

Review of Alamos Gold Inc's Proposed Changes to the Lynn Lake Gold Project – Manitoba Métis Federation

April 2025



1.0 Introduction

The Impact Assessment Agency of Canada (IAAC) notified the Manitoba Métis Federation – the National Government of the Red River Métis (MMF) – about Alamos Gold Inc.’s proposed changes to the Lynn Lake Gold Project (The Project). The Lynn Lake Gold Project is located within the National Homeland of the Red River Métis, in the MMF’s Thompson Region, and therefore has the potential to impact the exercise of Red River Métis s.35 rights, claims and interests. As such, the IAAC has requested the MMF to provide comments on the Draft Analysis Report and the Proposed Amended Decision Statement that have been prepared by the IAAC.

2.0 Background—The Red River Métis and the MMF

2.1 The Red River Métis

The Red River Métis is an Indigenous collectivity and Aboriginal People within the meaning of section 35 of *the Constitution Act, 1982*. Based on our emergence as a distinct Indigenous People in the Northwest prior to effective control by Canada and the creation of the province of Manitoba, the Red River Métis holds rights, interests, and claims throughout and beyond the Province of Manitoba.

Since 1982, Métis rights have been recognized and affirmed by section 35 and protected by section 25 of *the Constitution Act, 1982*. These rights were further confirmed and explained by the Supreme Court of Canada ("SCC") in *R. v. Powley*, 2003 SCC 43. Manitoba Courts also have recognized Red River Métis rights in *R. v. Goodon*, 2008 MBPC 59. These decisions have affirmed that the Métis hold existing Aboriginal rights throughout their traditional territories. Our Citizens and harvesters rely on and use the lands, waters, and resources of our traditional territory throughout the Province of Manitoba and elsewhere within the historic Northwest, to exercise their constitutionally protected rights and to maintain their distinct Red River Métis customs, traditions, and culture.

2.2 Red River Métis’ Rights, Claims, and Interests

Based on its emergence as a distinct Indigenous People in the Northwest prior to effective control by Canada and the creation of the province of Manitoba, the Red River Métis holds rights, claims, and interests throughout and beyond the Province of Manitoba consistent with the United Nations Declaration on the Rights of Indigenous Peoples, including the rights of self-determination and self-government.

The Manitoba Métis Federation (MMF) is mandated to promote, protect, and advance the collectively held Aboriginal rights of the Red River Métis. Through this mandate, the MMF engages with governments, industry, and others about potential impacts of projects and activities on our community.



In 2007, the MMF Annual General Assembly adopted Resolution No. 8, which provides the framework for engagement, consultation, and accommodation with the Red River Métis. Designed by Métis, for Métis, Resolution No. 8 sets out the process that is to be followed by governments, industry, and other proponents when developing plans or projects that have the potential to impact the section 35 rights, claims, and interests of the Red River Métis. It was unanimously passed by MMF Citizens and mandates a "single-window" approach to consultation and engagement with the Red River Métis through the MMF Home Office.¹

In engaging the MMF, on behalf of the Red River Métis, the Resolution No. 8 Framework calls for the implementation of five phases:

- Phase I: Notice and Response;
- Phase II: Research and Capacity;
- Phase III: Engagement and Consultation;
- Phase IV: Partnership and Accommodation; and
- Phase V: Implementation.

This Project has the potential to impact Red River Métis rights, claims, and interests and as such, engagement and consultation with the MMF, through the process set out above, must be followed. The "postage stamp province" of Manitoba was the birthplace of the Red River Métis. We currently have an outstanding claim flowing from the Federal Crown's failure to diligently implement the land grant provision of 1.4 million acres of land promised to the Red River Métis as a condition for bringing Manitoba into Confederation. It is set out in section 31 of the *Manitoba Act, 1870* and must be resolved in accordance with the honour of the Crown.²

Red River Métis section 35 rights are distinct from First Nation's rights and must be respected. The MMF is the National Government of the Red River Métis.

