

**Department of Labrador and Aboriginal Affairs
Labrador Metis Nation**

Description: Current status of issues with the Labrador Metis Nation (LMN)

Background:

- The LMN has a membership in excess of 5000 who claim Aboriginal ancestry and live primarily in Happy Valley-Goose Bay and the coastal Labrador communities south of Hamilton Inlet.
- The LMN claim Aboriginal rights and title to large areas of central and southern Labrador. The LMN wants the Province to treat it in the same manner as the Innu Nation and the Nunatsiavut Government, whose land claims were accepted by the federal government and with which the Province and federal government are negotiating or have settled claims.

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- The Province's policy in its day to day dealings with the LMN is to leave aside the question of the claim and to treat the LMN as an important stakeholder group with interests in the development of Labrador similar to other significant stakeholder groups in the region.

Trans Labrador Highway Phase 3 (TLH3)

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Current Status:

- The LMN and the Province have reached an agreement regarding the procedural implementation of the decision. DLAA has notified all affected provincial government departments. The Department of Transportation and Works, with DLAA is currently negotiating a funding agreement with the LMN similar to the 2004 agreement in place with the Innu Nation.

Critical Timelines:

- Summer 2007 – negotiation of funding agreement with the LMN regarding LMN consultation on construction permits for TLH3.

Action Required:

- Provincial officials continue to meet and negotiate with LMN representatives.

Environmental Assessment of the Lower Churchill Project (Generation Phase)

- The LMN has suggested the Fowler decision justifies federal acceptance of the LMN claim, an Aboriginal right to harvest, and a high level of consultation on other developments in Labrador. However, Judge Fowler's decision focused exclusively on consultation between the Province and the LMN regarding TLH3, and not consultation on other developments or matters of Aboriginal rights and/or title.
- The LMN continues to demand consultation on the Lower Churchill Project. In October 2005, LMN President, Chris Montague, wrote to the Premier seeking a Memorandum of Understanding on an interim consultation and accommodation process related to that development. In that letter, the LMN outlined an extensive 9-step process which included requirements for LMN consent at various stages. This would go far beyond the Province's existing consultation policy with the Labrador Innu and Inuit, and any legal precedents.
- On January 15, 2007, Mr. Montague wrote Minister Jackman stating that the public information process afforded by the registration of the project for environmental assessment does not assist the Crown in meeting its duty to consult the LMN and accommodate its rights and interests, as required by law.
- At a March 2007 meeting with the Ministers of Natural Resources, Aboriginal Affairs and Environment and Conservation, President Montague was very clear that the LMN demands a high level of consultation if the Project is to go ahead without a court challenge.

Current Status:

- The Canadian Environmental Assessment Agency (CEAA) has determined that the Environmental Assessment (EA) of the Project be sent to an Environmental Review Panel. This will be a joint federal/provincial process.
- There are a number of agreements necessary to facilitate the EA including an agreement between NL and Canada and with Aboriginal organizations/governments (as appropriate). The Province has assembled a negotiating team led by Environment and Conservation with representation from DLAA and the Intergovernmental Affairs Secretariat.
- The Province will suggest Aboriginal consultation be conducted on a scale according to the strength of the Aboriginal claim, the Innu would be at the highest end and the Labrador Metis Nation would be lower.

Critical Time Lines:

- Summer 2007 – negotiation of an umbrella MOU between Canada and NL which will facilitate the negotiation of consultation agreements with appropriate Aboriginal organizations/governments.
- Summer – Fall 2007 – negotiation of individual consultation agreements with the Innu Nation, Labrador Metis Nation and potentially the Nunatsiavut Government.

Action Required:

- Provincial negotiating team continue to meet with CEAA officials and finalize bilateral MOU.

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