 3 area. LP has indicated that they have engaged in collaborative research projects with other cooperating agencies, including conservation groups, universities, research organizations, and government departments. These joint projects have been supported by LP through direct research funds and/or in-kind contributions. The MMF has established a Métis Guardians Program and is in the process of establishing an Indigenous Protected and Conserved Area within Game Hunting Area 14 and 14A. These programs focus on the health of the boreal forest amid climate change and could benefit from collaboration with other organizations involved in forest management, and financial or other contributions to its development.

Recommendation 5: The MMF requests a meeting with appropriate staff at LP to discuss what opportunities may be available for support and collaboration on boreal forest related monitoring and research projects.

5. Mountain Quota Holders 2022-2024 Two-year Operating Plan Review

The MQHA has prepared an OP for the proposed harvesting of hardwood and softwood timber resources within FMUs 12 and 14, in conjunction with LP. The OP states that it was developed through discussions with the Province of Manitoba, and the local Integrated Resource Management Team. Although the OP was prepared by MQHA, it also includes the operations of LP, including their timber allocations within FMUs 12 and 14. Members of the MQHA hold timber allocations with the Province of Manitoba, and under their Forest Management License with Manitoba, LP has been assigned specific timber rights to hardwood, including the uncommitted volume of hardwood in FMUs 12 and 14.

5.1 Métis Land Use and Areas of Concern

Previously collected Traditional Knowledge and Land Use data within the MMF's extent indicate that Métis land use within FMUs 12 and 14 is extensive, and indicates a strong connection between the Red River Métis traditional use and occupancy and Manitoba's forests. Based on areas used by MMF Citizens for hunting, plant gathering, fishing, cultural areas, and Ecological Knowledge, we recommend that the Government of Manitoba provide digital shapefiles of the proposed cutblocks then meet with the MMF to discuss specific areas of immediate concern relevant to the two-year OP, and collaborate to identify mutually agreeable mitigation measures where required.

5.2 Comments and Recommendations

Following the review of the MQHA 2022-2024 two-year OP, the MMF would like to raise the following comments and concerns with corresponding recommendations:

Comment 6: *Mountain Quota Holders Association 2022-2024 Operating Plan, page 33.* Section 6.5 of the proposed OP indicates that broadcast herbicide treatments will occur on select areas within a given site during the first seven years following planting, and that early broadcast treatments are more cost effective than spot treatments later on. The Red River Métis are concerned about the ecological and human health impacts of widespread herbicide application, and the MMF has documented many instances where our citizens have shared Traditional Knowledge about the implications of broadcast herbicide use for the exercise of their rights, especially concern for the ecosystem-level effects on species Red River Métis harvest, and the quality and safety of harvested country foods and traditional medicines.

Recommendation 6: The MMF requests that the MQHA use spot treatments as their primary herbicide application method, in order to minimize potential herbicide drift and mitigate associated concerns related to potential ecological and human health impacts. Overall, the MMF strongly prefer no use of herbicides in areas where the Red River Métis exercises harvesting rights.

Comment 7: *Mountain Quota Holders Association 2022-2024 Operating Plan, page 32.* The proposed OP indicates that any vegetation management prescriptions that include the use of herbicides will be identified in a comprehensive vegetation management plan, which is submitted to the Forestry Branch for review and approval at a later date. The OP does not indicate if other governments, including the MMF, will be consulted on the vegetation management plan.

Recommendation 7: Red River Métis are concerned about the application of herbicides in their forests and should be involved in the review of any herbicide-related vegetation management plans prepared by MQHA. The MMF requests that MQHA provide the opportunity, with adequate time and funding, for the MMF to review the vegetation management plan and provide comments, and that our comments be considered and addressed by MQHA, prior to final approval from Manitoba.

Comment 8: *Mountain Quota Holders Association 2022-2024 Operating Plan.* Page 2-3 of Appendix I states that the design and schedule of cutblocks, including the development of mitigation strategies, will be informed by stakeholder input including the Integrated Resource Management Team and First Nations. However, the OP makes no mention of how the Red River Métis, through the MMF, will be engaged and consulted throughout the forest management planning process. Red River Métis, as represented by the MMF, are a group distinct from First Nations and must be engaged accordingly by Manitoba.