¹ More information about Resolution No. 8 is available online at: <http://www.mmfmb.ca/docs/2013-Resolution%208%20Booklet-VFinal.pdf>

² *Manitoba Metis Federation Inc. v. Canada (Attorney General)*, 2013 SCC 14, [2013] 1 SCR 623 ("MMF Case"). The Supreme Court of Canada recognized that this outstanding promise represents "a constitutional grievance going back almost a century and a half. So long as the issue remains outstanding, the goal of reconciliation and constitutional harmony, recognized in s. 35 of the *Constitution Act, 1982* and underlying s. 31 of the *Manitoba Act*, remains unachieved. The ongoing rift in the national fabric that s. 31 was adopted to cure remains unremedied. The unfinished business of reconciliation of the Metis people with Canadian sovereignty is a matter of national and constitutional import" (para. 140).



Prior to the creation of Manitoba, the Red River Métis had always exercised its inherent right of self-determination and developed its own self-government structures and institutions centered around the Red River Settlement and throughout the Northwest. As described by Louis Riel in his 1885 memoirs, Métis self-government was well-established and functioning when Canada came to the Red River Métis in the late 1800s:

When the Government of Canada presented itself at our doors it found us at peace. It found that the Métis people of the North-West could not only live well without it . . . but that it had a government of its own, free, peaceful, well-functioning, contributing to the work of civilization in a way that the Company from England could never have done without thousands of soldiers. It was a government with an organized constitution whose junction was more legitimate and worthy of respect, because it was exercised over a country that belonged to it.

Red River Métis self-government has evolved and changed over time to better meet the needs of the collectivity. Today, the MMF is the recognized, democratically elected, national government of the Red River Métis. On November 30, 2024, the Red River Métis and His Majesty the King signed the Red River Métis Self-Government Recognition and Implementation Treaty. The Treaty recognizes the Manitoba Métis Federation as the government of the Red River Métis.

Since 1967, the MMF has been authorized by the Red River Métis through a democratic governance structure at the Local, Regional, and national levels. As part of this governance structure, the MMF maintains a Registry of Red River Métis Citizens.³ By applying for Red River Métis Citizenship, individuals are confirming the MMF is their chosen and elected representative for the purposes clearly set out in its Constitution,⁴ including as related to the collective rights, claims, and interests of the Red River Métis.⁵

The MMF Constitution confirms that the MMF has been created to promote the political, social, cultural, and economic rights and interests of the Red River Métis. The MMF is authorized to represent the Red River Métis' collective rights, interests, and claims. This authorization is grounded in the MMF's democratic processes that ensures the MMF is responsible and accountable to the Red River Métis.

³ MMF Constitution, Article III outlines the citizenship definition and application process. This definition ("Metis" is defined to mean "a person who self-identifies as Métis, is of historic Métis Nation Ancestry, is distinct from other Aboriginal Peoples and is accepted by the Métis Nation ") aligns with the definition of what constitutes a section 35 rights-bearing Metis community as outlined by the Supreme Court of Canada in *Powley* at para. 30.

⁴ *Newfoundland and Labrador v. Labrador Metis Nation*, 2007 NLCA 75 at para 47: "Anyone becoming a member of the [Labrador Metis Nation] should be deemed to know they were authorizing the LMN to deal on their behalf to pursue the objects of the LMN, including those set out in the preamble to its articles of association. This is sufficient authorization to entitle the LMN to bring the suit to enforce the duty to consult in the present case."

⁵ *Behn v. Moulton Contracting Ltd.*, 2013 SCC 26 at para 30: "[A]n Aboriginal group can authorize an individual or an organization to represent it for the purpose of asserting its s.35 rights."



The MMF governance structure includes a centralized MMF President, Cabinet, Regions, and Locals. There are seven (7) Regions and approximately 135 Locals throughout Manitoba (Figure 1). There are thousands of Citizens who live outside of Manitoba. All MMF Citizens are Members of a Local. Locals and Regions work together to authorize and support the MMF Cabinet, and the MMF's various departments and offices. Through elections held every four years, Citizens choose and elect the MMF Cabinet consisting of the MMF President, who is the leader and spokesperson for the MMF, a Vice-President of each Region, and two Regional Executive Officers from each Region. The MMF Cabinet also includes the spokeswoman from the Infinity Women Secretariat. Each Local's Membership elects a Chairperson, a

Vice-Chairperson, a Secretary and a Treasurer (or a Secretary-Treasurer, as the case may be) to serve the Local for a four-year term.

