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Chair

Mr. Chris Warkentin

Standing Committee on Aboriginal Affairs and Northern Development

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•(1530)

[English]

The Chair (Mr. Chris Warkentin (Peace River, CPC)): I am going to call this 29th meeting to order. Today we continue our hearings with regard to the study on land use and sustainable economic development for first nations communities.

Today we have the privilege of having with us Chief Couchie. She comes from the Nipissing First Nation.

We do thank you, Chief, for coming. We know that you have a lot of wisdom with regard to the matter we're studying. You were one of the first first nations involved in the First Nations Land Management Act, and you as a nation have been a trailblazer for others. So we want to thank you for being here today.

Colleagues, my understanding is that there is an impending vote in the House of Commons, and the expectation is that the vote will happen some time during the committee meeting.

We'll be expecting bells at some point, Chief, but we're hopeful that we can get through at least your opening statement before we have to skip out for votes.

We'll turn it over to you, Chief, and we look forward to your opening statement.

Thank you.

Chief Marianna Couchie (Chief, Nipissing First Nation): Good afternoon to the members of the Standing Committee on Aboriginal Affairs and Northern Development. I appreciate the opportunity to come before you today to talk about how we of the Nipissing First Nation use our land and how we are striving to obtain economic sustainability.

I trust that all members have received my briefing package. I have given my speaking notes to the translators. I have some facts and figures with me in case we get time for questions and answers. I am very flexible as a person. If the vote has to happen, it has to happen. I appreciate that.

First I'll say a little bit about Nipissing First Nation. Since time immemorial, we've occupied the land that surrounds Lake Nipissing. That's the lake from which we derive our name. Actually, we were called Nipissing, and because we lived around the lake, the lake was called Lake Nipissing.

We have an interesting archeological study. There they have found evidence of an interesting site that carbon dates back at least 10,000 years. We have only just begun exploring our history.

Presently we occupy a land base that stretches about 35 kilometres, on the north shore of the lake. That covers approximately 14,962 acres. We are bounded by two municipalities. To the east we have the city of North Bay, and on our western boundary is the municipality of West Nipissing.

We have a unique geography. We're different from most first nations. We stretch 35 kilometres along the land, as I have already said, but our members live in nine different communities. Some of them are large communities and some are hamlets with just a few people. The majority of our members live in the westernmost community and the easternmost community. We have a population of about 846 on-reserve members, and our off-reserve membership totals 1,521 people.

I said that Nipissing was unique. It's not like a typical first nation, where they have less acreage to monitor. The majority of their membership lives in one community. As I said, we have nine communities. Whatever is provided in the western community requires duplication in the eastern community. For instance, we have two day care centres. Our public works has to service all of our communities. We have two volunteer fire departments, and we need to build a third one in our eastern end.

Aboriginal Affairs and Northern Development Canada has on record that we have just over 51 miles of road. The funding formula does not take into consideration that for us to travel from the westernmost community to the easternmost community we have to transport equipment—everything—on highway 17. That's a 45-minute drive one way. Our public works staff will spend an hour and a half just going from one end to the other end of our community. If you want to get into all of our communities, you'd better plan for a full day of travelling.

•(1535)

Our public works department does not receive the funding it requires. It's as if they need that northern factor that will help us maintain our roads, maintain our equipment, and replace aging equipment.

Now I want to get to our land use. We use our land in four different ways. We have residential land. We lease land for residential purposes, and we presently have 308 leases. We also lease our land for commercial uses, and there are eight companies who lease land from us. We also use our land for recreational and traditional purposes. Under recreational, we also have a tent and trailer park on the beautiful shore of Lake Nipissing.

In 2003 we became a land management band. Since then we've made and passed bylaws to ensure our land is properly used. We are still in the process of developing our environmental law, a zoning bylaw to regulate businesses, and an archeological management plan. I'm very, very committed to the archeological management plan. There is so much history along the shore, along the streams, and along the rivers that our people used.

I want to highlight two areas of concern that we've been dealing with since we passed our land code. The first issue is an abandoned mine site. This land was leased around 1950 to a company that was mining uranium on one of the islands in the lake. The land was leased by the then Department of Indian Affairs. The company would bring raw materials that were mined on to the shoreline in one of our communities, and in their processing they left behind radioactive materials or tailings. That's called radon.

When the company gave up their lease, there was no requirement that it had to clean up that site on our shoreline. Today people can't go there; we have it barricaded off.

It was in the process of becoming a land management band, and thankfully we had to undertake an environmental assessment study.... That's when it became known that this site was contaminated. We have been attempting to work with Health Canada to clean up this site. We do want the material moved off our reserve. We don't want it stored on our reserve. We'd like it moved to a government-sanctioned site.

