



Message from  
Southern Grand Chief Chris Henderson



Grand Chief Henderson addressing the AFN Assembly in Vancouver, B.C.  
—March 29-31, 2005.

**B**ooshoo! Washte! Tansi! Greetings to our Southern Chiefs, Elders, Veterans, Council Members and First Nations citizens across Southern Manitoba.

As the winter comes to an end, and the snow begins to melt, some of our SCO Member First Nations are experiencing dramatic flooding in their communities; some more so than others. I want to take this opportunity to express our empathy and word of encouragement to those people who are affected by flooding in their homes. You and your families are being prayed for and we hope the water levels will soon decrease.

On April 22 & 23, 2005, the Assembly of First Nations Manitoba Regional Chief Francis Flett and Chief Irvin McIvor, of the Sandy Bay Ojibway First Nation, will be hosting a **Commercial Inland Fisheries Forum** for our fishermen on the **Sandy Bay Ojibway First Nation**. I will be in attendance and will lend my support to our First Nations fishermen throughout Southern Manitoba. I hope to see you there!

No doubt many of you are aware that the Federal Liberal Party of Canada is under intense pressure in Ottawa due to the Gomery Inquiry. Damage is so severe and intense that many political pundits are predicting another general election will be called. If an election occurs before the end of June 2005, are we ready as a political force to be reckoned with at the polls? In the next few issues of the *South Wind* newspaper, we will be attempting to educate you about the federal political process, what this means to me and you as Anishinabe, Dakota and Cree peoples, and why we have to mobilize our peoples to get out and vote. With that, I wish you and your families well and give my thanks to the Creator for allowing me to address you.

Meegwetch!



Next Issue: The Federal Electoral Process

# South Wind

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## OVERVIEW OF INLAND FISHERIES JURISDICTION IN MANITOBA

**P**rior to 1930, the federal government controlled all Crown lands in Manitoba, Saskatchewan and Alberta. The Constitution Act, 1930 gave legal effect to the Natural Resource Transfer Agreements (NRTA) in each of the three Prairie Provinces. These agreements transferred control of Crown lands to the provinces with the exception of remaining tracts of federal Crown lands such as First Nation Reserve lands and National Parks.

Following the 1930 NRTA, the province has had authority to pass laws relating to most land within the province, with the exception of federal Crown land, under the authority of Section 92(5) of the Constitution Act, 1867. In effect, the province has the constitutional authority to pass laws relating to the use and allocation of fish in provincial Crown land as part of its jurisdiction over public property. Its jurisdiction includes the right to determine who can fish on provincial crown land, the conditions that may be included in any license, and the fee that is required for the license. Property rights issues are addressed in the provincial fisheries act and its associated regulations.

Jurisdiction over conservation and protection of inland fisheries is separate from proprietary issues and is addressed by the Federal Fisheries Act and the associated Manitoba Fishery Regulations.

In September 2003, Canada and Manitoba signed the Canada- Manitoba Memorandum of Understanding on Fish Habitat Management in order to better conserve and protect fish habitat throughout Manitoba. According to Manitoba, legislative responsibility for management of fish habitat has not been specifically delegated to them from the federal government. However, notwithstanding this, the province, via the Department of Water Stewardship, continues to



First Nations youth, Josh Murdock a seasoned fisherman.



The Fisher River Mcbeth Fisheries.

manage fish habitat on a day to day basis as part of its overall fish management activities.

As a result of improper consultations with the First Nation Fishers, the major issues facing them today are as follows:

- Taxation of First Nation commercial fisher's;
- Creation of an insurance/compensation program for commercial fisher's;
- Establishment of search and rescue capacity and related infrastructure;
- Covering costs incurred by Transportation Canada's marine safety regulations;

- Federal financial participation in a Freight Subsidy Program;

- Dual marketing, would allow the First Nation fisher's to exercise the Treaty and inherent rights in the area of trade and commerce, internationally;

- Low market prices for all species of fish brought by the FreshwaterFish Marketing Corporation, no final payments;

- An election process by the fishers rather than Federal and Provincial appointments;

- Termination of the union system at the FFMC plant due to the impact of unfair fish prices to the producer; and

- Impact to the commercial fishery caused by other usages of the aquatic resource (poor water quality; increased pressure on fish stocks through sports fishing, loss of habitat).

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Mr. Murdock is a commercial fisherman by trade.



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