Consistent with the direction of our Citizens back in 2014, MMF removed the arbitrary provincial borders from our Constitution that separated Red River Métis who live outside of Manitoba from those within. Today, the MMF represents over 125,000 Citizens within Manitoba, and thousands more across our National Homeland, and around the world.

The MMF, as the duly authorized government of the Red River Métis, has been recognized by both the federal and provincial governments in agreements, policies, and legislation. For example, in 2002, *The Child and Family Services Authorities Act* recognized the MMF for the

devolution of child and family services to MMF institutions. This Act establishes a series of Child and Family Services Authorities to administer and provide the delivery of services to various distinct Indigenous communities in Manitoba. It creates a Métis Child and Family Services Authority, the directors of which are appointed by the MMF. In 2008, the courts in Manitoba further recognized that "[t]he Métis community today in Manitoba is a well organized and vibrant community. Evidence was

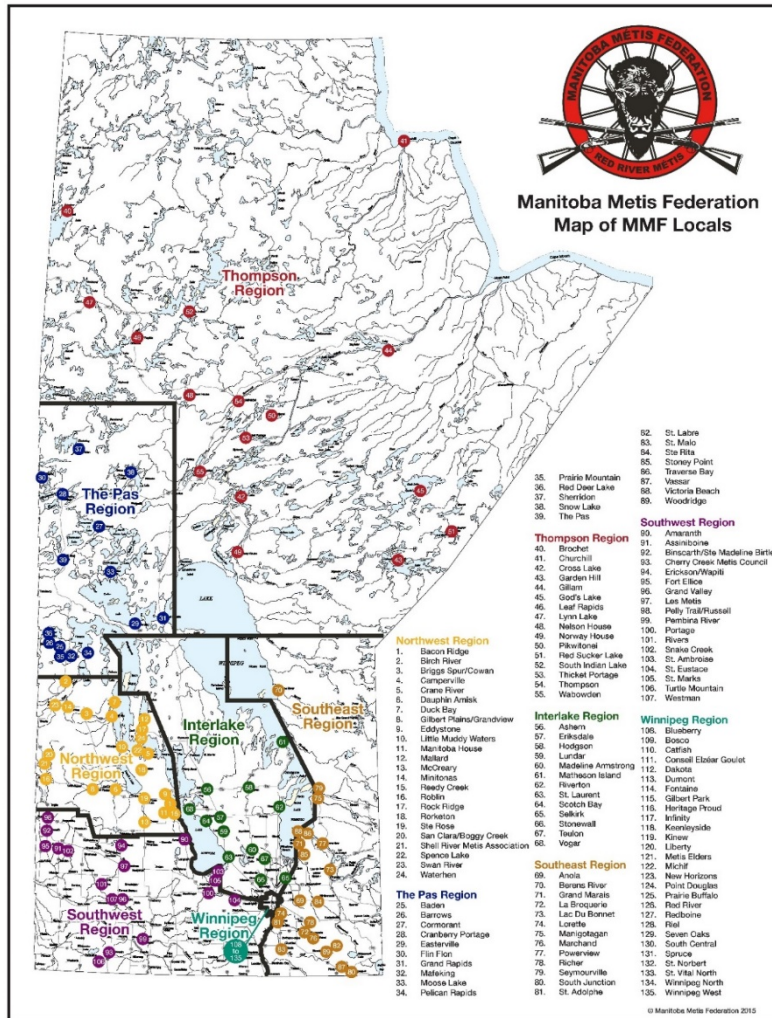


Figure 1. Manitoba Métis Federation (MMF) Regions.



presented that the governing body of Métis people in Manitoba, the Manitoba Métis Federation, has a membership of approximately 40,000, most of which reside in southwestern Manitoba."⁶ In 2010, the Manitoba Government adopted a Manitoba Métis Policy, and stated that:

*The Manitoba Metis Federation is a political representative of Métis people in Manitoba and represents in Manitoba the Métis who collectively refer to themselves as the Métis Nation. ... Recognition of the Manitoba Métis Federation as the primary representative of the Métis people is an important part of formalizing relationships.*⁷

In 2012, the *MMF-Manitoba Harvesting Agreement (2012)* negotiated between the MMF and the Manitoba Government recognized some of the collective section 35 harvesting rights of the Red River Métis and relied on the Citizenship processes of the MMF as proof of belonging to a rights-holding Aboriginal community:

*For the purposes of these Points of Agreement, Manitoba will recognize as Métis Rights-Holders, individuals who are residents in Manitoba and who hold a valid MMF Harvesters Card, issued according to the MMF's Laws of the Hunt. [. . . and will] consult with the MMF prior to implementing any changes to the current regulatory regime that may infringe Métis Harvesting Rights.*⁸

In 2013, the SCC recognized the "collective claim for declaratory relief for the purposes of reconciliation between the descendants of the Métis people of the Red River Valley and Canada." It went on to grant the MMF standing as the "body representing the collective Métis interest" in the *MMF Case*.⁹ Additionally, in 2016, the *MMF-Canada Framework Agreement* stated:

the Supreme Court of Canada recognized that the claim of the Manitoba Métis Community was "not a series of claims for individual relief" but a "collective claim for declaratory relief for the purposes of reconciliation between the descendants of the Métis people of the Red River Valley and Canada" and went on to grant the MMF standing by concluding "[t]his collective claim merits allowing the body representing the collective Métis interest to come before the court.

⁶ *R. v. Goodon*, 2008 MBPC 59 para 52. Note that the number of MMF Citizens (40,000) identified by the Court was as of 2007. .

⁷ Manitoba Métis Policy, September 2010 at 4, 12, online (PDF): http://www.gov.mb.ca/imr/ir/major-initiatives/pubs/Metispolicy_en.pdf

⁸ *MMF-Manitoba Harvesting Points of Agreement* (September 29, 2012), ss. 3, 6-7.

⁹ *MMF Case*, *supra* note 6 at para 44.



[and that] Canada is committed to working, on a nation-to-nation, government-to-government basis, with the Métis Nation, through bilateral negotiations with the MMF.¹⁰

The MMF signed the *Manitoba Métis Self-Government Recognition and Implementation Agreement* (MMSGRIA) on July 6, 2021. This marked a major step forward in reconciliation between the Red River Métis and Canada. The MMSGRIA, among other things, immediately recognized the MMF as the National Government of the Red River Métis and sets out a path forward towards the completion of a modern Treaty. As noted above, that Treaty was signed on November 30, 2024. Once this Legislation is in place, the Treaty will become fully effective and will have constitutional protection, further strengthening the relationship between the Red River Métis and Canada.

Our Treaty was ratified by thousands of Red River Métis Citizens in June 2023 and builds upon the important work of the MMSGRIA. The Treaty now awaits the passage of Federal implementation legislation. Once this legislation is in place, the Treaty will become fully effective and will have constitutional protection, further strengthening the relationship between the Red River Métis, through its National Government, the MMF, and Canada.

3.0 MMF Feedback

3.1 MMF Feedback on IAAC’s Drafted Analysis Report

The following section contains the MMF’s feedback on IAAC’s drafted “Analysis of Proposed Change to the Lynn Lake Gold Project – Pit Dewatering”.

The MMF agrees with the amendments proposed by the IAAC on “fish and fish habitat”. The MMF also recommends the implementation of a pit dewatering monitoring program and requests to be kept informed about its implementation, as well as provided with appropriate support and capacity to participate in the program.

With regard to the “Current use of lands and resources for traditional purposes”, the MMF would like to note that Marcel Colomb First Nation is not the only Indigenous Nation that uses the Hughes River to exercise their section 35 rights. Red River Métis Citizens also use the area to exercise their rights (see Appendix A).

Since 2010, the MMF has been gathering and documenting land use and occupancy information from Red River Métis Citizens throughout their National Homeland. This information is maintained in the Red River Métis Land Use and Occupancy Catalogue (the Catalogue)—a comprehensive database identifying locations where Citizens engage in traditional harvesting activities. These practices are recognized as

¹⁰ MMF-Canada Framework Agreement on Advancing Reconciliation, November 15, 2016, Preamble.



