

Title Page

Promises to Keep
Towards a Broad Area Plan
for the East Side of Lake Winnipeg
A Status Report

Disclaimer Page

Promises to Keep

Towards a Broad Area Plan for the East Side of Lake Winnipeg

Legal Impact of the Status Report

The contents of this Status Report - the narrative, analysis, observations, and recommendations are presented to the Government of Manitoba in the spirit of good will and good faith. The Government of Manitoba is committed to improve the relationship between the people of the province and First Nation/Aboriginal peoples based on principles of mutual recognition, mutual respect, and mutual responsibility. Nothing in this Status Report shall be construed to restrict, compromise or fetter the ability of First Nations and Aboriginal communities and their members to fully enjoy the Aboriginal and Treaty Rights recognized and affirmed by the Canadian Constitution and the evolution of Canadian case law. The Government of Manitoba, in creating the East Side Planning Initiative, has affirmed that the content of this Status Report shall not be construed to alter, replace, or fetter the legal responsibility and obligation of the provincial government to engage in meaningful consultation and accommodation with respect to any and all issues identified in this report.

Dedication Page

Promises to Keep¹

Towards a Broad Area Plan for the East Side of Lake Winnipeg

Dedicated to:

*The future of the people of the east side of Lake Winnipeg and to
the land which will continue to sustain them.*

¹ The title of the status report is taken from the final stanza of the Robert Frost poem
Stopping By Woods On A Snowy Evening

The woods are lovely, dark and deep.
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.

Letter of Transmittal

September 2004

The Honourable Stan Struthers
Minister of Conservation
Government of Manitoba
Room 330 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Dear Minister Struthers:

On behalf of the East Side Round Table and the First Nations Council, it gives us great pleasure to submit to you our status report on the development of a Broad Area Plan for the east side of Lake Winnipeg entitled *Promises to Keep*. For your convenience and reference as well as for broader distribution, we are also pleased to provide you with a separate Executive Summary of the Status Report.

In presenting this report to you and your government, we wish to assure you that we have laboured long and hard to both gain and understand the confidence and the preferences of the residents of the east side of Lake Winnipeg with respect to the current and future land use of this magnificent area.

As our report will outline, there have been numerous meetings and discussions with interest groups and stakeholders, Northern Affairs and Métis communities and the leadership and residents of First Nations communities, the latter of which comprise over 95% of the population of the east side of Lake Winnipeg. As the first prototype and flagship initiative emanating from the recommendations of the Consultation on Sustainable Development Implementation, this status report will affirm that the government of Manitoba has embarked upon a unique and promising venture that seeks to empower the residents of the east side of Lake Winnipeg and engage them in a process that increases their access and control over decisions that will impact and effect the quality of their lives. On their behalf, we commend your government for initiating this most important dialogue.

The development of the broad area plan has not been completed. Yet much has been accomplished in defining a sustainable land use plan for an area equivalent to one eighth of the land mass of Manitoba. While this status report provides you with a measure of our progress, in our quest to protect the environment, assure sustainable development in the area and achieve certainty for investment and economic development ventures, much remains to be done.

We believe that our preliminary observations and recommendations chart a precise and measurable course on the path to completing the broad area plan and we strongly recommend that the Government of Manitoba stay the course through to its completion. The Memorandum of Understanding with First Nations communities and the promise of one with the Metis Nation resident on the east side of Lake

Winnipeg, the extensive consultations with Northern Affairs communities and the pending comprehensive dialogues with Manitoba's First Nations communities on the east side of Lake Winnipeg will shape a broad area plan based on thorough consultations and a sensitivity to the environment that is unparalleled in recent Manitoba history.

The recommendations contained within this report are based on extensive preliminary consultations with communities on the east side and the dedicated work of our colleagues on the East Side Round Table, the First Nations Council and the Advisory Committee. We are convinced that this East Side Planning Initiative will produce a broad area plan that will not only serve the residents of the area, and the interests of all Manitobans, but will define the future of broad area planning and sustainable development in Canada.

We commend this work to your attention and respectfully request that it be permitted to reach its natural and positive conclusion.

Respectfully yours,

Chief Phil Fontaine
Chair
The East Side Planning Initiative

Elder Ed Wood
Associate Chair
The East Side Planning Initiative

Letter of Acknowledgement

September 2004

The Honourable Stan Struthers
Minister of Conservation
Government of Manitoba
Room 330 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Dear Minister Struthers:

The preparation and submission of this status report, *Promises to Keep*, and the separate executive summary which accompanies it, is premised on the assumption that it is but an important way-stop on a pathway that will lead to Manitoba's first broad area plan based on the sustainability principles identified in the *Consultation on Sustainable Development Implementation* which your government has adopted as policy. The East Side Planning Initiative has begun a comprehensive and inclusive process of information sharing and gathering. The complexities of the many issues at hand require no less.

This status report, the contextual observations and many recommendations it contains owes its genesis, first and foremost, to the many people resident on the east side of Lake Winnipeg who took the time to attend community meetings and express their concerns and ideas. This report, in thanks to their participation, is dedicated to them and their fellow citizens.

The East Side Round Table and the First Nations Council as duly constituted and in working groups have spent countless hours hearing of people's concerns, listening to presentations, sifting through forests of documents, reports and expert opinion, debating the issues and, finally, crafting this status report. That they were able to do so while respecting the diverse views and disparate interests around each table, is a testament to their dedication and commitment to this process. Thanks are also extended to the members of the East Side Advisory Committee who took the time to attend meetings and, further, took advantage of the opportunity to submit observations and recommendations to the ESPI.

Appreciation is also extended to Phil Fontaine who retained his role as Chair of the East Side Round Table and First Nations Council even after assuming the onerous role of National Chief of the Assembly of First Nations. A particular vote of thanks is given to Associate Chair Ed Wood who so often went above and beyond the call of duty in encouraging participation, supporting the goals of the process and giving of his expertise, influence and credibility in developing a common agenda.

Our appreciation is also extended to community leaders, elders, and coordinators who facilitated and took an active part in assisting the ESPI process; to community residents who attended meetings and prepared thoughtful interventions and attended ESPI Open Houses; to the many presenters who appeared before the Round Table and the First Nations Council; to the numerous organizations and individuals who supported the preparation of the East Side Youth Conference which we hope will materialize in the fall of this year.

Thanks are also offered to the Minister and officials of Manitoba Conservation and to those departments and agencies of the provincial government who facilitated and supported the work of ESPI.

And finally, I would like to thank each member of the Secretariat and the consultants who have supported our work. Their tireless pursuit of excellence, the professionalism and respect ably demonstrated in supporting both the East Side Round Table and the First Nations Council in their pursuit of an independent course in crafting this report, have been very much appreciated. I know that I speak for both the Round Table and the First Nations Council in expressing appreciation for the efforts in preparing the numerous drafts and re-drafts of this report.

Without these contributions, the Round Table and the First Nations Council would not have achieved its impressive list of accomplishments in preparing *Promises to Keep*. As the title suggests, this status report is but a stop along the pathway that we must continue to walk in order to fully complete the Broad Area Plan for the East Side of Lake Winnipeg and its attendant protocols. In starting this important initiative, it is hoped that the government of Manitoba will see it through to its fruition.

Peter André Globensky
Executive Coordinator
East Side Planning Initiative

STATUS REPORT
Promises to Keep

**Towards A Broad Area Plan
For the
East Side of Lake Winnipeg**

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2.0 Introduction to the Report

Linkages: The Consultation on Sustainable Development Implementation & The East Side Planning Initiative

The East Side Planning Initiative was born out of the Consultation on Sustainable Development Implementation (COSDI) that was undertaken between the fall of 1997 and the spring of 1999. The multistakeholder consensus-based process produced a report that was adopted by Government in October 2000. The report advocates an environmental and resource management decision process that is sustained by effective planning on a large area basis.

The COSDI report outlines the basic framework for such a planning process. The plan is to be broad in scope and fully formed within the principles of sustainable development. There should be a planning advisory committee largely made up of “a cross section of knowledgeable persons, primarily from the area concerned, to develop the plan”. And the committee should be supported, staffed and funded by the government. The committee should facilitate a broad consultation process to ensure opportunity for input from all interested parties. The COSDI report also made recommendations regarding openness and transparency, the need for relevant information to be readily available on a timely basis, the use of traditional ecological knowledge (TEK), the development of protocols to guide consultation with Aboriginal peoples and the development and use of capacity building mechanisms to enable meaningful public participation.

The East Side Planning Initiative (ESPI) is the first large area planning exercise since the adoption of the COSDI report. It is a complex area, requiring a complex process. It covers a large geographic area housing many diverse and disparate interests. Although it's population is largely situated in 16 First Nations communities, each with its own aspirations, there is a significant interest in the area by other Manitobans because it represents to some an area of pristine beauty and ecological integrity and to others, exciting economic development potential. Some see an urgent need for road access to communities while others see that same access as a threat to the natural environment.

To address this mix of aspirations, and consistent with the COSDI philosophy, the ESPI has undertaken to involve local residents in the details of the planning for the future of their area. It has respected both science and traditional ecological knowledge. It has provided funding and staff to facilitate and support the process. It has actively reached beyond the communities for input into the process. It has established networks making information accessible to all Manitobans. As importantly, it has undertaken to develop Protocols of Agreement to guide future consultations with First Nations and with the Metis Nation resident on the East Side of Lake Winnipeg.