Recommendation 8: The MMF requests that MQHA revise their OP to clearly outline the steps that will be taken to meaningfully and appropriately engage and consult with the Red River Métis throughout the forest management planning process, and subsequently address the concerns documented by the MMF in a revised OP.

Comment 9: *Mountain Quota Holders Association 2022-2024 Operating Plan.* MQHA has indicated that pre-harvest surveys will be completed for all cutblocks prior to submission of the current plan year proposals. It is stated that pre-harvest surveys will assist with the development of mitigation plans, which would include: site information on non-timber resources; sensitive sites including heritage resources; sites with vulnerable, threatened, and endangered flora; unique values; and mitigation plans where wildlife habitat is a concern. The Red River Métis holds a deep connection to the land, with generations worth of Traditional Knowledge about Red River Métis a ' s f Citizens spend substantial time on the land, observing the holistic interactions of the forest, and could provide a wealth of insight for pre-harvest surveys.

Recommendation 9: The MMF requests that opportunities be available, with appropriate corresponding funding, to support Red River Métis participation in conducting on-the-land activities to directly support and help meaningfully inform pre-harvest survey field work through the transmission of Métis Knowledge to MQHA and the planning team.

Comment 10: *Mountain Quota Holders Association 2022-2024 Operating Plan, Appendix I, page 3-17.* MQHA's standard operating procedures indicate that will be developed jointly with the Integrated Resource Management Team, and planning operations for riparian areas will involve "input from resource consultation process." This specifically will be consulted and involved of h in determining appropriate mitigation and operations for riparian management areas. It is very important for quota holders to understand that consultation with the MMF is not public consultation, owing to the special relationship the Red River Métis has with the Crown due to its rights under the Constitution.

Recommendation 10: The MMF requests that MQHA involve the MMF directly in the riparian management area planning process and provide for opportunities for meaningful input before the plan is finalized, including development of final mitigation alongside the Integrated Resource Management Team.

Comment 11: *Mountain Quota Holders Association 2022-2024 Operating Plan, Appendix I, page 3-19.* MQHA's standard operating procedures indicate that sites, the MQHA "will work with Manitoba Heritage Management Team to develop appropriate mitigation for incorporation into the OP and work permits." There is no clearly defined process for mitigations if the identified cultural and heritage sites are of cultural significance to the Red River Métis.

Recommendation 11: The MMF is in the process of developing a cultural heritage protocol/policy for Red River Métis Citizens. If identified cultural and heritage sites are relevant to the Red River Métis, then the MMF *must* be meaningfully involved in discussions and decisions around what mitigations would be "appropriate" f, and to have our input considered and and her incorporated.

Comment 12: *Mountain Quota Holders Association 2022-2024 Operating Plan, Appendix II, page 5.* Section 7 of MQHA's P1r4 nsatrayt eAsc ctehsast PMQaHh f"owri IFIMU stakeholders to identify issues related to access development into operating areas in order to mitigate issues / concerns." It then lists the current sta Mountain Riders snowmobilers, and Swan Valley Sport Fishing Enhancement Association, and indicates that First Nations are consulted through a separate process with Manitoba. There is no mention of Métis involvement and consultation.

Recommendation 12: Consultation processes related to changes to and impacts on the land in our harvesting areas *must* include a distinct and meaningful consultation and accommodation process, owing to our existence and history as a distinct Indigenous people within Canada and owing to our special relationship to the Crown as defined in the Constitution. MQHA must revise their consultation process to ensure the mitigation and/or accommodation of potential impacts of your operations to Red River Métis Rights, claims and interests, as we also possess equal Aboriginal Rights recognized and affirmed by section 35 of the *Constitution Act, 1982*. Further, the MMF requests that MQHA outline and implement a plan for distinctions-based, appropriate and respectful consultation, engagement,

and meaningful two-way information exchange with, and mitigation of impacts to, the Red River Métis.