This site is on the contaminated list of sites in Canada. Presently Canada is trying to find the budget to get this material moved.

● (1540)

Another area of concern is a decline in our land management budget. Since 2003, we estimate our budget has dropped almost \$300,000. The problem is that when new bands enter into this land management regime, the money gets divided among all the bands. Nothing more is added to that land management budget.

Last year, when we were at our Lands Advisory Board annual general membership meeting, we were informed of further cuts to our budget as more first nations were joining. In January, when I was present at the crown-first nations gathering here in Ottawa, the Prime Minister announced that even more first nations were going to be permitted to enter this very important process. The Prime Minister did not indicate any additional moneys for land management; he just said more are going to come into this process. I waited, and he didn't say they were adding more money for land management. So we have a situation where more bands are now having to use less and less money to develop their lands.

I don't want to sound as if I'm complaining, but it's my opportunity to bring some concerns forward.

When it comes to sustainable economic development, Nipissing First Nation is known as a progressive community, especially when it comes to economic development and the sustainability of projects that will benefit our first nation. We use best governance practices, open lines of communication, and we like to build partnerships.

Currently we have one industrial park, and that's on the eastern side of our first nation. In the park we have a recreational vehicle dealer, a tile and brick company—

The Chair: I do apologize, Chief. I've just been informed that the bells have started to ring for the votes. If we had consensus from committee members, if we gave consent, we could finish hearing the chief's opening submission and then head out for the votes. We won't go past 15 minutes; it allows 15 minutes for everyone to get to the vote, and then we will come back, if there is consent to do that.

Some hon. members: Agreed.

The Chair: Seeing consent, Chief, we'll turn it back over to you.

Sorry for the interruption.

Chief Marianna Couchie: Thank you.

As I said, I'm very flexible. I'm patient.

As I was saying, we have a recreational vehicle dealer, we have a tile and brick company. We also have the Miller Group of Companies in our industrial park. This company supplies liquid asphalt and they do road construction. They are also into waste management, and they sell quarry granular products from a quarry on our first nation.

We have a retail sales and confectionery store, and a tobacco manufacturing plant that supplies Giimaa tobacco products. "Giimaa", in our language, means "chief".

These businesses have been operational for many years. What makes our industrial park attractive is the fact that it's located on Highway 17 and it's in very close proximity to Highway 11. The infrastructure that supports this park includes reliable water sources, access to natural gas, and access to three-phase power hydro services.

We are planning to build a second industrial park—we have willing renters—and this will require a very large investment to develop the land with the same infrastructure. Presently we have more willing renters than our first phase of this park can accommodate. It's phase one.

On our land we also lease to the head office of the Union of Ontario Indians, and it is our goal to entice more similar organizations to locate in our community.

Our band members have that entrepreneurial spirit. We have 44 band member-owned businesses that operate within our boundaries. These businesses offer a variety of services that include 17 different types of services. Outside of the usual businesses, such as confectionery stores, the businesses offer concrete curbing, equipment rental, legal services, and storage services; we have a travel agency, and one of our own band members operates a medical doctor's office. These provide full-time, part-time, and seasonal work to our membership. It's an integral part of our own community.

In order to establish a business on reserve, the prospective owner must go through a rigorous business licensing bylaw process, and that is contained in the brief that you have been given. In the English version it would be on page 8.

We ourselves, as a first nation, are in the process of trying to obtain permission to operate a 64-bed long-term care nursing home. This would be a real economic boon to our community. We estimate salaries in the range of \$2 million. We have a feasibility study and we know it will work.

Just briefly, I want to talk about our Nipissing First Nation fisheries management program. Our people have fished Lake Nipissing in a sustainable manner for thousands of years. Prior to European contact, fish was our major trade item—smoked pickerel or smoked walleye.

• (1545)

In 1850, the Nipissing people signed the Robinson-Huron Treaty with the British crown. Through the treaty there was an agreement to share the resources of our traditional territory and set aside reserve lands for our exclusive use. It also guaranteed:

...the full and free privilege to hunt over the territory now ceded by them and to fish in the waters thereof as they have heretofore been in the habit of doing...

Over subsequent years and governments, we were harassed by the Minister of Natural Resources about our right to fish and trade fish. In 2005, we established our own commercial fishing law. It sets out a quota for the amount of walleye that our people will take for commercial purposes. We also established a moratorium that says there will be no netting permitted during the spawning season of the walleye. That's our way of protecting the spawn.