There is much we can learn from this process. There have been successes and failures within the process. There are things that would be repeated and things that would be changed. But overall, the process has succeeded in bringing together many diverse interests that would otherwise not have merged at all. The realization of the vision of COSDI has been significantly advanced in the East Side Planning Initiative. There is more to do. There is more to learn. But, Manitoba will be forever enriched by this process as a large and important area becomes the focus of rational and careful management. Let this process be a model to be built upon and improved as Manitoba's regions consider their place in the future.

The report contains a list of numerous appendices some of which are appended to the main report. The remaining appendices identified in the report and are located in all of the registry offices of Manitoba. In addition to this full report, an executive summary provides a detailed synopsis of the contents of this report. The executive summary and the main report will be available to the public in both print, electronic and CD versions and will be posted to the web site. Copies of all reference documents will be made available to the Council offices of all east side communities and, as noted above, at all Manitoba Registry offices. However, regardless of its current content and the format for distribution, *Promises to Keep* remains first and foremost a status report and, as such, the content and recommendations require further acceptance and validation by east side of Lake Winnipeg communities.

3.0 The Broad Area Plan: A Statement of Vision and Values

The area of eastern Manitoba contained within the boundaries of the East Side of Lake Winnipeg Broad Area Plan is one of unparalleled beauty and rugged fragility. It is a land defined by the repeated advance and retreat of glaciers where bedrock shield and thousands of lakes have shaped the habits and character of its inhabitants for millennia. From the traditional lands of Bunibonibee First Nation in the north to the riparian perimeter of the Winnipeg River in the south, it is some 82,000 square kilometers in area. 36,000 residents living in 34 communities inhabit the east side, and over 95% of that population are First Nations peoples. The geography is part of the largest ecozone in Canada (Boreal Shield) and contains the fourth largest contiguous boreal forest in the world. Despite its craggy and foreboding landscape it is an area teeming in natural resources and enjoys a significant and healthy biodiversity.

As any of its residents who live there will tell you, it is a special place, deserving of special measures to ensure that the environment is protected and all development is sustainable.

The Consultation on Sustainable Development Implementation or COSDI report provided Manitobans with a unique and timely vision of the future of sustainable resource use and conservation in Manitoba. Accepted in its entirety in 2000 by the current provincial government, the report is the genesis of the broad area plan for the east side of Lake Winnipeg. COSDI's vision for Manitobans is that they work together:

To develop an integrated framework for large area and municipal planning, significant resource allocations and environmental management decisions to ensure sustainable development in Manitoba.

Consultation on Sustainable Development Implementation – 1999

A Vision for the Broad Area Plan

The East Side Planning Initiative (ESPI) seeks to put into practice the vision articulated in COSDI. In so doing it will create an extension of that vision and chart a new course for the future of land use on the east side of Lake Winnipeg. It is a vision that is based on a number of fundamental principles, first and foremost among them an innovative approach to planning grounded on the premise that the land is and must be protected.

It is a vision which:

- Equates the importance of human development with the requirement for a wise and sustainable stewardship of the land;
- Regards the East Side as a protected landscape within which economic development activities are permitted if it is agreed that they are sustainable and of benefit to local communities.
- Believes human development must be grounded upon integrated and coordinated planning which honours the social integrity of communities and the natural integrity of the environment;
- Commits to planning for the sustainability of the ecosystem where our human interactions with it must maintain or restore ecological integrity and not cause it to deteriorate.
- Understands there are environmental thresholds for all human activity.
- Recognizes the rights of the inhabitants who live there to have access to services and necessities that will improve the quality of their lives;
- Invites Manitobans to steward and value all the resources that may be found there. These resources include the cultural uniqueness of those who live there and the natural resources that have defined and contributed so significantly to our economy
- Embraces the immeasurable value to our spiritual and psychological well-being provided by a landscape of animals, forests, water, air, soil and rock all of which comprise the natural capital of the area. This landscape has

contributed to the definition of our character and identity as Aboriginal peoples, Manitobans and Canadians.

It is also a vision that magnifies the critical importance of scale. As COSDI correctly suggests:

(Broad Area or Watershed Plans) provide the vehicle to assemble information/science respecting the ability of the environment to sustain and absorb, and rebound from the impacts of human activity, to know the threshold limits of the environment and natural resources. Conducting studies and developing sustainable development plans on the basis of natural boundaries such as watersheds or eco-systems will help understand the environmental and physical restraints within which economic, social and cultural development, or the protection and enhancement of the natural environment and human health are allowed to occur.

- Consultation on Sustainable Development Implementation - 1999

Ultimately, the Broad Area Plan for the East Side of Lake Winnipeg envisions a different social contract. A social contract between those who inhabit the area and those who wish to use and exploit the resources found there; a contract between those who work within the landscape, and the environment or natural landscape which harbours and yields the resources sought.

It is also a contract among all Manitobans, the residents of the East Side, and their governments, where the latter are relied upon to protect this enduring and endearing landscape for future generations. This social contract recognizes the paramouncy of the right to human development in all its dimensions but not at the cost of diminishing the environment that sustains us all.

Values Sustaining the Broad Area Plan

There are a number of fundamental and important values that gird the broad area plan and give it integrity. In addition to the development / conservation ethic defined above, the broad area plan must reflect and incorporate the interests and desires of those who live on the east side of Lake Winnipeg into the fabric of the plan. It will strive to reconcile substantial differences. The plan must incorporate an on-going mechanism that will provide for meaningful public participation in the further development and governance of the plan. This mechanism must also provide for the implementation, monitoring, evaluation and renewal of the plan on a systematic and regular basis. As such, the broad area plan creates the framework for the preparation of more detailed regional land use plans and the full integration of community plans.

The broad area plan recognizes the enormous influence of the cultural landscape of the area. It will honour the significant historical relationship extant between the land and its first inhabitants. ESPI will recognize and affirm and be in compliance with Aboriginal rights and treaty obligations. It will develop and incorporate an inclusive and progressive Memorandum of Understanding and Protocols of Agreement recognizing the importance of the consultative process and the nature of the government-to-government relationship essential to the definition of new approaches to traditional land use and possible resource sharing.

The broad area plan places an exceptional value on the importance of traditional ecological knowledge and sound science in the development of a comprehensive land use planning information data base. This data base must be used to both guide and support all major resource and land use decisions in the plan. Without these data, an understanding of the threshold limits in the environment cannot be achieved. In the absence of such, the "precautionary principle" will become the automatic default mechanism. This means that in the absence of adequate information about natural resources or threshold limits, decision-making will be on the side of caution. Planning precedes development and planning must be based

on verifiable and comprehensive knowledge. Development will not be recommended on east side lands designated “terra incognita or lands unknown,” from a data perspective. Should data not be available to support human activity or development, it is not in our best interests nor that of the environment to proceed.

Once completed, the East Side of Lake Winnipeg Broad Area Plan will provide strategic advice and direction to east side communities, government departments and agencies, and all engaged or thinking of engaging in commercial and recreational activities in the area. The Plan will not so much be a prescription but a template. The recommendations contained within the plan – the principles, codes of practice and land-use designations - can be incorporated into community based planning models. The broad area plan recognizes that communities have “zones of activities and influence.”

The East Side Round Table and the East Side First Nations Council are convinced the Broad Area Plan for the East Side of Lake Winnipeg must meet the needs of communities while respecting the integrity of the environment which sustains and surrounds them.

It is with this comprehensive and collective vision and upon these values that the Broad Area Plan for the East Side of Lake Winnipeg will be developed.

4. The East Side of Lake Winnipeg Broad Area Plan

4.1 Genesis and History

In July 2000, the government of Manitoba announced its acceptance of the *Consultation On Sustainable Development Implementation (COSDI) Report*. The report recommended that the implementation of sustainable development include the creation of Broad Area Plans (BAP) across the province. Broad area planning is defined as integrated and co-coordinated planning that is based on the sustainability of the ecosystem. BAPs ensure future land, resource and development decisions address the environmental, social, health, cultural and economic needs of the public, local communities, First Nations and various stakeholders and interest groups. The *COSDI Report* also recommended an inclusive public process and guidelines for meaningful consultation with First Nations and Aboriginal communities towards the development of a province-wide protocol on land and resource decision-making.

On August 9, 2000, Conservation Minister, Oscar Lathlin, announced the government would initiate broad area planning on the east side of Lake Winnipeg as a pilot for broad area planning across the province. This region was chosen for two primary reasons.

1. The east side of Lake Winnipeg is a unique region of the province because it contains a vast expanse of undeveloped contiguous boreal forest. The need for sustainable planning in this area has been reinforced by the recent *Manitoba Climate Change Task Force Report*. This report stated that Manitoba is at risk of losing both the southern and northern edges of the boreal forest to climate change.
2. The east side of Lake Winnipeg is a unique region with communities that do not have access to the transportation networks and economic opportunities that most Manitobans take for granted. The need for planning in this regard has also been reinforced by the *Climate Change Task Force Report* that highlighted the

dramatic effects of climate change on winter road and food distribution systems for communities in this, and other remote and northern regions.

The objective of the east side planning process is to bring together local communities, First Nations and Aboriginal communities, industry and environmental organizations to develop a vision for land and resource use in the area that respects both the value of the boreal forest and the needs of local communities. It is expected that the east side process will result in a blue print for the area that will address protected areas, traditional activities, transportation needs and economic development. It is also expected that the East Side Planning Initiative might result in recommendations on further study or consultation that may be needed following the submission of the Broad Area Plan.

The East Side Lake Winnipeg BAP initiative has been divided into two phases, preliminary discussions and plan preparation and adoption.

