

## **Shoal Lake 40 First Nation's Freedom Road Backgrounder**

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### **1. Freedom Road**

- a. **Freedom Road** is a joint, two-part project initiated by SL 40 under their 1989 Tripartite Agreement (TA) with Winnipeg and Manitoba.
- b. Under the 1989 TA, Winnipeg and Manitoba are obliged to provide alternate economic development opportunities to replace the First Nation's cottage development that Winnipeg and Manitoba felt was a risk to the water quality in Indian Bay.
  - i. (In the early 1900's Winnipeg and Canada expropriated thousands of acres of reserve land, displace the FN community and imposed the City's water intake on the SL 40 reserve. The proposed cottage development would, of necessity, have been near that imposed intake.)
- c. In 27 years since the signing of the TA, NO full time jobs have resulted from Winnipeg and Manitoba's legal obligations to promote economic development.
  - i. The excuse for failure was that there was no road access so no viable economic opportunities were possible
    1. (The FN cottage development was designed to include road access)
  - ii. (A recent, independent estimate of direct (no spin-off) economic loss to SL40 is \$25 million over the 27 years the TA has been in place)
- d. In Sept 2011 SL 40 proposed that Wpg and MB could meet their economic development obligations by supporting SL40's construction of an all-weather access road -**Freedom Road**.
  - i. Immediate economic opportunity would be created in the construction
  - ii. a road would enable future opportunities as anticipated under the TA.
  - iii. The road would also facilitate sewage a solid waste disposal, a water quality concern under the TA.
- e. Manitoba and Winnipeg agreed to explore the concept and Canada (INAC) also agreed to become a partner as a road would facilitate essential services on the reserve (e.g. 20 yr boil water, solid and liquid waste, health and safety for band members, etc.)
- f. The 3 governments agreed to the principle of sharing the cost of the two-part road design equally
- g. The First Nation put together a joint all-party **Freedom Road** design project team to
  - i. Design the access road and determine cost
  - ii. Design how the project could best maximize economic

- opportunities for the FN as required under the TA
- h. No commitment was made at this point to fund construction.
    - i. costs would be revealed by the design engineers
    - ii. The City of Winnipeg and the Province of Manitoba both committed to fund the construction of Freedom Road.
    - iii. Canada, under the Harper government, refused to commit to construction
  - i. In 2012, Winnipeg had committed to proceed on their own to build essential bridges
    - i. 1 on the SL 40 reserve spanning their 1914 diversion canal that had cut the community off from the mainland portion of their reserve.
      1. This bridge was completed in the summer of 2016
    - ii. 1 spanning the concrete aqueduct on the City's right of way.
    - iii. The only condition was that the other governments would recognize Wpg's investment as part of their overall 1/3 contribution
    - iv. Winnipeg proceeded with this work in close consultation with SL 40 to maximize economic opportunities in the construction of these bridges.
  - j. Fall 2015 - Federal government changed.
  - k. On Dec 17th, 2015, all the governments committed to share the cost of construction of Freedom Road under an arrangement to be concluded.
  - l. The jointly developed **Freedom Road** design was complete in November 2016
  - m. The design has been submitted for public environmental review
  - n. The government of Manitoba is now engaged in due process for a road from the boundary of SL 40 reserve to the Trans Canada across MB crown land. This involves:
    - i. duty to consult with Indigenous rights holders (time - unknown)
    - ii. environmental review (3 months)
  - o. The Freedom Road Economic Plan has now been drafted and has been submitted to the Tripartite partners.
  - p. In Dec 2015, MB had offered that their crown corporation, created to build roads and provide local economic benefits could be mandated to include **Freedom Road**
    - i. A community benefits agreement was successfully negotiated between ESRA and SL40 FN to ensure promotion of economic opportunities as required under TA were satisfied.
  - q. The economic development plan produced under the joint **Freedom Road** design recommends that, while awaiting MB permitting processes, the Federal government proceed with some essential work on internal roads on the SL 40 reserve
    - i. to improve essential services
    - ii. to provide employment, training and capacity building for the next phase if and when it happens.
  - r. SL 40 First Nation is ready, willing and able to proceed with an immediate,

Federally-funded infrastructure project to upgrade local roads to a standard equivalent to **Freedom Road** as per the Plan's recommendation.

2. **Not "Freedom Road"**

- a. The Manitoba government changed.
  - i. The new MB government has
    1. dismantled ESRA
    2. abandoned the collaborative **Freedom Road** design process established under the Tripartite Agreement
    3. abandoned commitments made under the Community Benefits Agreement signed by the former government
    4. Directed their Infrastructure department to re-design an access road to SL40
      - a. refused to use the name "**Freedom Road**" for their re-designed road.
    5. Proposed that Manitoba Infrastructure could expedite construction of a road by ignoring their unique obligations under the Tripartite Agreement and simply treating the road like any other provincial project.

3. **Next:**

- a. The annual meeting of the Shoal Lake Agreement Committee created under the 1989 Tripartite Agreement between the Shoal Lake 40 First Nation, the City of Winnipeg and the Province of Manitoba happens on Monday, December 12, 2016 at 9 AM at the City of Winnipeg Administration Building next to City Hall
- b. The **Freedom Road** Engineering Design and Economic Benefits Plan are on the agenda.

Contact:

Cuyler Cotton,

Policy Analyst, Shoal Lake 40 First Nation.

Media Relations, and

Chair, Freedom Road Committee

[dovetailresources@gmail.com](mailto:dovetailresources@gmail.com)

807 467-1492