Between 2006 and 2011, Nipissing invested nearly \$1.25 million in fisheries management. No other agency or government matched that figure. We employ our own fish biologist. We have staff to assist with the enforcement of our law, and we have our own fish processing plant. We also employ supervisors for this plant. The fish cleaned and packaged in this plant are certified to be harvested in a sustainable manner and in a government-inspected facility. The local restaurants are now buying fish from us, and they advertise it as Lake Nipissing pickerel. It doesn't come from Lake Erie any more and other places far beyond that.

Because of ecological changes in the lake, we are now hosting a second Lake Nipissing summit. Something is not right in the balance in our lake. We're inviting the leaders of all the municipalities that surround Lake Nipissing, the appropriate ministries, stakeholder groups, and researchers. They will discuss what is happening to the ecological balance in our lake. Our expectation is that each ministry and stakeholder group, even the general public, will come away from

there with an idea of what they can do to assist in restoring the balance to Lake Nipissing.

The economic studies have shown that the municipalities derive close to \$1 million a year from Lake Nipissing through tourism and fishing, and that means there's year-round pressure on the fish in Lake Nipissing.

I have four recommendations to the standing committee. First, Aboriginal Affairs and Northern Development Canada, in the funding formula for our public works department, must contain a factor that recognizes our unique geography. As I've said before, there is a northern factor that is included in the federal budget.

Second, the cleanup of the contaminated radon site needs to be expedited and remediated so our members can use that shoreline.

• (1550)

Third, the government needs to review the land management budget and increase the amount of money that is being set aside for land management.

Fourth, future economic development funding must include more than just job training programs; it should include opportunities to allow for infrastructure development.

That, members of the committee, is my short brief of the longer brief I have provided to you.

• (1555)

The Chair: Thank you, Chief.

We will now leave for a vote.

Thank you.

We'll suspend now, colleagues.

• (1555)

(Pause)

• (1635)

The Chair: We'll call this meeting back to order.

Chief, we thank you for your patience. We appreciate that you've waited for us. We thank you for your opening statement as well. You have a lot of things to share with us.

We're going to start with the questioning round. I'm going to turn to my colleague Linda Duncan.

We'll give it over to you, Linda, for seven minutes.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Yes, thank you very much.

Thank you so much for appearing and testifying. It's nice to have you here. Your testimony is most interesting.

You appear to be one of the first first nations that actually did a land code and were initially supported. You raised concerns that it's your impression that as more and more first nations get on board and want to pursue having a land code and implementing it, there seems to be some clawing back of your funds.

I wonder if you could elaborate a bit on that for us.

Chief Marianna Couchie: I'll try to explain that. It's not a perception; it's an actual fact.

Each year, our lands department is informed that they have less money to do what needs to be done. Presently, we have six employees in our lands department. They need to be out there surveying and recording all land transactions. We're trying to build a GIS system for our first nation, and we're trying to locate everything.

Eventually, our GIS will be able to point to one place on the map, and everything will show up: the hydro services, the natural gas, the different hydro capabilities. I do attend the lands advisory board's annual general membership meeting, and they do tell us every year, "I'm sorry, but our lands budget has not increased." In fact, probably the overall lands budget is decreasing, and they tell us each year that we are going to have to do with less money.

At that last lands advisory board meeting, there were some first nations who were going to experience a decline in their lands budget, and we were asked to voluntarily give up some of our operating budget to help those first nations who were in a declining situation. Not many first nations were willing to do that, because we are strapped, and we do have to supplement our lands office with their budget.

Once our environmental law passes and we get our zoning bylaw, we know for a fact that we're going to have to hire a bylaw enforcer, and we're also going to have to hire someone who will ensure that the businesses and the houses are obeying our environmental law.

We know for a fact that we need at least two more positions. We were able to do a lateral transfer from our IT department of one person, who is now trying to input all of our GIS data. Any moneys that we make from our leases get divided amongst all of our infrastructure programs. The lands department is critical.

Does that help?

• (1640)

Ms. Linda Duncan: I commend you. Just looking at your brief and your presentation, your first nation has obviously gone to a lot of work to try to develop the bylaws and pursue as many avenues as you possibly can.

You mention that you had been trying to add lands over a 15-year period and that there were delays.

We've actually heard testimony from other first nations about their frustrations with delays in the processing of the addition of lands. Did you want to speak to that a bit more?

Chief Marianna Couchie: That's a good question; I'm glad you raised it. The additions to reserves policy are arduous. Back in 1995, we were promised 33,000 acres, and this was unsold, surrendered land. Back in 1904 and 1907, the government, or Indian Affairs at the time, had.... The councils differ on whether they signed those surrender agreements. But there was a lot of land, because the two neighbouring towns wanted more land to expand. So the government was convinced that it was in the best interests of these municipalities to open up our reserve lands. In 1995, we were promised the return of those 33,000 acres of land. The year is now 2012. The Ontario government transferred its interest in those lands to the federal

government. I keep writing to the Minister of Aboriginal Affairs and saying it's been a long time.