Phase I – Preliminary Discussions

After the East Side Initiative was announced, a three-member government review panel was established to discuss elements of the Initiative with First Nations, local communities, the public, industry, non-government organizations and others interested in the future of the area, elements of the initiative. These included the boundaries for the planning area; the steps and timing for the planning process; major issues and options for the area; and the establishment of an East Side Round Table and larger stakeholder advisory committees.

The panel attended meetings with First Nation communities, environmental and recreational organizations and industry, and provided briefings to Manitoba Hydro and the Ontario Ministry of Natural Resources. A final report was released to the public through Manitoba Conservation's Public Registry Network and was placed on the East Side Planning Initiative website at www.gov.mb.ca/conservation/eastsideplan.

Phase II – The Preparation of the Broad Area Plan

In March, 2002, the East Side Round Table (ESRT) first assembled to begin the task of developing the BAP for the east side of Lake Winnipeg. The Round Table consisted of 20 members representing local First Nation communities, the Manitoba Metis Federation, northern communities drawn from the Northern Association of Community Council, the forestry, trapping and mining sectors, non-government social, recreational and environmental organizations. Phil Fontaine, who was Chief Commissioner of the Indian Claims Commission at the time and is currently the National Chief of the Assembly of First Nations, was appointed Chairperson. The Right Honourable Edward Schreyer was appointed as a Special Advisor.

To assist the Round Table in preparing the BAP, an East Side Advisory Committee (ESAC) and First Nation Council (FNC) were also assembled. The ESAC was made up of one representative of each of several organizations with interests in the area, including local government, industry and environmental groups. The FNC was made up from one representative from each of the 16 First Nation communities on the east side of Lake Winnipeg. The Chairperson for the Round Table also chaired the FNC and ESAC. While initially envisioned in an advisory capacity role, the FNC quickly asserted its place alongside the ESRT.

An Interdepartmental Working Group (IWG) was also formed to act as in-house consultants to the ESRT. The IWG is comprised of provincial and federal government staff representing their respective departments and branches. Manitoba Conservation chaired the IWG. An East Side Planning Secretariat of 8 people was established to support the policy, administrative and logistical requirements of the ESRT, FNC and the ESAC.

Early meetings of the ESRT in 2002, focused on matters such as meeting rules-of-order, administrative items such as budgets and expenses, and information distribution. One meeting was devoted to discussing and finalizing the "Round Table Terms of Reference", which was published in November, 2002 (see Appendix

8.6). Following these initial meetings, the ESRT shifted its focus to developing an understanding of what a BAP might entail and familiarizing itself with the variety of information and numerous initiatives, planned and underway, in the study area. Several meetings involved presentations only. Presentations heard included: the COSDI Report, Treaty and Aboriginal Rights, British Columbia and Ontario's experience in Broad Area Planning, Manitoba's Protected Areas Initiative including Enduring Features and GAP analysis, transportation development, the proposed Tembec/FNLP forestry initiative partnership, the Manitoba Hydro Bi-pole III initiative and public consultation strategy, mineral potential and amendments to the Mines and Minerals Act, boreal forest ecology, tourism potential, the Northern Development Strategy, the Pikangikum Accord, the current GIS database, co-management initiatives, Manitoba government natural resources information including updates on the Manigotagan Park Reserve, Forestry Branch activities, wild rice, wildlife, trapping and the Manitoba Water Strategy.

On July 24, 2002, the Round Table was formally established by Order in Council. On October 24, 2002, the FNC and ESAC were introduced to the planning process as well as their roles in the development of the BAP. On that same date, a presentation was heard from the Great Lakes Indian Fish & Wildlife Commission (GLIFWC), an inter-tribal, co-management agency committed to the implementation of off-reservation treaty rights on behalf of its eleven Ojibway member tribes from Michigan, Wisconsin and Minnesota. This presentation was very well received and seen by many as a model worth striving for by First Nation communities on the east side of Lake Winnipeg.

Early in 2003, the focus of the ESRT shifted towards receiving community input into the development of the BAP and on February 6, the Secretariat met with the FNC to present a proposed process and timelines. The First Nation Council was asked to develop and present their positions/strategies on community consultation to the East Side Round Table, after which, the ESAC was asked the same. In April, the first information meeting on the East Side Planning Initiative was held in the First Nation community of Hollow Water.

In July 2003, the *First Nations Council Terms of Reference* was published (see Appendix 8.7). Also during that month, Phil Fontaine was elected as National Chief of the Assembly of First Nations. At an August meeting, the ESRT unanimously resolved to retain Mr. Fontaine in his capacity as Chair of the ESRT, FNC and attendant committees, so that he might continue to guide ESPI.

Community contacts from First Nation and Northern Affairs communities and from the Manitoba Métis Federation were identified to undertake logistics of community meetings (i.e. advertising, booking facilities, providing refreshments, etc.) and in mid-September 2003, the first round of community visits began.

The objectives of the community visits were to present information on ESPI, elicit community feedback representative of community sectors including women, youth and Elders regarding conservation, environmental issues, etc. and exchange information to create greater awareness regarding the east side plan. The purpose and objectives of ESPI were produced on video in English, Cree, Ojibway and Oji-Cree to assist in communicating consistent information to communities and organizations. The Phase I Executive Summary Report was also produced in these languages for distribution at community meetings.

In November, 2003, members of the Round Table and the First Nations Council with the assistance of members of the Secretariat, began a process that would engage all east side First Nations, Northern Affairs and Métis communities in over 80 meetings. Comments from the community visits were presented in two documents: "What We Heard By Community" and "What We Heard By Issue" (see appendices). Both documents were deposited in the Public Registry and made available on the ESPI web page.

At a joint meeting of Elders, the FNC and ESRT in December 2003, Ed Wood, an Elder from St. Theresa Point First Nation, was appointed as the Associate Chair. The ESRT then focused attention on preparing draft recommendations for the BAP. With the knowledge that a final plan was not possible to achieve within the time

frame specified by government, the ESRT decided to compile a status report based on the observations, submissions and recommendations gathered to date. As a result of this the need for an on-going mechanism was seen as critical (see 5.1 - Solidifying an On-Going Process: Continuing the Creation of a Broad Area Plan & Possible Options - An Interim Planning Authority).

The majority of recommendations in this report are drawn from the issues identified during the community visits and summarized in the “What We Heard” documents. For a complete description of the methodology used in the preparation of recommendations, see 6.1 Working Groups: Constructing the Observations & Recommendations.

Parallel to this process, the First Nations Council initiated negotiations with the Government of Manitoba to strike a Memorandum of Understanding committing First Nations governments on the east side of Lake Winnipeg and the Government of Manitoba to negotiate a Protocol of Agreement that would become a central component of the Broad Area Plan. The Government committed to a similar process for the Metis Nation resident on the east side of Lake Winnipeg.

4.2 Mandate Summary

The *East Side Lake Winnipeg Broad Area Planning Initiative - Phase I Final Report* makes recommendations towards the development of a broad area plan under the following headings: The Planning Area; Advisory Bodies – Roles and Responsibilities; Research Needs; The Planning Process; and Issues and Opportunities. While many of the recommendations contained in the Phase I Report are addressed in this Status Report, much work remains to finalize the Broad Area Plan, including completion of the public participation process. The mandate provided by the Minister of Conservation to the East Side Round Table and the First Nations Council is as follows:

Treaty and Aboriginal Rights:

The East Side plan recognize, affirm and be in compliance with treaty obligations and Aboriginal rights and be consistent with the consultation/ protocol guideline recommendations of the COSDI Report respecting First Nation and Aboriginal peoples.

Treaty and Aboriginal Rights are addressed in Chapter 5.2 - Building Positive Relationships with Aboriginal Peoples: *Protocols of Agreement*. While a Memorandum of Understanding has been completed, the development of the Protocol is an on-going process.

Aboriginal and Community Development:

The east side round table review the status of community planning in the planning area and provide advice on ways and means to meet the needs for community plans.

The east side round table provide advice on the relationship that should be established between the broad area plan and local community plans and how they may be integrated into the large area plan for the east side of Lake Winnipeg.

Chapter 6.2 - Aboriginal and Community Development addresses and expands upon this mandate.

Traditional Activities:

The east side round table include traditional ecological knowledge and address traditional activities within the planning area.

Traditional activities are addressed throughout the report. Information on traditional ecological knowledge, essential in the development of the BAP, needs to be received from communities and is therefore part of the on-going process.

Protected Areas:

Commitments to protected areas should be honoured through the established process.

Protected areas are addressed in Chapter 5.3 - Initiatives to Protect the Integrity of the Boreal Environment.

Consultations on Land and Resource Allocations:

The east side round table provide advice on mechanisms for ensuring meaningful First Nation, Aboriginal, local public and community consultations in future land and resource allocations, consistent with the consultation/protocol guideline recommendations of the COSDI Report.

Consultations on land and resource allocations are addressed in Chapter 5.1 - Solidifying an On-Going Process: Continuing the Creation of a Broad Area Plan & Possible Options - An Interim Planning Authority.

Existing Land Uses and New Development Proposals:

Existing land uses including forest tenure and protected areas designation shall continue. Crown land and resource development and allocation requests which have a minor land use or environmental effect would be processed and approved or declined as per normal government administrative procedures. Examples include: cottage lots, lodge outcamps, trapping cabins, and fishing and hunting licenses. Upon approval of the plan, allocations and land uses would then be administered in compliance with the plan.

This mandate is addressed in various places in the report and specifically in Chapter 5.1.

