



Anishinaabe Agowidiwinan (Treaty 2) August 21, 1871

Dauphin River First Nation ♦ Ebb & Flow First Nation ♦ Keeseekoowenin First Nation
Lake Manitoba First Nation ♦ Lake St. Martin First Nation ♦ Little Saskatchewan First Nation
O-Chi-Chak-Ko-Sipi First Nation ♦ Pinaymootang First Nation ♦ Skownan First Nation

Little Saskatchewan River – Treaty 2 Territory

NOTICE TO THE PUBLIC AND MEDIA

On July 5, 2012, the Government of Manitoba issued *Environment Act* Licence No.3010 to the “Daly Irrigation Development Group” for the construction and operation of an irrigation system in the Rural Municipality of Daly (Daly Irrigation Development Project). The system will have four water intakes at one location on the Little Saskatchewan River in NW 10-12-21W. Water will be drawn from the river to irrigate potatoes and cereal crops.

The entire watershed of the Little Saskatchewan River is within the boundaries of Treaty No. 2 in which the First Nations agreed to share their lands for purposes of “immigration and settlement”. Although the Government of Manitoba is aware that it has constitutional duties to perform before it makes decisions which could affect the rights and interests of the First Nations, in this case it did not perform those duties, namely to consult and to accommodate the rights,

As a result, Chief Norman Bone, co-chair of the Treaty 2 First Nations known collectively as *Anishinaabe Agowidiwinan*, has today served notice to the Honorable Gord MacIntosh that they regard the provincial government’s decision as having strong potential for serious negative impact on the rights and interests of the First Nations; they believe acts taken pursuant to the license are likely to cause permanent and irreparable damage; and they state their constitutionally protected procedural rights have been breached.

“We believe it is incumbent upon the Government to stay the license until such time as its duties have been fulfilled,” Chief Bone said in the Treaty 2 notice.

The river’s fragile ecosystem provides critical habitat for several endangered and at-risk species. Critics of the proposal say the problem is that in dry years, the water flow through the Rivers dam is barely enough to ensure short-term fish survival. That problem has come up in 15 out of the last 36 years.

The critics say they have little confidence in the plan's view that there will always be a waterflow of 18.5 cubic feet of water per second (cfs). There are already allocations to the Town of Rivers. In drought periods. The project will take water at 19.5 cfs. And this means, the critics say, river's water will be over-allocated.

Treaty 2 First Nations say the only way to determine if their rights and the ecology will not be damaged is to have a study done by independent experts. Until that study has been done and scrutinized, they say, the planned water extraction project should not proceed.

The report of provincial officials accompanying the license approval acknowledged that the provincial government has an obligation to consult and accommodate "when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of a treaty or Aboriginal right . . ." It proceeds, however, to state,

The Daly Irrigation Development Project proposal involves the expansion of an existing irrigation system on privately owned land in an agricultural area. Adverse effects on surface water or habitat for wildlife or fisheries are not anticipated. Since resource use is not affected by the project, it is concluded that Crown-Aboriginal consultation is not required for the project.

This patently erroneous statement is in itself a decision for which there should have been consultation. The issue here is not the project per se, but rather the increased use of water which is implied. Regardless of where the project sits, it is the drawing of water from the river which is going to happen. The conclusions are not accompanied by any evidence of the truth of the statements, nor that any study of any kind was in fact conducted.

The First Nations say they are committed to working with all parties in the Little Saskatchewan watershed to protect and improve the ecology for future generations. They also say they will work cooperatively with the provincial government to fulfil its stated commitment to the protection of water, aquatic ecosystems, rare and endangered species and their habitat, drinking water supplies, recreation and socio-economic benefits to communities that rivers provide and sustainable development in general.

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