Ms. Linda Duncan: You said that because of this delay you lost considerable revenue from Ontario Hydro.

Chief Marianna Couchie: Definitely.

Ms. Linda Duncan: That could help to fill the gap in the funding.

Chief Marianna Couchie: It would help to retrieve some of that. Ontario Hydro operates transmission lines through our territories, and part of it is on this unsold, surrendered land. Unfortunately, the government didn't insist on a lease. So we're now in negotiations with Hydro One and Ontario Power Generation about getting leases, because they span considerable distances through our traditional territory.

The Chair: Thank you, Ms. Duncan.

Mr. Rickford.

Mr. Greg Rickford (Kenora, CPC): Thank you, Mr. Chair, and thank you, Chief Couchie, for coming here today. I apologize for some of the interruptions.

On this side, we're in full cooperation with the committee members. We're looking at a number of relationships—legal instruments and policies for land-use planning and economic development. We appreciate that some difficult questions and answers have to come forward, particularly because our government is enthusiastic about more entrants into this process of first nations land management. To increase the number of entrants, we're going to have to take a look at this resource question. We've heard from the advisory board on that.

I want to return to economic development. There was a survey by the Nipissing land office in the spring of 2010. Are you aware of that survey that went out to 35 businesses located within the Nipissing lands?

• (1645)

Chief Marianna Couchie: Yes, I am.

Mr. Greg Rickford: The return was about 40%. So for purposes of analysis, it's a legitimate threshold. There were 155 individuals employed very briefly—43 Nipissing First Nation members, 63 people from other nations, and 45 non-native people. There was a salary of \$6.6 million. From these numbers, there are estimates that the other 60% of the businesses might provide an additional 231 jobs with a wage cost of around \$10 million.

Chief, some of the issues you've raised today notwithstanding, there are real economic benefits to this process. As we go across northwestern Ontario, we're looking at increasing the number of entrants into this process. In our vast region, we are preoccupied with first nations communities in and around lakes, right near cities. For example, in Kenora, the great Kenora riding, we have communities near Thunder Bay and then we have our isolated communities.

Could you highlight some of your successes related to this process and give me a few recommendations for helping some of the native communities in my riding to move forward with this?

Chief Marianna Couchie: I will attempt to answer your questions, sir.

We've had control of our land since the sixties. That's when we took over the leasing of land. Indian Affairs had set up these lease agreements and we were not getting the return that we felt was necessary, that was fair market value for the land. So we had those lands assessed and were finally able to increase the lease amount, and that does bring in money for us. It's not a great amount—\$108,000 or so, plus—but that money gets used because our budgets are not keeping up with the times. So whatever we make in our leases, we have to reinvest. But we're very fortunate—I'm not trying to bellyache here.

Mr. Greg Rickford: I'm not taking this as bellyaching. I understand there are some issues around that, and that's one of the reasons why you're here today. But on the other hand, clearly some of these numbers tell us...and you've just said that you have significant increases, in some cases, of the land contemplated by this process.

You mentioned that 33,000 acres of land—and as unfortunate and longstanding as that issue is, and I would certainly be pleased to take a closer look at why that process has taken this long—and notwithstanding that, being involved in the FNLM process has enabled you to develop business in the unsold surrendered lands. Frankly, because of the capacity-building exercise under the First Nations Land Management Act, you've been able to provide the same leasing and permits on the reserve as are provided there. So whether they fall into the category or not, your development strategies are essentially—and by all accounts from stakeholders you interact with—quite advanced, developed, and secure. There's certainty there for them to make investments in a critical area of northern Ontario. Would you agree with that?

● (1650)

Chief Marianna Couchie: Yes, I do.

On those lands that we're waiting to get back...we do have some of our people leasing land from us. In those instances, we don't charge them a lease; we give them a land permit. In a way of helping our local economy develop, we forego any leasing charges. Now, for the non-nation businesses, we do charge them a proper lease.

Mr. Greg Rickford: I agree, Chief Couchie, that it is an unfortunate situation. There are other communities in the same situation, particularly some of the entrants. But just in the context of my question—a very narrow inquiry into some capacity and economic development—what's important is that commercial and industrial opportunities have been impacted by better land management structures and controls. I think that's what I'm hearing you say.

Chief Marianna Couchie: Yes, definitely. We're always open for business, for new businesses.

Mr. Greg Rickford: You're certainly a model for all of northern Ontario.

I thank you for your time today.

The Chair: Thank you.

Thank you, Mr. Rickford.

Ms. Bennett, we'll turn to you for seven minutes.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thank you very much.