Forest Resources:

The east side round table provide advice on protecting the values of the boreal forest, its sustainability, and sustainable use including, but not limited to:

- ♣ maintaining biological diversity and ecological functions;*
- ♣ role in carbon storage;*
- ♣ non-timber forest products;*
- ♣ ecotourism; and*
- ♣ sustainable forest harvesting activities.*

The province not permit any major new timber allocation beyond the annual allowable cut, as determined by Manitoba Conservation within Forest Management License #1 and historical allocation levels in Integrated Wood Supply Area #1, subject to annual public review and pending completion of the broad area plan.

Chapter 6.3 - Forest Resources Issues addresses this mandate.

Transportation Issues:

The east side round table provide advice and input on the options (e.g., north-south versus east-west route alternatives) in the east side transportation network study to be conducted by Manitoba Transportation and Government Services. Manitoba Transportation and Government Services work with the east side planning secretariat and directly with the east side round table to ensure the effective and efficient co-ordination of planning and communication activities in the planning area.

The east side round table provide advice on the proposed transportation assessment work plan of Manitoba Transportation and Government Services which will include the planning, consultation, upgrading and construction of the road to the Bloodvein community.

Chapter 6.4 - Transportation Issues addresses this mandate.

Tourism and Recreation:

The east side round table consider and address the opportunities and acceptability of ecotourism and tourist development in the planning area.

Chapter 6.5 - Tourism and Recreation Issues addresses this mandate.

Hydro Issues:

As part of the planning process, Manitoba Hydro co-ordinate any future transmission line communications and public consultation activities with the east side round table. The east side round table provide regional guidance relative to Manitoba Hydro in regards future electrical transmission facilities within the planning area. Manitoba Hydro work with the east side planning secretariat and

directly with the east side round table to ensure the effective and efficient coordination of planning and communication activities in the planning area.

Chapter 6.6 - Hydro Transmission Corridor Issues addresses this mandate.

Mining Issues:

The east side round table consider the potential for mineral development and its acceptability within the various land use zones that may be designated in the planning area.

Mining exploration and development in the planning area continue as per existing established public consultation requirements, environmental review and licensing requirements and other required reviews and permitting processes and procedures.

Chapter 6.7 - Mining Issues addresses this mandate.

Other Issues:

The government should seek the advice of the round table on any significant issue which might arise during the course of the planning process.

Chapter 6.8 - Other Issues, addresses this mandate.

Minimum Plan Components:

The components of the east side plan include the following components, at minimum:

A vision for the planning area; goals and objectives based on the needs of the area; ecosystem, land use and resource management principles and/or codes of practice; a land use zone map with policies and/or guidelines for each zone; procedures for the regular review and amendment of the approved plan; and a glossary of

significant resource allocations, licenses, permits and other allocations and the issuing body.

With respect to the “The Planning Area”, the recommendation that its boundary be defined by watershed boundaries has been accepted with the exception of the inclusion of Black Island into the final maps. In on-going deliberations, the boundary may require further modification as a result of formal commitments to First Nations that they will be involved in decisions affecting their traditional territories.

An East Side Round Table, East Side First Nations Council, East Side Advisory Committee, Interdepartmental Working Group and East Side Secretariat were established as recommended in the section “Advisory Bodies – Roles and Responsibilities”.

With respect to the section entitled “Research Needs”, a list of existing environmental, biological diversity, social, economic, resource, land use, tenure, government commitments, biophysical, heritage, etc. information, reports, data bases and maps is being compiled. This information has been made available to the ESRT and FNC as it has been collected for their deliberations and included in the public registry. While most components have been incorporated into the status report, the development of the Broad Area Plan remains a work-in-progress. The land use zone map and procedures to address the regular review and amendment of the approved plan will be components of the final plan.

4.3 Public Participation Process

In launching the East Side Planning Initiative, the government committed to a public participation process to gather the views of residents of the east side of Lake Winnipeg, stakeholders and all Manitobans. Encapsulating the conceptual approach, then Minister of Conservation, the Honourable Oscar Lathlin, stated that the government's objective " *has been to establish a process, in collaboration with the public, local communities, industry and First Nations, that ensures comprehensive public involvement in the wide area planning process, . . . as we work to develop a consensus among these interests with a common vision for land and resource use now and in the future.*"

A common theme throughout this status report is how the planning area, comprising approximately 1/8th of the land mass of the province is remarkably rich in cultural and natural resources – resources that have sustained the inhabitants of the area for thousands of years. It is also part of one of the world's largest remaining boreal forest environments. The future of this important and delicate ecosystem will be determined by the principles of wise stewardship and sustainable resource management that are established within the Broad Area Plan. It is why the government called for comprehensive public engagement in charting a future for this resource rich and ecologically significant environment.

Building a public participation process with limited resources and a tight time frame has been no easy task. As one cannot push a river, nor can we place hurried and artificial deadlines on a process that is both organic and iterative. Should the time not be available to do it right, it will certainly not be available to do it over. Considering the legal challenges that have been successfully argued before the highest courts in the land, it is incumbent on the Government of Manitoba and in the best interests of all of its citizens to ensure that public, transparent, factual and accountable processes of information sharing and consultation be conducted as part of the process of defining a broad area plan for the east side of Lake Winnipeg.

The origins of this approach lie in the fundamental conviction that people have an inherent right to be engaged in decision-making processes that affect the quality of their lives. While much remains to be completed in this process, it is clearly evident that all participants have committed themselves to as rigorous and thorough a public process as resources would permit.

In order to shepherd the creation of the plan the Government of Manitoba, initiated the process by establishing five mechanisms or structures to assist the development of, and channel public input into the development of the Broad Area Plan.

The East Side Round Table and the East Side First Nations Council have been charged with the responsibility of developing all components of the plan. These two deliberative bodies have been assisted by a 52 member East Side Advisory Committee representing community, stakeholder and sectoral interests. In addition, a federal-provincial interdepartmental committee was formed to support the process but has met with only marginal success.

In the onerous process of sifting, sorting and considering significant amounts of scientific, technical data and community-based information, and for the purposes of constructing the interim recommendations found within the report, five working groups were established to advance the preliminary preparation of the Broad Area Plan.

In the preparation of preliminary recommendations for the government of Manitoba on the general content of the Broad Area Plan, and some of the more important processes that must now be pursued (the *Protocols of Agreement* with Aboriginal Peoples) the East Side Round Table and the First Nations Council committed themselves to an extensive and comprehensive public consultation process focused in the following activities:

- Substantial documentation and information including public comments received during the preliminary discussions phase of the planning initiative (East Side Lake Winnipeg Broad Area Planning Initiative Phase I Report) and Round Table & First Nation Council minutes and presentations, have been placed on the Manitoba Public Registry (Registry File # 4718.00) and on the East Side Lake Winnipeg Planning Initiative website.
<http://www.gov.mb.ca/conservation/eastsideplan/>).
- A multi-lingual information kit (English, Cree, Ojibway, Oji-Cree & Syllabics) consisting of a video presentation, CD, core summary documents, detailed maps and a community questionnaire have been prepared for public review.
- A first round of community information-sharing visits engaging the 34 First Nations, Northern Affairs and Métis communities on the east side of Lake Winnipeg has been completed. To date over 80 community visits and meetings have been held on the Broad Area Plan.
- The East Side Round Table published and distributed "What We Heard", a compendium of observations, recommendations and concerns expressed by community residents gathered during the first round of community visits. The document is cross-referenced by community and by issues.
- Resources will be made available through the engagement of community development consultants to assist the East Side communities in further developing their positions and inputs to the Broad Area Plan through the second stage of community visits.
- Specific meetings have been organized with the Elders and leadership of First Nations communities in order to explain the purpose and function of a Broad Area Plan
- As 96% of the population of the east side of Lake Winnipeg consists of First Nations peoples, the Round Table and the First Nations Council organized an Elders gathering to begin receiving their recommendations and concerns about the Broad Area Plan. Elders are invited to all Round Table and First Nations Council meetings.
- The Round Table and the First Nations Council have committed to organize a youth conference involving young residents between the ages of 18 & 24

resident on the east side of Lake Winnipeg. The purpose of the conference is to gather the views and recommendations of youth on the future of land use on the east side.

- The Round Table and the First Nations Council organized a workshop on “Recent Case Law and Aboriginal & Treaty Rights and Entitlements” in order to consider the impact of such on the east side of Lake Winnipeg.
- There were three Open House Information Sessions in Manitoba where documentation was made available and the scope and intent of the Broad Area Plan explained to interested Manitobans. Submissions, recommendations, concerns and observations were solicited through questionnaires.
- The Round Table and the First Nations Council have recommended the organization of an international symposium on *Planning, Resource Use & Resource Protection in a Boreal Forest Environment*. The symposium would be organized in partnership with public institutions like the International Institute for Sustainable Development, the Natural Resources Institute, and the Centre for Indigenous Environmental Resources.
- The First Nations on the east side of Lake Winnipeg and the government of Manitoba have signed a Memorandum of Understanding, the first step in negotiating a *Protocol of Agreement* that will be incorporated into the Broad Area Plan. A similar process has been recommended to the government of Manitoba with respect to the Metis Nation resident on the east side of Lake Winnipeg.

The public participation process is an integral and vital part of the development of the Broad Area Plan for the east side of Lake Winnipeg.

