

The Sault Star

Wednesday, June 22, 2011

Sault Ste. Marie, Canada

NATIVE AFFAIRS: Batchewana serves notice it will be involved when it comes to resources on its territory



MICHAEL PURVIS Sault Star

Participants walk down Queen Street on Tuesday for National Aboriginal Day.

Batchewana kicks off Aboriginal Day with protest

MICHAEL PURVIS
The Sault Star

Batchewana First Nation marked National Aboriginal Day with a peaceful protest and a notice to the public that it intends to assert jurisdiction over resources on its traditional territory.

A peaceful protest began at the court house and proceeded down Queen Street on Tuesday morning, ending at Batchewana's Whitefish Island Reserve, where festivities took place until being cancelled due to rain in the afternoon.

On the same day, the First Nation issued a "notice of assertions," as full-page advertisements in several newspapers across the province.

Chief Dean Sayers said the

notice, in which it asserts rights to resources on its traditional territory, amounts to the people of Batchewana, "standing up for ourselves," in the face of the Crown's "failure" to live up to its historic obligations.

Sayers said the same notice was published in papers in Sudbury, Thunder Bay, Ottawa, and the *Toronto Star*.

"Now, nobody has an excuse for saying, 'I didn't know,'" said Sayers. "Now, everybody has been warned: No more stealing from Batchewana, no more stealing off our lands."

Batchewana has battled the province over rights to the resources on, and access to, its traditional territory in recent years. The issue came to a head again last week when Hudson River Minerals Ltd. announced it

had cancelled gold exploration in the Batchewana Bay area after refusing to obtain a Batchewana First Nation Exploration Drill Permit.

MPP David Oraziotti could not immediately be reached for comment on Batchewana's notice Tuesday afternoon.

The head of the Ministry of Northern Development, Mines and Forests aboriginal relations unit said last week the ministry doesn't recognize Batchewana's permit process. It is a "business decision," whether or not companies abide by the Batchewana system.

Sayers said other companies have had "no problem," meeting Batchewana's permit requirements.

"If you want some of those resources, come and see us.

There's a fair process in place that really includes comprehensive sustainability plans incorporated into how we extract and where we extract, and we welcome the world to come do business with Batchewana," he said.

First Nations of this area ceded much of their land through the *Robinson Huron* and *Superior* treaties of 1850, but the First Nations have argued that whatever the treaty document says, the intent of their ancestors was to share resources, not give them up entirely and get little in return.

They also point to what they say are the Crown's own failures to live up to its treaty obligations.

Sayers said the band's lawyers recommended the notice of assertion.

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COURT

Insurance agent pleads guilty to fraud

LINDA RICHARDSON
The Sault Star

A high-profile independent insurance agent admitted Tuesday that he swindled five clients of more than \$350,000.

Jeffrey McWhinney, 50, pleaded guilty to five counts of fraud in a Sault Ste. Marie court-room.

The misappropriation of funds from senior citizens occurred between December 1997 and November 2007.

Sentencing was adjourned until Oct. 24 so a pre-sentence report can be prepared.

McWhinney is a former president of the Sault North Rotary Club (1991-92) and Rotarian of the Year (1996-97). He was named the Chamber of Commerce's volunteer of the year in 2008.

Ontario Court Justice Nathalie Gregson heard McWhinney misappropriated investment funds of \$55,000 from one woman, \$203,972 from a man, \$45,000 from a couple and \$50,000 from another woman.

Prosecutor Nancy Komsa said the red flags went up for one family when they tried to obtain information about their father's investments following his death in March 2009.

When they contacted McWhinney about the more than \$200,000 in investments, he was vague and provided "absolutely no information," the assistant Crown attorney said.

The family contacted a lawyer to probate the estate and to look into the missing funds.

The lawyer realized he had two elderly clients who were having difficulties with their investments with McWhinney, Komsa said.

McWhinney didn't provide any information to the lawyer and one of the complainants contacted police.

"It was determined the investment funds were used for something other than investments," Komsa said.

Good turnout, despite weather

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Monique Passelac-Ross, a researcher with the Canadian Institute of Resources Law, is an expert in Treaty 8, which covers much of Northern Alberta, including the oilsands.

She wasn't familiar with the Batchewana situation, but she said she has seen First Nations do their own environmental work before. That was the Carrier Sekani Tribal Council's reaction to the proposed Northern Gateway Pipeline through its territory in British Columbia.

"They took the initiative of developing their own EA (Environmental assessment) and describing the impact on their rights, the way they see it," said Passelac-Ross.

Government has, "ignored it, mostly," she said.

Passelac-Ross said resource rights disputes between provinces and First Nations most often end up being settled in court, or through negotiation.

Sayers said he was pleased with the turnout for Tuesday's National Aboriginal Day festivities at Whitefish Island, despite the wet weather.

Verlyn Robinson-Edgar, a

Michipicoten First Nation member who lives in Batchawana Bay, said her age made her hesitate at first when she was approached about walking in Tuesday's rain-drenched Aboriginal Day march down Queen Street.

"I said, 'No, I'm going to walk,' because it's very important to me as an aboriginal person," said Robinson-Edgar, 59.

"It is important to see, especially the kids," said Robinson-Edgar. "I think that's what people want to see, the young generation out here."

Kevin Syrette, 34, said he went out Tuesday for family reasons, rather than political ones. It was a rare opportunity for him to take in a local festival, so he and his fiancée, Theresa Thompson, took along their six-month-old daughter, Cassandra.

"(Cassandra) loves them, all the action, all the people, the sounds the sights," said Syrette, who spends the warm months travelling to pow wows as a member of the Grammy-nominated Bear Creek Drum Group. "It's good to start her early because she's going to be in it all her life."