Thank you for your perfect brief and for doing our work for us by actually having the recommendations. That's always very helpful.

In our trying to write a report, I think it's helpful for you to describe what you can do now that you couldn't do under the Indian Act, or how you've been able to move forward more quickly as the model that you are now.

Chief Marianna Couchie: Certainly under land management we're able to expedite.... When we grant for residential purposes, we can do that within a day or two, whereas before, with Indian Affairs, it would take us a year or two to finally get that approval.

We're able to now.... What am I trying to say? There was so much bureaucracy tied into lands and lands management, so we can do transactions much quicker. We can set leases on our own. We don't need the approval of Indian Affairs, or Aboriginal Affairs, as it's now called, to enter into those agreements.

Because we're in such a strong financial situation.... We have a very good economic situation, so we're able to go out and borrow money to develop on our leased lands. Our members are now able to get mortgages from a local bank so they can build their houses to the standard they want. The trick to that is that we guarantee those leases, and if they default—and we try to work with our membership—we take that house back, and the land, and then we will try to sell it to our membership, and whatever profit is gained we will give back to the mortgage holder.

It's only because we control those and we guarantee those loans. That would not have been afforded us under Indian Affairs.

We have a good housing market on Nipissing First Nation. Some of the houses are selling for \$300,000. That was unheard of in the days when Indian Affairs looked after our affairs.

Does that...?

● (1655)

Hon. Carolyn Bennett: I think that's good.

In the funding formula you were describing, in terms of the actual distances, it's quite clear that one size doesn't fit all. I remember even during H1N1, whether it's Georgina Island or Christian Island...they are not really remote, but because you have to get to them by water, there are serious challenges.

You're saying that some of the funding formulas need to be developed bottom up, based on the actual costs to operate a perimeter of a lake or unique situations, as you mention in your first recommendation.

How would you do that?

Chief Marianna Couchie: What needs to be taken into account is the amount of fuel we expend just getting to and from our communities, depreciation on our equipment, opportunities to replace that equipment, and just adding in a distance factor, because our communities are distant. That's why I referred to a northern factor, because when you look at some of our northern communities, you see they have this northern factor that's built in that recognizes that it costs more to get materials up to the communities, and the cost of fuel is much higher up there.

Come and talk to our public works manager and he will tell you how much it really costs us to operate our public works department.

Hon. Carolyn Bennett: So you're concerned that the amount that's been in budgets in the past for land management is now being spread over all of the new entries, and you're hoping there will be some new money for this in the upcoming budget, now that the Prime Minister has made a specific announcement?

Chief Marianna Couchie: Yes. Definitely, there has to be more money. We're borrowing from Peter to pay Paul within our administration. We know we need those extra positions.

Hon. Carolyn Bennett: Thank you.

The Chair: Thank you, Ms. Bennett.

We'll turn to Mr. Clarke for seven minutes.

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Thank you, Mr. Chairman.

Thank you, Chief, for coming in today. I apologize for the votes that are taking place and interrupting our committee meeting here today.

Chief, just to get a little clarification, just to elaborate further on what my colleague, Ms. Duncan, mentioned, I'd like to get more intricate details in regard to the land management framework that's taking place in your first nations community. What are the inner workings here?

Chief Marianna Couchie: The inner workings? I'm sorry...?

Mr. Rob Clarke: Explain how it works; break it down even further if you can.

Chief Marianna Couchie: That's a toughie.

Mr. Rob Clarke: The regulations, the bylaws, what's taking place....

Chief Marianna Couchie: Okay, yes.

Since we've taken over land management, we do, through a process, develop bylaws, and those bylaws are put out for public consultation. For instance, we have bylaws for grants of entitlement. We have an ATV, all terrain vehicle, bylaw; we don't want our swamps and those special areas destroyed. We have a business licensing bylaw. We now have a matrimonial property law. We have a land law consultation and enactment process. We're moving towards, as I said, developing capacity in our geographical information system and data management. We are working on a zoning bylaw because our community members don't want a construction outfit developing their neighbourhood; they say residential should be residential and business should be business. We are working on an archaeological management plan and also our environmental plan.

When we develop bylaws, there is always that opportunity for community and membership input, and we take those concerns, if those are raised.... We operate through a committee structure, we have a lands and bylaw committee, and they will review any comments that come back to them. Then that comes to first reading at our council table. Most of our bylaws go through three readings. We advertise these bylaws on the web—we have our own web page—and we use a community newsletter. We also use special community mailouts between newsletter publications. If somebody wants to develop a business, it is put to the membership that we are entertaining the possibility of approving a business permit for this land, for this use. We say to our membership, if you have any concerns or questions, please contact the land office or members of the land and bylaw committee.