5. Overarching Themes & Recommendations of General Application

5.1 Solidifying an On-Going Process: Continuing the Creation of a Broad Area Plan & Possible Options - An Interim Planning Authority

Key to the construction of a Broad Area Plan for the East Side of Lake Winnipeg has been the participation of its residents. As previously noted, there are 16 First Nations communities in the area comprising 96% of the population of 36,000. Off-reserve, Métis and other residents make up the remaining population dispersed among a number of Northern Affairs and other communities. As indicated in the review of the public participation process (Chapter 4 – 4.3), East Side Round Table, First Nations Council and East Side Advisory Committee members have worked hard at disseminating information on the broad area plan throughout the region and at attending numerous community meetings to gain valuable feedback on issues and concerns relating to the planning process and the content of the plan itself. This has been done with modest resources and a limited timeframe.

The work has been further complicated by the uniqueness of the venture, the vastness of the area, and the importance and complexity of the issues. Nevertheless, most communities, while asserting that there is still insufficient information in the communities about the Broad Area Plan for the East Side of Lake Winnipeg, have committed to engage in the planning process.

Communities have participated in an initial round of information sharing and gathering sessions producing an initial “What We Heard” document. This is now being supplemented by more in-depth work in the communities undertaken by community development specialists resourced by the ESPI process. NACC communities and Métis locales have been so engaged and work in First Nations communities is scheduled to begin in the fall of 2004. It is hoped that this work will produce more formal community submissions that will be considered and incorporated into the broad area plan following the submission of this status report.

Six Manitoba government ministers have also visited First Nations communities on the East Side to restate the government’s commitment to this process and garner

opinion about the future of the east side of Lake Winnipeg and the Broad Area Plan. As well, 13 of 16 First Nations communities on the East Side of Lake Winnipeg have signed an historic *Memorandum of Understanding*. This is the first step in negotiating a *Protocol of Agreement* between East Side First Nations communities and the Government of Manitoba in defining a new relationship. It must be noted that all First Nations within the Planning area continue to be represented at the table. The Government of Manitoba has also committed itself to a separate process for negotiating a Protocol with the Métis Nation resident on the East Side of Lake Winnipeg. These Protocols of Agreement, when completed, will be incorporated as a vital component of the Broad Area Plan for the East Side of Lake Winnipeg. Numerous follow-up meetings have been held in the east side communities with chiefs, mayors and their councils and these have been complemented by separate conferences and workshops in Winnipeg and the east side communities with elders and youth.

Clearly much has been done, and much remains to be done. The submission of this preliminary report can be but a bridge to the on-going work required to complete this complex and important process. This unique initiative has both raised expectations and provided all parties with an opportunity to chart new, more constructive relationships.

Indeed, few jurisdictions in Canada have undertaken an initiative of such breadth, scope and vision. With patience and perseverance, it has the potential to significantly contribute to broad area planning in Canada. The essence of this broad area plan will be the significant breadth of community support that it will enjoy because of the engagement of communities, residents and stakeholders who have an abiding interest in the future of the east side.

It is, therefore, essential that the government not break faith with this process and that the development of the Broad Area Plan proceed unimpeded. The East Side Round Table and the First Nations Council have been told repeatedly that this is one of the most comprehensive public participation processes that the Government of

Manitoba has undertaken. If it continues to be done with care and patience, the end product will be well worth the effort expended.

The East Side Round Table and First Nations Council remain convinced that an on-going structure and mechanism external to, but reliant upon government and partner resources is essential to the completion of the Broad Area Plan for the east side of Lake Winnipeg and its attendant protocols. This on-going mechanism which we characterize as an *East Side First Nations Council (ESFNC)* would be an interim structure with specific responsibilities and authorities. The ESFNC would continue until such time as the Broad Area Plan is formally adopted and replaced with an appropriate, permanent collaborative governance mechanism. Options for the establishment of the ESFNC are considered below. Because this is an interim arrangement, the establishment of the ESFNC must be simple to effect. There will be no time for lengthy administrative or legislative processes to establish and empower the ESFNC. As well, the system under which the ESFNC makes decisions and recommendations must be straightforward and efficient.

The short term nature of this arrangement also means that the current legislative and regulatory decision making processes such as environmental assessment and licensing, natural resources permitting and forest management practices will remain in place. Whatever interim structure is adopted must be consistent with the requirements of the current legislation. The challenge is to provide the ESFNC with the ability to make decisions where legislation allows and have extra-ordinary influence in areas where there it has no explicit legislative support. As well, as ESFNC will not likely include representation from all communities in the area, it is important that individual communities maintain a degree of planning and development autonomy within the context of the interim measures adopted.

There are a number of ways such a body can be established and a number of factors to consider with respect to the options for establishing and empowering the ESFNC. Current legislation and negotiated agreements provide authority and precedent for the establishment of the ESFNC with appropriate powers for an

interim regime on the east side. Some legislative mechanisms and possibilities that currently exist are provided for in *The Planning Act* and *The Northern Affairs Act*. As well, the *Northern Flood Agreement* has set the stage for share-management agreements to allow the sharing of resource management in designated areas. Imaginative use of any, or a combination, of these tools should provide the means necessary to empower the ESFNC for the planning interim.

The Planning Act provides two options for establishing and empowering the ESFNC on the East Side of Lake Winnipeg. Section 10 of the Act allows Cabinet, following consultation with the councils of nearby communities, to designate an area of special regional or provincial significance, as a "special planning area". The designation enables, among other things, the protection and conservation of the environment and of natural resources; the preservation of visual corridors, recreation areas, historic and archaeological sites and wilderness areas. The designation includes conditions attached to the area during the planning process, including the temporary suspension of existing development plans and a moratorium on new development except with the written permission of the minister. It also establishes an advisory committee to advise and make recommendations to the minister in respect to the preparation and implementation of a development plan, and related controls.

Another designation option exists under *The Planning Act* (Section 99). The Act deems the Minister of Northern Affairs to be the council for areas that are not incorporated communities and allows the Minister to delegate some of his/her powers to a local committee or community council – to enact a development plan by-law and a zoning by-law for the area.

Under either of these designations, and based on the principles and recommendations articulated in this Status Report, the ESFNC could work cooperatively with First Nations governments, the Metis Nation government and the councils of the incorporated communities to develop some interim principles and criteria for development, including criteria for the use and lifting of a suspension of

certain types or locations of developments. Manitoba Conservation could recognize these principles and give them due consideration during the development assessment process. Proposed developments would be vetted by the ESFNC to ensure they were consistent with these principles and criteria.

As a third option, *The Northern Affairs Act* provides the Minister of Northern Affairs with the authority needed to ensure orderly governance in the northern parts of the province. To this end, the minister acts as a municipality (except in incorporated communities). The Minister can designate an area as a community and appoint a local committee to provide local services and act in an advisory/consultative capacity to him/her. The Minister can delegate planning and management services to the local committee.

In a similar fashion to the options under *The Planning Act*, the Minister of Northern Affairs could establish the ESFNC as a local committee under *The Northern Affairs Act* and provide it with by-law making powers with respect to interim planning and management services. It is less definitive and less comprehensive than the delegation under *The Planning Act*, and might therefore be an advantage as an interim measure. As described above, through the development of interim principles and criteria for development, the local committee could have extraordinary influence in the environmental licensing process.

As a possible supplement to the above options, there is opportunity under *The Wildlife Act* to strengthen the wildlife management capability of the ESFNC. The Act provides for the Minister to enter into agreements with any group or individual for the joint management of wildlife which includes the development and implementation of joint informational, educational or training programs, the conduct of joint biological or ecological investigations; and the joint management of wildlife habitats.

Because this provision is restricted to matters pertaining to wildlife, it is not an option to be used in isolation, but it could be supplemental to the other measures to

provide more breadth of reach for the local committee or council established under *The Planning Act* or *The Northern Affairs Act*.

A fourth option involves *the Northern Flood Agreement (NFA)*, negotiated in response to the adverse environmental and social impacts caused by hydroelectric development in northern Manitoba in the 1960's and 1970's. It led to the development of share-management agreements with the First Nations that were signature to the NFA. Other First Nation communities have also negotiated share-management agreements. Although not developed pursuant to specific legislation, these agreements are legally binding. Among other things, they establish resource management boards, generally to develop and recommend resource management and land use plans.

The use of a share-management agreement with the ESFNC as representative of the area outside the incorporated communities is a possible approach to providing the ESFNC with the authority it needs to undertake its interim responsibilities. A problem is that the development of a share-management agreement is generally a negotiated process that takes considerable time to complete. Given the wide representation on the ESFNC, there could be quite diverse opinions with respect to the terms of the agreement. As well, the Protocols of Agreement which are to be a fundamental part of the final broad area plan are likely to focus extensively on share-management agreements. This duality may lead to much confusion as the process moves ahead. The use of the legislative options might be preferential because they appear to be more defined and less subject to negotiation, thus they should be more quickly implemented.

Each of these ideas departs from what currently exists, in that the existing legislative arrangements and share-management agreements are with definable communities, that is, they are community specific. For the ESFNC, however, "the community" to be designated, or the area represented by the "local committee" would need to include all of those lands surrounding incorporated towns and villages within the east side planning area outside of First Nations reserve or Treaty

Land Entitlement lands. The ESFNC, then, would be the community council or local committee for all of the lands in the east side planning process outside of those areas.

The proposed arrangement raises the question of the relationship between the larger area and the local communities. ESFNC should develop principles for decision making during the interim period vis a vis the relationship between the ESFNC and individual community councils, for example, ESFNC involvement in local decision making might be limited to those instances where the impacts of a decision would reach beyond the borders of a community or the ESFNC would review all development proposals in the East Side Area, but a decision would require the affirmation of a majority of the ESFNC and that majority would need to include the local community council.

However it is effected, it is critical that through whatever means are available, the ESFNC should be given sufficient status to influence the legislated government decision-making processes currently in place.