6. Summary and Recommendations

This report presents a high-level summary of natural resources use and concerns related to forest management, based on the level of the MMF and MQHA Forestry Operating Plans. The information described in this report is based on the limited Traditional Knowledge and values data as available at the time of writing, and prepared within the limited budget allocated by the Province of Manitoba.

Therefore, the MMF requests that additional opportunities be provided for the MMF to be further engaged in determining appropriate mitigations and specific cutblock prescriptions for areas of concern we have identified, specific to these two-year OPs. We would prefer that this occur in a collaborative setting with the Government of Manitoba.

In addition to the specific comments and recommendations outlined in Sections 4.2 and 5.2 of this report, the MMF would like to provide the following general recommendations for the proposed OPs:

Recommendation 13: The Red River Métis has concerns about forest harvesting and silvicultural activities occurring too close to wetlands and water features. The MMF requests meaningful and ongoing engagement on this matter in order to provide site-specific Traditional Knowledge about how riparian management areas hold or protect Métis values, and to ensure that the machine-free zones, management zones, and reserve zones provide adequate protection from disturbance.

Recommendation 14: The Red River Métis harvest traditional medicines and food sources within Manitoba. The growth of such medicines and food sources rely on specific habitat types. For example, a shelf fungus we refer to as chaga is a culturally important medicine that is harvested and used by Red River Métis Citizens and requires mature birch stands in order to thrive.

Therefore, the MMF requests that forest harvesting targeting forest types of importance to the Red River Métis be limited. Limited harvesting will minimize the impact to critical habitat for culturally significant medicines. Furthermore, harvest should occur only after appropriate and meaningful consultation and engagement with the MMF. Such consultation will allow for the collaborative development of appropriate mitigations and site-specific prescriptions. We are interested in sharing Traditional Knowledge with Manitoba and the license holders on this matter, and having further discussion about how this recommendation could be implemented.

Recommendation 15: The Red River Métis have significant concerns about the broadscale application of herbicides and potential risks to ecological and human health associated with herbicides on and near important food and medicine sources. The MMF requests that: all herbicide applications be limited, and, where herbicides are deemed necessary, only spot application be used; that no herbicide applications of any kind occur within 15 metres of any waterbody; that sensitive plant species be protected from herbicide drift by either using a wick applicator or covering the plant with plastic; and that Manitoba and the license holders support and participate in communications from the MMF to our citizens about where and when herbicide applications will be conducted and have taken place.

Recommendation 16: A general observation about both the LP and MQHA OPs noted a lack of recognition of distinct Métis Rights, claims, and interests within

mentioned First Nations engagement and consultation, along with public consultation. These exclusions in the OPs have, in our experience been accompanied by a noticeable lack of involvement of the MMF in forest management planning activities and in relationships with forestry operators. The MMF requests that both LP and MQHA focus on and provide opportunities for meaningful relationship building, engagement, and consultation throughout the forest management process.

Recommendation 17: The MMF requests that Manitoba ensure that the procurement processes related to forestry activities occurring within these FMUs include a mandatory minimum for distinctions-based Indigenous procurement, so that equal opportunity is being provided for Métis business participation within this category of procurement.

Recommendation 18: The MMF is in receipt of funding, from Environment and Climate Change Canada, to establish an Indigenous Protected and Conserved Area (IPCA) in the Kettle Hills region of Manitoba. We recognize that the area being discussed for establishment of the IPCA is within/near the same area covered by the LP and MQHA OPs. The MMF is currently in the process of defining acceptable uses and the desired degree of protection for this future Kettle Hills Blueberry Patch IPCA. Recognizing that the provincial and federal governments have a responsibility to support both reconciliation with and the self-determination of the Métis Nation given the historic wrongs perpetrated on us, the MMF requests a meeting with the Government of Manitoba to discuss the future of the Kettle Hills Blueberry Patch IPCA, and how conflicts between the goals and objectives of the IPCA and the forestry OPs in the region may be appropriately and fully resolved.

7. References

Bryan, G., & Henshaw, B. (2013). *How much habitat is enough?*. Environment Canada.