Does that help explain it?

• (1700)

Mr. Rob Clarke: It helps quite a bit.

You mentioned the matrimonial. You talked about home ownership—you touched on that—and you also touched on matrimonial. Can you explain the process that you went through and the challenges you may have faced with introducing matrimonial property?

Chief Marianna Couchie: There weren't a lot of challenges.

Yes, there was a big concern from those band members who married non-first nations people, but our law says that the house belongs to the children. So whoever is going to raise those children has the right to occupy that house and that property. If they're non-native, if they're non-band members, they don't have the right to sell the house out from under the children. The children have the right to that house and that property. That's how that works.

It was a fairly smooth process.

That's how we handle family breakup. We try to keep our membership home.

By the way, we're also developing our own constitution that sets out who we are and how we're going to govern ourselves.

The Chair: Thank you, Mr. Clarke.

We have Mr. Genest-Jourdain, please.

[*Translation*]

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): I will share my time with my colleague Mr. Gravelle.

[*Member speaks in his native language.*]

[*Translation*]

Since I will share my speaking time with my colleague, my question will mainly be about the Nova Beaucage project, which appears in the documents and which you referred to.

I have a fairly brief question. Before the ratification of the Framework Agreement on First Nation Land Management and your inclusion in the process regarding the First Nation Land Management Act, were you aware of the environmental liabilities related to the uranium project on the territory?

• (1705)

[English]

Chief Marianna Couchie: No, we weren't.

Besides the federal contaminated site, the Ontario government also has a contaminated site on our first nation land. Ontario is in the process of trying to ascertain how big their site is and how they're going to approach it. The federal government—and we've been working with a number of different researchers—is now telling us they need to find the budget to clean up the site. So the federal government is further ahead than the Ontario government in the cleanup of contaminated sites.

[Translation]

Mr. Jonathan Genest-Jourdain: When the Framework Agreement on First Nation Land Management was ratified, and as you were participating in the First Nations Land Management Act process, you realized you would have to take on the liability when you became a signatory to the agreement and thus became responsible for the management of those lands.

[English]

Chief Marianna Couchie: I wouldn't say that's true. We became aware of the contaminated sites through the process, and we understood that the governments would work with us to clean up these sites.

[Translation]

Mr. Jonathan Genest-Jourdain: Still with regard to the Nova Beaucage project, was there an effect on the water table, on the water source? You talked about the Nipissing River—*nepi*. I understand that generations of your people have lived off that land. Have there been any repercussions on waterways since the 1930s, including the presence of radon in the water, or contamination of the water table, as far as you know?

[English]

Chief Marianna Couchie: As far as I know, there has not yet been. I have some concerns about that community, primarily with the land. It's not that people drink or draw water from Lake Nipissing. We do have more children who require extensive special education services. I'm wondering if this is because the families have travelled back and forth on the road that fronts this contaminated site.

There is a whole exercise of trying to determine how far and wide that goes. Some of those tailings were actually used on the road in that area, because people didn't know that it was contaminated. Where we found that residential units were impacted, we did things like replace septic systems.

[Translation]

Mr. Jonathan Genest-Jourdain: Do I have two minutes left?

[English]

The Chair: You have 30 seconds.

[Translation]

Mr. Jonathan Genest-Jourdain: Oh! Then go ahead, Mr. Gravelle.

[English]

Ms. Linda Duncan: Claude, you're next, after the Conservatives.

The Chair: We will turn to Mr. Boughen now for five minutes.

Mr. Ray Boughen (Palliser, CPC): Thank you, Chair.

Thanks, Chief, for coming and sharing part of your day with us. We appreciate that very much.

I have a couple of questions, Chief. We have heard about the challenges you faced in your community when you entered into the first nations land management. What would you say would be the biggest challenge of that operation?

• (1710)

Chief Marianna Couchie: What was the biggest challenge of land management?

Mr. Ray Boughen: Yes.

Chief Marianna Couchie: It's getting our bylaws in order and getting our environmental law developed. Then, of course, it's dealing with these contaminated sites.

It has been a very favourable arrangement for us at Nipissing First Nation. There are so many positive things to say about us as a people and about what we believe in. I don't know if you noticed on the briefing note or whether the logo showed up. You will see it's a deer's head. Our logo is the land, the people, and the future. If you look closely inside of that deer head, you will see the land and the people. The forward motion of that deer head represents our future. That's what we're really all about.

Mr. Ray Boughen: Coming back to the land being left to the children, I'm kind of interested in how that works. What happens if... we'll say a couple has been married for 30 years and their children are all grown up. One person is of the first nation but the other person isn't. What happens if the first nation person dies and the land is not given to the surviving spouse but rather kind of broken up for the surviving children? Does the surviving spouse end up with zero?

