

Moose Cree First Nation Presentation to NEB Expert Panel,

January 31, 2017.

By Gilbert Cheechoo, Moose Cree First Nation,

Accompanied by Mr. Mike Faries, Moose Cree First Nation.

(Toronto Session).

Wacheay, Good Morning, I bring greetings from our Chief and Council and the people of Moose Cree First Nation. I extend that greeting and acknowledge the traditional lands of the Anishinabek of New Credit, Huron and the Haudenosaunee

Co-Chairs and members of the panel

My name is Gilbert Cheechoo Sr, I'm the consultation coordinator for lands and resources at Moose Cree First Nation. Also with me is Mr. Mike Faries, lands protection planner for lands and resources at Moose Cree First Nation.

I will begin by introducing a summary description of our Moose Cree Homelands which extends from Hearst Ontario in the west just beyond the Quebec border in the east, and from south of Highway 11 to points north toward the Albany River. "Homelands" are the areas that are determined by the Moose Cree First Nation Eh-lilu-wuk, which is inclusive generally because of the historical occupancy and use of lands and watersheds in the northeastern region within the province of Ontario and Quebec. The Moose Cree Homelands is comprised of static boundaries and covers approximately 60,000 sq. km. The Moose Cree have determined, their homelands include surface and subsurface lands, waters and air, all was protected and must always receive our attention and protection. The Moose Cree homeland area as shown on the map has been derived by using Moose Cree Knowledge from our Elders and ancestors and has been under our continued use as promised in our Treaty #9, and I quote "His Majesty the King hereby agrees with the said Indians that they shall have the right to pursue their usual vocations of hunting, trapping and fishing throughout the tract". This verifies the pre-Treaty and post-Treaty continued presence of hunting, trapping, gathering and family use of our homeland prior to the Ontario government trap line system ever existed. Moose Cree First Nation (reserve No. 1) lies on the Moose River and is approximately 12 miles from the southern tip of James Bay. It has approximately 4,000 members of which approx., 2,000 reside on-

reserve and the rest throughout the moose Cree homelands and in towns and cities in close proximity to our homelands.

In terms of proximity to the reserve, the proposed project TransCanada Pipelines (Energy East) lies approximately 300 km to the south.

Roughly 100 kilometers of the natural gas pipeline proposed for conversion pass through the Moose Cree Homeland. And even longer segment of the pipeline, over 300 kilometers in length, passes through the Hudson Bay Watershed, including the traverse over watersheds and river systems central to the exercise of Moose Cree rights and continued use and reliance on the Homeland (e.g. Moose River Watershed, and the Missinaibi, Opsatika, Kapuskasing, Groundhog, and Mattagami Rivers).

In addition to reviewing the application, our Lands and Resources Department and legal counsel have started to document Moose Cree interests that might be engaged by the Project. Several land use interviews were carried out with Moose Cree members living near the proposed Project and affidavits based on those interviews are being finalized. This work was in part prompted by an assertion by TransCanada that Moose Cree is not proximate to the Project given the location of its reserve (No. 1 under the Indian Act). Impacted rights does not mean location of project and that Moose Cree jurisdiction applies on any part no matter location of project within the Moose Cree homelands as identified on the map shown. Several years ago, Ontario Power Generation required our consent to reconstruct their dams located approx., 200km south on the lower Mattagami is evidence enough that our jurisdiction must be considered as it applies to our rights inherent to being indigenous and those protected by the James Bay Treaty No. 9 and those granted by the James Bay Treaty No. 9 and not necessarily location and impact proximity of project.

In closing, based on the above commentary, Moose Cree extends an invitation to TransCanada Pipelines (Energy East), to come to our community to present their proposed project. Without discussion with Moose Cree First Nation it may be considered an incursion into our homelands as an infringement of our rights under treaty or rights inherent to being indigenous should no discussion take place. We will do everything in our power to ensure our way of life is not compromised.