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**Subject: Métis Nation British Columbia's review and comment on the draft Environmental Impact Statement guidelines for the proposed Amisk Hydroelectric project.**

MNBC currently represents over 11,500 citizens in British Columbia. There are numerous citizens in the region around the proposed project residing in Fort St John, Dawson Creek, and in other small communities around the Peace River. Métis in the area currently use the land and resources for traditional purposes.

Utilizing the Métis Nation BC (MNBC) Traditional Harvesting Database and preliminary Métis Traditional Knowledge (MTK) research confirms that Métis Nation BC citizens, from adjacent Chartered Communities and nearby smaller communities, are exercising their Aboriginal right to harvest (hunt, fish, trap, gather plants) in and around the Peace River. The construction and operation of the proposed Amisk Hydroelectric project could put local Métis Aboriginal rights and traditional land-uses at risk. Métis harvesters who rely on the direct and surrounding area for sustenance, social and ceremonial purposes could see negative impacts from the construction and operation of the proposed project. Because there is current traditional harvesting (hunting, fishing, and plant harvesting for foods and medicines) occurring in the proposed project area, there is Métis traditional knowledge and land-use information activities that could be negatively impacted.

Métis citizens of British Columbia desire sustainable use of their natural resources which includes: managing natural resources to meet present needs without compromising the needs of future generations; providing stewardship of natural resources based on an ethic of respect for the land; balancing economic, productive, spiritual, ecological and traditional values of natural resources to meet the economic, social and cultural needs of the Métis peoples and other aboriginal and non-aboriginal communities; conserving biological diversity, soil, water, fish, wildlife, scenic diversity, and other natural resources; and restoring damaged ecologies. All of these may be significantly impacted by the proposed project.

MNBC interests in this environmental assessment are to protect the sustenance and cultural needs of Métis citizens and ensure adequate consultation has been undertaken. Further, that Métis Rights and Traditional Land Uses are taken into consideration, that where possible the impacts to these rights and uses are minimized and where not possible, mitigation measures are employed.

Where the guidelines speak of incorporating aboriginal traditional knowledge, MNBC would like to highlight the importance of this section. Numerous international environmental agreements that

The Métis Nation British Columbia (MNBC) was incorporated under the BC Society Act in October of 1996. Métis Nation British Columbia is recognized by provincial and federal governments as well as the Métis National Council, as the Official Governing organization for Métis in the Province of British Columbia. Over 10,000 Métis Citizens in British Columbia are registered with Métis Nation British Columbia.

Canada is a party to call on the inclusion of indigenous knowledge in planning and decision-making and stipulate that the prior informed consent of indigenous peoples should be sought regarding proposed developments on the lands and in the waters traditionally used and occupied by indigenous peoples, thus making the duty to consult critically important. In particular, it can be argued that a project could impact the transmission of traditional knowledge. The *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity* is a 2010 agreement that supplements the 1992 *Convention on Biological Diversity*. It provides a legal framework for the fair and equitable sharing of benefits arising out of the use of genetic resources. As the title suggests, its objective is “the fair and equitable sharing of benefits arising from the utilization of genetic resources, thereby contributing to the conservation and sustainable use of biodiversity.”<sup>1</sup> Further, “The Nagoya Protocol addresses traditional knowledge associated with genetic resources with provisions on access, benefit-sharing and compliance. It also addresses genetic resources where indigenous and local communities have the established right to grant access to them. Contracting Parties are to take measures to ensure these communities’ prior informed consent, and fair and equitable benefit-sharing, keeping in mind community laws and procedures as well as customary use and exchange.”<sup>2</sup>

The *Nagoya Protocol* entered into force on October 12, 2014 and creates legal certainty, clarity and transparency for contracting parties. Further, it lays out fair rules and procedures for prior informed consent which is a critical component of international law dealing with indigenous peoples. Article 7: Access to Traditional Knowledge Associated with Genetic Resources, states:

In accordance with domestic law, each Party shall take measures, as appropriate, with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities is accessed with the prior and informed consent or approval and involvement of these indigenous and local communities, and that mutually agreed terms have been established.<sup>3</sup>

Prior and informed consent is becoming an important component with respect to indigenous legal issues and was an important piece in the *Tsilqot'in* case, particularly because it expands consultation obligations where aboriginal title has been proven beyond those articulated in *Haida*. Most importantly, violating a duty to consult will and does impact Métis land use and Métis Traditional Knowledge (MTK) by potentially limiting its transmission. If certain resources are lost or access to them is no longer available then the knowledge associated with those resources will cease to be passed down to future generations. The MNBC Consultation Guidebook defines MTK as follows: “Métis Traditional Knowledge is that body of information, values, beliefs and practices passed on from one generation to the another

<sup>1</sup> <https://www.cbd.int/abs/about/>

<sup>2</sup> <https://www.cbd.int/abs/about/>

<sup>3</sup> <https://www.cbd.int/abs/text/articles/default.shtml?sec=abs-07>



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## NATION

by oral means or through land-based experience that pertains to the identity, culture and heritage of the Métis people and their respect for the land and its resources.”<sup>4</sup> MNBC’s definition is adapted from Berkes et al.’s (2000) description of Traditional Ecological Knowledge (TEK).

...a cumulative body of knowledge, practice and belief, evolving through adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment.<sup>5</sup>

MTK represents the Métis fundamental connection to the land. The foundation of Métis identity and survival, MTK is passed from generations orally and through land-based experience. Métis Traditional Knowledge continues to have relevance in current times and draws its strength from being used, adapted, and continuously updated to integrate new knowledge. The historically continuous, yet adaptive nature of this knowledge is the life-blood of the Métis peoples and the foundation informing their valuation of ecological and cultural components.

MNBC will work cooperatively to ensure that its Citizen’s Aboriginal rights are respected and appropriately addressed. MNBC will work diligently and in good faith to protect all the natural resources that Métis people have and continue to rely on as a way of life and cultural connection. MNBC’s vision is to build a proud, self-governing, sustainable Nation in recognition of the inherent Rights of our Métis Citizens.

Kind regards,

<original signed by>

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<sup>4</sup> Métis Nation of British Columbia, Consultation Guidebook, February 25, 2009

<sup>5</sup> Berkes, Fikret, Johan Colding & Carl Folke. “Rediscovery of Traditional Ecological Knowledge as Adaptive Management.” *Ecological Applications*, 10(5) at 1252.