Chief Marianna Couchie: It all depends. Hopefully, they would have made a will. In that will, or the attachment to that will, it should state that should one or the other pass away—especially in the case of the non-native person—they would have the right to live in that house and on that land until they no longer required it.

Mr. Ray Boughen: That would be true for the first nations person?

Chief Marianna Couchie: It would also be for the non-native person.

Mr. Ray Boughen: So it would be for either person?

Chief Marianna Couchie: It would be for either person, but it has to be stated in the will.

Mr. Ray Boughen: Without any will, it reverts back to the children getting the land?

Chief Marianna Couchie: I'd like to believe that our young people have values. If they were raised in that home and they were respectful of their father or their mother, they would abide and say, "Okay, you stay there as long as you want." That's all I understand it to be.

Mr. Ray Boughen: Has the transition gone fairly smoothly, would you say?

Chief Marianna Couchie: So far, yes. We've not had any major, major problem.

Mr. Ray Boughen: Okay. Good to hear.

Do I have more time?

The Chair: You have one minute.

Mr. Ray Boughen: Okay, maybe just a fast question.

I notice in your submission, Chief, that you outlined four recommendations. What would you say is your top recommendation of the four?

Chief Marianna Couchie: Out of the four? That's difficult.

Mr. Ray Boughen: Yes, it is tough.

Chief Marianna Couchie: Well, we definitely want that site cleaned up—the radon site. That's one of our priorities.

The other priority is that it's coming into the spring season and there's more we have to spend on transporting our vehicles back and forth. We're not getting additional moneys for our public works department. It has to come down to public works. Our gravel roads are not paved. We have two communities that have paved roads.

All of them are our priority. Sorry, sir.

The Chair: Thank you, Mr. Boughen.

Monsieur Gravelle for five minutes.

•(1715)

Mr. Claude Gravelle (Nickel Belt, NDP): Thank you, Mr. Chair.

Thank you, Chief Couchie, for being here. Although I wasn't here for your presentation, I see in your very first line “Nipissing prides itself in being a progressive First Nation.” Having been on your land on several occasions and having heard what you've said today, it's obvious that you are a very progressive first nation. You're to be congratulated for that.

Having said that, Regional Chief Toulouse was here to make a presentation. He's a very well-respected member of his community. Chief Whiteduck also appeared before this committee, and he talked about frustrations when it came to additions to reserves.

Have you ever been asked for input as to how to improve the INAC process in order to move the process faster? If you have been asked by INAC, can you tell us what you recommended? If you haven't been asked, can you tell us what you would recommend?

Chief Marianna Couchie: First I want to acknowledge the two gentlemen you mentioned. I have the utmost respect for Angus Toulouse and Chief Whiteduck. We work together closely with them.

No, we've not been asked about how to speed up the ATR process. It is frustrating and it is arduous. There has to be a way. We'd gladly sit and talk about how to speed up this ATR process, the additions to reserves.

I remember when I worked for Indian Affairs back in the eighties. I worked out of the regional office, and they were developing this additions to reserves policy. At that time they said it would take five years. It has never occurred within five years for any first nation.

It would be nice to get back on the five-year process. We could live with that, but 18 years? My math is not good today, but 1995 to 2012 is a very long time. That's 17 years. It's over triple the time that we were told back in the eighties.

Maybe there are too many bureaucrats involved.

Mr. Claude Gravelle: Would that be one of your recommendations?

Voices: Oh, oh!

Chief Marianna Couchie: Clear out the layers. I'm always amazed when I come to Ottawa and I go to Aboriginal Affairs and Northern Development Canada and the office towers. I think, “Holy gee, this is where our money is going. It's all going to Ottawa employees.”

I think that's one way we could start to up our public works department budgets. How many people—especially when it comes to lands management—need to be involved today when we do the transactions that we look after? We still have to file estates with Indian Affairs. That takes one person. I went through that with my parents when they passed on.

I don't know. Those are my observations every time I go to the towers.

Mr. Claude Gravelle: How much time is left?

The Chair: You have 40 seconds.

Mr. Claude Gravelle: I'll pass it on to my colleague.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): I have a couple of quick things. First, it took seven years for you to get into the land management regime. I'm wondering if there were any challenges there or anything you would change.

With respect to land managers and training, have they received the proper training? Are they in need of training? Are there challenges there?

I also have a quick comment with respect to the matrimonial real property law. I know some first nations have implemented that, and it wasn't the fact that they went to land management, because they don't have that, but they've still been able to achieve it.

I leave it with you for your comments.