The recommendations relating to 5.1 *Solidifying an On-Going Process: Continuing the Creation of a Broad Area Plan & Possible Options - An Interim Planning Authority* attempt to propose mechanisms that will assist in continuing the development of the East Side of Lake Winnipeg Broad Area Plan. They respect the fiscal limitations under which the current government labours, recognize the need for the on-going provision of modest resources, and the interest among many communities and stakeholders in achieving a measure of certainty with respect to the future of the East Side of Lake Winnipeg. The recommendations recognize that the on-going development of the Broad Area Plan for the East Side of Lake Winnipeg will continue to require oversight mechanisms. These mechanisms will require a measure of independence and must primarily reflect the population distribution on the East Side of Lake Winnipeg.

Recommendations

5.1.1

The Government of Manitoba commit to continuing a comprehensive process of dialogue, negotiations and consultations with the inhabitants of the east side of Lake Winnipeg, and stakeholders to ensure the development of all components of the Broad Area Plan for the east side of Lake Winnipeg including a *Protocol of Agreement* with East Side First Nations Governments which must respect, recognize and protect Aboriginal and Treaty Rights.

5.1.2

The Government of Manitoba also commit to negotiating, as part of the Broad Area Plan for the east side of Lake Winnipeg a *Protocol of Agreement* with the Métis government representing the Metis Nation resident on the East Side of Lake Winnipeg, which must respect, recognize and protect Aboriginal Rights.

5.1.3

The Government of Manitoba acting solely or in concert with other partners provide adequate human and financial resources to permit the comprehensive on-going process to complete all components of the Broad Area Plan including the *Protocols of Agreement*.

5.1.4

That the Minister of Conservation actively explore the possibility of creating a resources and financial partnership with other provincial departments, the federal government, East Side First Nations, the private sector, public agencies and environmental non-governmental organizations in order to generate a pool of funds and other resources to permit the on-going development of a comprehensive Broad Area Plan.

5.1.5

The Government of Manitoba re-organizes the structural and operational support mechanisms for the on-going process by continuing with the East Side First Nations Council, which would receive advice from an advisory body, and would serve until such time as the Broad Area Plan and the *Protocols of Agreement* are completed and adopted by the Government of Manitoba, First Nations and Métis governments.

5.1.6

That the East Side First Nations Council be provided with a renewed mandate:

- To continue to facilitate and support negotiations and consultations on Protocols of Agreement with the First Nations governments.
- To continue to facilitate and support negotiations and consultations on a Protocol of Agreement with the Métis government representing the Metis Nation resident on the East Side of Lake Winnipeg.
- To continue to provide and collect information, consider and analyze community and individual submissions, engage in discussions and prepare the final recommendations for the Broad Area Plan for the East Side of Lake Winnipeg pursuant to the mandate initially provided by the Minister;
- To assume planning authority for land use and development within the territory of the broad area plan in providing the Government of Manitoba with direction and advice on major, large-scale land use developments or initiatives.

Until such time as the Broad Area Plan and the Protocols of Agreement have been concluded, the East Side First Nations Council shall assume planning authority for lands in the planning area at the earliest possible opportunity.

5.1.7

That the Government of Manitoba consider the options identified in 5.1 in establishing and defining the planning authority for the East Side First Nation Council.

5.1.8

The Government of Manitoba shall consult with the East Side First Nations Council and seek its direction and recommendations on all major new land use developments, including cottage lot developments, or initiatives, such as those described in Phase 1 – Final Report, occurring within the planning boundaries of the East Side of Lake Winnipeg. As such, the East Side First Nations Council will exercise regional planning powers to the maximum extent allowable under existing legislation or case law, until such time as the Government of Manitoba is in receipt of the final recommendations constituting the draft Broad Area Plan for the East Side of Lake Winnipeg. It is understood that this authority extends only to those lands outside of reserve lands or Treaty Land Entitlements within the planning region, and in which First Nation and Metis Nation Governments, and the Government of Manitoba assert sole or joint interest and jurisdiction.

5.1.9

With respect to the composition of the East Side First Nations Council (ESFNC),

- That the ESFNC be presided over by an independent Chair whose appointment is subject to the mutual agreement of the ESFNC and the Government of Manitoba;
- That the ESFNC will consist of the twenty-one (21) members – sixteen (16) East Side First Nation Chiefs or their designates, one (1) representative from the Métis Nation government, or their designate, and four (4) representatives nominated by the East Side Round Table, with a preference for the inclusion of current members.
- That the ESFNC will be assisted by an East Side Advisory Committee, the members of which shall be agreed upon by the ESFNC and the Government of Manitoba.

5.1.10

That all decisions of the ESFNC be subject to the principle of a “double majority”, that being the majority of the ESFNC members and the authorized representative to

the ESFNC of the First Nation governments within whose traditional lands, the land use activity is proposed to take place.

5.1.11

The ESFNC be supported by a sufficiently resourced and independent Secretariat, the head of which is appointed following the joint concurrence of ESFNC and the Government of Manitoba.

5.1.12

The ESFNC be assisted in the process of finalizing the Broad Area Plan recommendations for the east side of Lake Winnipeg by the East Side Advisory Committee recognizing that membership in this committee may have to be re-constituted so as to remain current. The ESFNC may wish to continue to use existing Broad Area Plan Working Groups or create other such support mechanisms.

5.1.13

It is understood that all such developments or initiatives identified in recommendation 5.1.8 above be subjected to a comprehensive *Aboriginal and Treaty Rights and Traditional Lands Impact Assessment* as part of any Environmental Impact Assessments that may be required. It is further recommended that the ESFNC, early in its mandate, commission research in order to establish an acceptable methodology for conducting such an assessment.

5.1.14

Consistent with the approach identified in *5.3 Initiatives to Protect the Integrity of the Boreal Environment*, that all of the lands within the boundaries of the Broad Area Plan for the east side of Lake Winnipeg external to human settlements are considered as "*Protected*" as further elaborated in Chapter 5.3, and pursuant to the processes defined above, it is understood that in this context, the ESFNC will act as an interim land use and resource allocation authority until such time as the Broad Area Plan for the East Side of Lake Winnipeg is adopted.

5.2 Building Positive Relationships with Aboriginal Peoples: *Protocols of Agreement*

Mandate

The east side plan recognize, affirm and be in compliance with treaty obligations and Aboriginal rights and be consistent with the consultation/ protocol guideline recommendations of the COSDI Report respecting First Nations and Aboriginal peoples.

A key dimension of the East Side of Lake Winnipeg Broad Area Plan is to ensure residents from the Aboriginal communities participate in its deliberations. The majority of the residents living on the east side of Lake Winnipeg are First Nations peoples. The population of the Metis Nation resident on the east side is comparatively smaller with most living in communities under the jurisdiction of Aboriginal and Northern Affairs. The Metis Nation resident on the east side participate in the ESPI process as members of the East Side Round Table, Working Groups, and of the East Side Advisory Committee.

As previously noted the 16 First Nation communities within the planning area have a population of approximately 36,000 people, which represents 96 per cent of the total population. The Chief and Council of each community have appointed one (1) person to serve on a First Nations Council. This 16-member council represents each First Nation community in meetings and other activities of ESPI.

One of the main objectives of the Broad Area Plan was and continues to be to seek advice from local community residents and others living in the area. Local knowledge received from community members and especially from the elders is seen as key ingredients in the planning process of ESPI. It was with that in mind that a series of visits were made to communities to elicit input from a wide range of local interests.

The size of the area and geography has made community visits and information sharing a demanding process. Transportation and communication realities in the north create difficulties in networking with society in the south. As well, communities in the north are confronted daily with a barrage of never ending social and economic challenges. Leadership and organizations are repeatedly faced with the reality of balancing their time between working towards solving immediate issues and focusing on longer term planning with the latter often being sacrificed to the urgency of the matters at hand. This situation has had an impact on the exchange of information between communities and the East Side Planning Initiative. For that reason community visits by the East Side Round Table and Secretariat members often did not have a desired level of participation from the communities. It did not mean that ESPI was seen as an unimportant process to communities, but rather ESPI has had to take its place along with many other immediate pressing issues in communities. Therefore, conditions and circumstances in communities have been a factor in attempting to determine timelines and outcomes both in conveying and eliciting information.

Clearly, the effective exchange of information with northern and Aboriginal communities is a time consuming process. Communities must be given the time required to digest the information and think about what role they will play and how their participation can contribute to the broad area plan. To that end there is still much work that has to be done to satisfy the need sought by communities to understand the components of the Broad Area Plan and how to participate fully in its development.

An on-going process of information exchange between ESPI, First Nations and the Metis Nation resident on the East Side of Lake Winnipeg must continue. This is necessary if the hope is to develop an atmosphere of mutual understanding and a willingness to build relationships. During visits to communities Aboriginal people who attended meetings expressed an interest in being full participants in planning for the future of their communities and the environment.

Developing a Broad Area Plan for the East Side of Lake Winnipeg continues to be the objective of ESPI. First Nations being the majority of residents in the area have a special relationship to the land. The Metis Nation also has this special relationship. For that reason their views and concerns must be a key component of the planning process. The ESPI process also respects and acknowledges First Nation and Metis Nation governments, peoples, communities and their legal and constitutional rights. A Broad Area Plan without these essential ingredients will not serve the interests of local communities or other Manitobans in seeking a solid strategy for participatory and sustainable development on the East Side. This acknowledgement and recognition is required to create the pillars of trust needed to build long term relationships between Aboriginal people and non-Aboriginal governments.