Aboriginal Rights under section 35 of the *Constitution Act, 1982*, and the Catalogue also highlights areas of cultural and historical importance to the Red River Métis. In 2020, a Traditional Knowledge Study was conducted for the Lynn Lake Alamos Gold Project. Through this study and the existing Catalogue data, Red River Métis Citizens identified areas surrounding the proposed discharge point and discharge line path as important for traditional use. These lands are being used for harvesting berries, medicinal plants, and teas, as well as fishing and trapping of small fur-bearing animals such as martens, weasels, squirrels, muskrats, minks, beavers, otters, fishers, and foxes.

The MMF would like to express that appropriate capacity to participate in the Indigenous Environmental Advisory Committee (IEAC) was not provided. As a result, the Proponent did not meaningfully engage with the MMF on the Lynn Lake Gold Project or on the Proposed Amendments to the Lynn Lake Gold Project - Pit Dewatering. Due to concerns regarding the Proponent's 'checkbox' approach to engagement, the MMF has since withdrawn from the Proponents IEAC for the Lynn Lake Gold Project. Notification of this decision was provided to Alamos Gold, the Ministers of Environment and Climate Change for both the Government of Manitoba and the Government of Canada.

3.2 MMF Feedback on IAAC's Proposed Amendments to the Decision Statement

The following section contains the MMF's feedback on IAAC's Proposed Amendments to the Decision Statement issued to Alamos Gold for the Lynn Lake Gold Project.

The MMF agrees with the amendments proposed by the IAAC. However, the MMF would like to propose additional changes to the Decision Statement for consideration.

On page 2 of the Decision Statement, under "consultation with Indigenous groups" the MMF is not in agreement that "the concerns and interests of Indigenous groups are appropriately accommodated". As mentioned above, the MMF was not adequately engaged regarding the Lynn Lake Gold Project, or the Proposed Amendments related to the Lynn Lake Gold Project - Pit Dewatering. Additionally, the MMF is no longer part of the Proponents IEAC. The MMF has expressed concerns with Alamos Gold and has encouraged them to adopt a distinctions-based approach when engaging with Indigenous Nations, similar to the approach used with Marcel Colomb First Nation, which included the development of a sub-committee. The MMF does not feel that its concerns and interests have been appropriately addressed or accommodated and would encourage the Crown to re-evaluate the Proponent's current approach to the IEAC.

Considering the points outlined above, the MMF recommends that the language used in the Decision Statement be revised to reflect a distinctions-based approach. The MMF suggests the following amendments to the Decision Statement:

Section 2: Consultation



- Ensure that appropriate capacity is provided to the parties being consulted, enabling them to offer informed feedback and recommendations to the proponent on relevant subject matters.

Section 8: Indigenous Environmental Advisory Committee

- Establish sub-committees within the IEAC with each distinct Indigenous Nation to ensure that the equal, yet distinct rights of the Red River Métis are meaningfully addressed and accommodated.
- Provide appropriate capacity for each distinct Indigenous Nation to support meaningful participate in the IEAC sub-committees.
- Require a data sharing agreement in instances where Traditional Knowledge is requested by the Proponent.
- Update the IEAC's "Terms of Reference" to incorporate a distinctions-based approach.



Appendix A: Map of Land Use



MANITOBA MÉTIS FEDERATION

Land Use in the Proposed Discharge Point and Discharge Line Path

Legend

- Area of Interest
- Area of Interest 500m Buffer
- Land Use
 - Access
 - Harvesting
 - Mètis Ecological Knowledge
 - Occupancy

Scale: 0 0.25 0.5 1 km
Scale: 1:30,000

Data Sources
Manitoba Métis Federation
DataMB
Government of Canada

Spatial Reference
Name: NAD 1983 UTM Zone 14N
Datum: North American 1983
Projection: Transverse Mercator

Date: Wednesday, April 16, 2025

This map contains data collected with Red River Métis Citizens over various studies from 2003-2025. This map may not be reproduced without the express written consent of the Manitoba Métis Federation.

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