•(1720)

Chief Marianna Couchie: When we were getting ready for the land code enactment, there was a lot of communication. I remember receiving document after document about the land code and what it would mean to us. And it passed. There was no.... Anybody who had questions had the opportunity to have them answered. We did. Typically, you don't send your members a huge document and say, here it is. You send it off in a couple of pages, so bit by bit it's digested by the people.

Yes, our land manager and our assistant land manager have gone through training. Because our existing land manager is so experienced, she's the one who ends up doing a lot of the training for new land managers. I don't know who is in charge of training for land managers, probably the LAB. We have more experience.

The Chair: Thank you, Chief. We're going to turn to Mr. Payne for the last questions.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Chair, and thank you, Chief, for coming today. It's important to hear your testimony. Also, thank you for your patience while we trundled out to do some voting.

You touched briefly on the Lands Advisory Board and resource centre. We were talking about the training of land managers. Have you had the opportunity to work with them, and do you have any comments or recommendations on any of their roles?

Chief Marianna Couchie: Yes, I've had the opportunity to work with them. They wanted to borrow our lands manager for course development.

I have the utmost respect for Chief Robert Louie as the chair of the Lands Advisory Board. They're coming along. I remember my first meeting with the Lands Advisory Board, and I was shocked that they didn't have audio-visual equipment. They were asking us to look at this little projector screen. Now they use PowerPoint.

I like the Lands Advisory Board. I think they're doing a good job.

Mr. LaVar Payne: Is there anything more you think they could do to help first nations?

Chief Marianna Couchie: They could lobby for more money for us.

Mr. LaVar Payne: I think I left myself open for that, didn't I?

My next question to you, Chief, is what types of lessons might other first nations take from your economic and land management successes?

Chief Marianna Couchie: We've always been open with our bylaws.

We have proven ourselves to be leaders among the Robinson Huron Treaty first nations. Our bylaws are borrowed. Our administration laws are borrowed. Anything we have developed that would help a band to advance in their land code is open.

Mr. LaVar Payne: Basically what you're saying is that any time you have any particular land codes or regulations, you're open to sharing those with any other first nation.

Chief Marianna Couchie: Definitely. Our bylaws are borrowed quite frequently, and our governing laws are as well.

Mr. LaVar Payne: That's good to hear. On behalf of all the other first nations, I want to thank you for that.

What are the legislative and regulatory obstacles to economic development related to land-use management for your community? What recommendations would you have for addressing them?

• (1725)

Chief Marianna Couchie: I addressed the fact that we need dollars for infrastructure development.

In the second industrial park we're building there's such a demand to rent or lease space from us that we can't accommodate all of the people.

I talked about the first phase. On this land we are developing, we know that we can put up additional facilities. First and foremost, we need infrastructure help. It's a lot of money to get gas over there. We have found water, but we need three-phase power to handle it. Once we get that crown corporation housed in our second industrial park, they're going to need that type of power to operate.

We want to build space for incubator businesses. It would be a space to help people develop their businesses.

Mr. LaVar Payne: Do I have time?

The Chair: You have ten seconds if there's something you can accomplish with that.

Chief Marianna Couchie: You can take one slap shot.

The Chair: Chief, I think it's evident that we could keep you here all afternoon. Your wisdom is certainly something we appreciate, and it's clearly evident that you have a passion for your first nation and also for other first nations in terms of moving forward. Certainly you are an inspiration and a leadership model for others.

Thank you so much.

Colleagues, I just want to do a couple of things. Thursday's meeting will be here. We have one witness. We've set aside some time for committee business at the end of that meeting. There are some things we need to discuss.

I just want committee members to think a little bit about the western leg of the travel itinerary. If colleagues want some additional information, I'll provide it at the end of this meeting once we shut down the meeting. If Carolyn and Linda would just stay back with Greg, we can have a little chat for just a few minutes, if that would be all right.

Colleagues, one thing keeps arising, and that is the issue of the A-base funding for the first, original FNLMA adherence, the members. We hear the anecdotal evidence on what has gone and what isn't going, and I think it would be useful if we got absolute clarification and did it formally through the committee.

If you would give me permission, I would simply write a letter to the department asking for the actual number of original members of the First Nations Land Management Act so that we could have a record of that to incorporate into our report.

I just need your permission so that we can actually bring it into evidence. That, I guess, is what I'm asking. Would you give me permission to write on behalf of the committee and then enter that into evidence? It will be circulated, of course.

Some hon. members: Agreed.

The Chair: Seeing no opposition, I'll instruct the clerk to do that on our behalf.

Colleagues, I think we're finished for today. Chief, thank you so much again for your time and for your willingness to be here today. Thank you so much.

The meeting is adjourned.

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