To build dialogue and enduring relationships, however, it will be necessary for both sides to examine the evolution of current relationships and current perceptions that may have prevented deeper understanding and inhibited progress and change in the past. New ideas and a new awareness are needed to create partnerships to build vibrant communities while at the same time protecting the environment. An effective exchange of information and opening the doors to a broader public participation is fundamental to positively redefining these relationships.

Within the past 8 months ESPI teams consisting of Round Table, First Nations Council and Secretariat members visited communities to present information and listen to concerns of residents. The message from many communities was that there was hope that this process could give them a forum to convey views and opinions on the pressing issues respecting their traditional territories and the environment. Among the concerns heard in many communities was that resource development and economic activity often happened in and around their areas without local input or benefit.

In such instances communities did not have a voice in projects like mining, forestry, tourism, or hydro developments. Throughout the ESPI visits, communities clearly indicated that a Broad Area Plan should contain a mechanism to provide

communities with a voice so that any economic activity or resource development projects, either by government or industry within their traditional areas, would require local participation and support.

As noted earlier in the report, First Nations governments and the Metis Nation government on the East Side of Lake Winnipeg, because of their respective treaty and Aboriginal rights and their unique relationship to the land, must be partners in planning. To promote this partnership ESPI has endeavoured to facilitate a Memorandum of Understanding (MoU) between First Nations and the Government of Manitoba. The MoU creates an agreement between First Nations in the planning area and the Government of Manitoba. This document has committed the Government of Manitoba and the east side First Nations to discuss issues and concerns relative to the Broad Area Plan. As of the publication date of this status report, 13 of the 16 First Nations have signed this MoU. The next stage of working to resolve issues and build consensus on initiatives respecting the Broad Area Plan will be a task requiring more complex negotiations.

The instrument needed to accommodate a more formal arrangement to partner and share in decisions respecting the Broad Area Plan would be through *Protocols of Agreement*. Such agreements are an official procedure or set of rules for working towards negotiation and consensus. It is a guide that parties must adhere to in attempting to establish working relationships and share management arrangements. The protocols would focus both on the process and contents of agreements that will meet the objectives of both parties.

There will also be a separate protocol negotiation process for the the Metis Nation resident on the east side of Lake Winnipeg. ESPI will be meeting with their representatives to discuss the possibility of entering into Protocol negotiations. The Metis Nation is recognized as having Aboriginal rights based on their distinct status as an Aboriginal people within Canada. There will be a need to co-ordinate efforts to ensure there is no overlap in protocol negotiations between First Nations and other Aboriginal peoples.

As part of the ESPI process, First Nation communities in the planning area and the Government of Manitoba are currently engaged in a protocol negotiation process. This negotiation process is an integral part of the Broad Area Plan. Discussions held by both parties are in the preliminary stages and are intended to build a framework to guide decisions and initiatives within the Broad Area Plan. These *Protocols of Agreement* will constitute a fundamental component of the Broad Area Plan. Contained within these protocols will be provisions that determine how to implement the ingredients of the Broad Area Plan. Thus, the Broad Area Plan is very much about “what we want to do” and the protocols contained within the plan will determine “how it can be done.”

Community visits informed Round Table members that, historically, the views of Aboriginal people have not been considered seriously in most resource development activities or on environmental issues within traditional territories. It was frequently suggested that past governments may have informed Aboriginal communities of resource and industry activities but this cannot be considered participation or consultation. Recent court decisions have confirmed this and have prompted governments to re-examine their relationship with Aboriginal peoples.

The Protocols of Agreement will become an instrument within the Broad Area Plan to effectively guide progress and shape change for generations to come. At the same time it insures an on-going role and full participation for Aboriginal peoples in determining outcomes within their traditional territories.

In order to build effective, enduring relationships Aboriginal people in the east side planning area and the Government of Manitoba must endeavor to understand the origins and causes of today’s differences of views. It is critical to the ESPI process that the Government of Manitoba invest the time necessary to cultivate and nourish a new relationship with Aboriginal peoples who have contributed so extensively to the development of this province. Attempts to reach agreements quickly without an intense exchange of information will not likely garner support of communities.

Recommendations:

5.2.1

That a Protocol of Agreement be developed between the Government of Manitoba and First Nation governments on the East Side of Lake Winnipeg and that the agreement will become an integral part of the Broad Area Plan and serve to guide its implementation.

5.2.2

That a Protocol of Agreement be developed between the Government of Manitoba and the Metis Nation government representing the Metis nation resident on the East Side of Lake Winnipeg and that the agreement will become an integral part of the Broad Area Plan and serve to guide its implementation.

5.2.3

The Government of Manitoba should finalize outstanding Treaty Land Entitlement issues with First Nation governments on the East Side of Lake Winnipeg.

5.2.4

That the Government of Manitoba must develop a resource-sharing framework for the east side of Lake Winnipeg within the context of the Protocols. The framework may require two levels: an umbrella agreement between Governments of Manitoba, First Nations and the Metis Nation to serve as guiding principles for the area. Second level agreements will be required between Governments of Manitoba, First Nations and the Métis Nation Governments on specific land use. Protocol agreements for specific land use decisions would include but would not be limited to access, revenue sharing, procurement, capacity building, shared stewardship, and environmental management.

5.2.5

Such agreements should be concluded on all resource uses within Aboriginal traditional territories prior to implementation of recommendations of the Broad Area

Plan. For example, these agreements could include share-management arrangements for various natural resources within the planning area, including but not limited to provisions for royalty and/or revenue sharing and other benefits with First Nations Governments and the Metis government representing the Metis Nation resident on the east side of Lake Winnipeg for resources removed from traditional lands.

5.2.6

The Government of Manitoba, crown corporations and other public agencies, and the private sector must recognize, respect, and honour local agreements between east side First Nations Governments and the Metis Nation resident on the east side of Lake Winnipeg respecting development within traditional, cultural, and resource territories, as this is instrumental in creating greater control and participation for local communities.

5.2.7

Community-based land use planning must be completed prior to any development activities within their traditional lands. It should guide the identification and development of resource-based opportunities, including protected areas and infrastructure development in the east side planning area. As has been indicated elsewhere in this report it is of paramount importance that adequate resources be made available to assist First Nation and Metis Governments and Northern Affairs communities in land use planning.

5.2.8

That all future discussions, consultations and negotiations between the public and private sectors, and First Nations and Metis Governments and Northern Affairs communities on the east side of Lake Winnipeg be subject to the protocols defined for such activities in the on-going governance mechanism adopted to oversee the implementation of and adherence to the Broad Area Plan for the East Side of Lake Winnipeg.

5.2.9

That whatever on-going mechanism is established to oversee the implementation of and adherence to the east side of Lake Winnipeg Broad Area Plan, it include monitoring and compliance powers to ensure that both public and private sector resource users comply with all components of the Protocols with First Nations and Metis governments respecting the Broad Area Plan for the east side of Lake Winnipeg.

5.3 Initiatives to Protect the Integrity of the Boreal Environment

One of the three fundamental principles guiding the advice the East Side Round Table provides to government on the Broad Area Plan is: "Maintaining the ecological integrity and biological functions of the boreal forest within the planning area."

Based on this principle, maintaining the integrity of the boreal environment on the east side has been a core consideration in the development of the plan. The challenge facing the Round Table, and stakeholders in the planning area, is to find a means of integrating economic, social, cultural and environmental interests of east side residents and all Manitobans so that the boreal environment is protected, while plan objectives are achieved.

When we speak of maintaining ecological integrity of the boreal environment, we are referring to a landscape upon which natural ecological processes bring about self-organization, diversity, resilience, long-term change and renewal. Ecological integrity is an ecosystem state of being, and needs to be seen as something to be maintained over time. It is a landscape in which there is a full complement of species, natural populations, interdependent relationships, diverse habitats and multiple pathways for energy flow through the ecosystem. It is a landscape with a patchwork of habitats that are not heavily fragmented by linear breaks such as roads and hydro-electric corridors. We are speaking of a landscape on which concerns over the loss of rare or threatened species prompts management constraints and legislation to protect them. On the east side, we are also speaking of a landscape that continues to support Aboriginal people who occupy and use the land.

At the same time, the boreal environment in the east side planning area is unique in several ways. First, it is inhabited by 16 First Nations that have occupied it for millennia. Second, it is large; approximately 82,000 square kilometers. It is a mostly undisturbed (by human activity) and contiguous forest and wetlands complex that stretches eastward well into Ontario. It represents one of the few

remaining mainly untouched broad area landscapes in mid Canada. Third, there has been relatively little economic development within it, making sound planning a necessity. Fourth, it contains important populations of species such as woodland caribou, that are considered threatened within shrinking and increasingly fragmented habitats. Fifth, being largely undisturbed, it provides valuable ecological services for the health of our water, land and air. Sixth, it is widely recognized that the economic development potential on the east side is high and virtually unexploited.

Therefore the east side planning area is a vast landscape with important natural, cultural and economic values. It is a landscape largely “undeveloped” in the economic sense, yet fully developed if it is seen as a functioning ecosystem. It is an area of high value and importance for the ecological role it plays. It is ecologically both sensitive and resilient, and subject to future economic development pressures. For these reasons, the area has captured local, national and international interest.

Potential threats to ecological integrity on the east side take the form of unsustainable levels of economic activity, or allowing it to occur in sensitive locations; unsustainable forestry practices; reduction of habitats for sensitive species; local over fishing; local excessive hunting pressure; habitat fragmentation by road and hydro-electric corridors, etc. There are more subtle concerns such as the gradual inhabitation of shorelines by cottage owners and their subsequent demand for services, or the suppression of wildfire, which gradually threatens the whole forest with major conflagration. Wherever they live, humans are agents of environmental change. The challenge is to achieve a consensus on how to use and protect this landscape sustainably.

All the issues addressed within the Broad Area Plan, including transportation, mining, forestry, tourism, hydro-electric corridors, etc, will have a bearing on how the boreal environment on the east side will be protected. Because of this, there needs to be clear guidance from the Round Table and the First Nation Council on what direction is recommended as an approach to protecting the boreal

environment. This clear approach will guide the decision-making on the other resource development aspects of the Broad Area Plan. Equally important is a requirement to ensure that the scientific database upon which these decisions must be based is current. This data base must include local and traditional ecological knowledge.

There have recently been several initiatives aimed at achieving long-term protection for portions of the east side. The established mechanism consists of creating a system or network of protected areas with formal protection under the province's Action Plan for Manitoba's Network of Protected Areas. The protected area network is intended to contain adequate representation of significant enduring features in each of the eighteen natural regions and sub regions in Manitoba. On the east side, 14% of the land area is already under formal protection within parks (including Poplar-Nanowin, which has interim protection).

While most of the enduring features are already adequately protected within existing parks (Atik-Aki, etc) within the southern portion of the planning area, natural region 4c, Protected Area Initiative officials have identified three additional areas to capture the enduring features not currently represented. Within the northern part of the planning area, natural region 4b, it is felt that most of the enduring features are under-represented by formal protected areas. Eight Areas of Special Interest, (ASIs) have been identified in natural region 4b that could become formally protected areas under provincial legislation in the future. These amount to an additional 15% of the plan area.

In Manitoba's Action Plan for a Network of Protected Areas , the province has committed to a public process for reaching decisions on designating protected areas under the Act. Also, in 1998, a Memorandum of Understanding was signed between Manitoba and the Assembly of Manitoba Chiefs and the Manitoba Keewatinowi Okimakinak (MKO) that outlines a process of identifying, establishing and managing a network of protected areas that also protects First Nations'

interests. These decision-making processes should be developed as a component of the Broad Area Plan.

In addition to the ASIs identified by the province, there is another large protected area that is currently a Park Reserve comprising the majority of the traditional lands of the Poplar River First Nation. This park reserve covers over 7400 square kilometers and has been formally protected by the province as a Park Reserve. The Poplar River First Nation recently received approval from the province for a five-year renewal to this designation. The community is presently engaged in a community based land use planning project to determine what land uses and further protections will be applied within the park reserve area. Using this approach, the Poplar River First Nation has retained local control over land use decisions within its traditional territory.

More recently, Poplar River, Pauingassi, Little Grand Rapids and Bloodvein First Nations, along with Pikangikum in Ontario, have agreed in a signed Accord to join their traditional territories, together as one large protected area under their stewardship. This huge area includes portions of their traditional lands in Ontario as well, and includes the traditional territory of the Pikangikum First Nation on the Ontario side. Together, the five First Nations have agreed to cooperate in the protection and care of these lands as a sacred trust. In doing so, their stated intent is to give priority to and respect teachings and practices of their Elders, and in the use of traditional knowledge in the protection and care of the land.

In Manitoba, the signatories to the Accord support the goals of the Pikangikum First Nation in Ontario in its Whitefeather Initiative, which incorporates both protected areas and community forestry components, including local community forest management tenure and stewardship. Further, the five First Nations in the Accord have requested that their initiative be given international recognition by being considered as a UNESCO World Natural and Cultural Heritage site. On April 30, 2004, Environment Canada announced that this area has been added to Canada's list of candidate World Heritage Sites.

A number of other First Nation communities in the planning area expressed a strong interest in being able to protect areas of particular concern to them. Whether they are sacred burial grounds, ceremonial sites, medicinal, herbal and berry-picking sites, First Nations have expressed a strong desire to work with the province in protecting these areas, as well as pursuing economic and resource sharing opportunities. Encouraging First Nations communities to both map and nominate these sites for protection according to a mutually agreed upon set of criteria would be a progressive step by the Government of Manitoba.

A related activity to mention comes from the Canadian Boreal Initiative. Its proposal to enhance protection for the boreal forest is broader than the east side planning area. The Initiative has advanced a Framework for boreal forest conservation that seeks to give the highest level of protection to at least 50% of the forest, and support sustainable communities in the remainder, through development based on state of the art stewardship and management practices. The vision of the Initiative is to safeguard the balance of nature for all time in Canada's boreal region through an interconnected network of large-scale protected areas and conservation lands; apply leading-edge sustainable development practices on the remaining landscape; and ensure local and First Nations engagement in land management decisions.

The Framework lists a series of principles, elements and commitments which describe the conditions that would be met with full implementation. The principles and elements are aimed at ensuring that sufficient natural areas are left intact to ensure the boreal environment provides ecological services and full ecosystem function (retains its ecological integrity). The idea is to establish an interconnected network of large protected areas across the boreal band of forest in order to accomplish this. The principles call for a process of full consultation and local involvement in decisions that affect the boreal environment.

In the planning area, the linked protected areas noted in the Accord mentioned above, and subject to consideration for World Heritage Site designation, are

specifically included in the broader Canadian Boreal Initiative. These linked areas cover most of the mid portion of the planning area. It should be stressed that the Canadian Boreal Initiative envisions protection and sustainable communities on the same landscape. Reliance on modern stewardship techniques and best practices is essential to achieve sustainability. Fortunately, such practices are available, such as guidelines under the Forest Stewardship Council, and improved mineral development practices, road building techniques, etc.

It is clear that the meaning of the term “protection” as used in the First Nations Accord, although not specifically defined, is different from its meaning in the Manitoba Parks Act or other Acts and regulations. The difference seems to be two-fold: First, protection in legislation involves the prohibition of certain land uses. Under *The Parks Act* or *Ecological Reserves Act*, for example, certain activities such as commercial forestry or mining are prohibited in protected areas. It is apparent that the First Nations’ concept of “protected” does not necessarily prohibit these land uses, and could include local stewardship of forest resources, and perhaps other developments, as long as there is local control, and local benefit. Under the Accord, landscape can be deemed “protected”, but protection can include managed use.

A second difference seems to be that an area can be seen as protected if it is managed within the framework of traditional values and knowledge and under the guidance of Elders. This is important. Technical experts from outside of Aboriginal communities cannot replace this contextual knowledge with modern science, and decisions based on the latter seem unsatisfactory to Aboriginal people.

With these differences in mind, there are two notions of what we mean by “protected”. To some people, “protected” means lands on which some land uses, such as resource extraction, are prohibited by law. To other people, “protected” means lands that are cared for and used according to traditional approaches, land uses and local stewardship are permitted, and the land is passed undamaged to subsequent generations. Both notions need to apply within the plan area.

In Chapter 3, the vision for the plan area set by the Round Table included the need to protect the land, and use of the precautionary principle in making land-use decisions. To extend these elements of the vision to protecting the integrity of the boreal forest, it is useful to conceive of the whole planning area as protected, and that within it, there are sub-areas with different levels of protection. The highest level of protection could be achieved through legislation where certain land uses are prohibited by law. Other levels of protection can be applied to other land uses within the plan area. These require the stipulations that land use decisions need to be based on adequate knowledge of effects and thresholds, as well as on the clear preferences of the communities affected, based on a thorough process for consultation.

Recommendations

5.3.1

The entire planning area be visioned as “protected”, in the sense that First Nations use the term, as described above. In practice, decisions on new economic developments (forestry, mining, tourism, etc), or on the limitations imposed pending completion of the Broad Area Plan, would require the concurrence of the East Side First Nations Council (ESFNC). All resource development decisions that are made for the area would be assessed on the basis of whether they affect protection, in addition to the usual considerations. Existing licenses and developments would continue. This approach is similar to and mirrors the intent of the protection afforded the territorial lands of the five First Nations that signed the Protected Area Accord.

5.3.2

The Manitoba government play an active role with the federal government in establishing a UNESCO (U.N.) World Natural & Cultural Heritage Site on the east side. The site should include the land area encompassed in the application by the five First Nations signatory to the protected areas Accord, and Atik-Aki and Woodland Caribou Provincial Parks.

5.3.3

The Manitoba government authorize the East Side First Nations Council to designate specific levels of protection within the planning area, including protection conferred by Order-in-Council, and other forms of protection, as determined by the ESFNC. In so doing, the guidance and principles given by the Boreal Forest Conservation Framework should be considered. This would result in a portion of the planning area receiving the highest level of protection, consistent with the principles of the Canadian Boreal Initiative, and other areas identified to support sustainable communities and resource stewardship activities.

5.3.4

First Nations and the Metis Nation resident on the east side who have been denied traditional uses of designated protected areas within established parks, such as Atik-Aki, should be advised that they have these rights.

5.3.5

The process for evaluating and recommending areas to be formally protected by Order-in-Council should be accelerated and improved to ensure that First Nations, the Metis Nation resident on the east side, local communities and affected stakeholders are brought together and strive for a consensus, and that east side communities have a higher standing in the process.

5.3.6

The improved and accelerated review process should be followed for the eight large ASIs in Natural region 4b, in order to ensure that these enduring features are properly recognized and captured within the protected areas network. In addition, the improved review process should be used to evaluate and recommend the three smaller protected area proposals in natural region 4c.

5.3.7

The Government of Manitoba provides the necessary resources to complete these evaluations for ASIs in natural regions in 4b and 4c within the next two years, and

updates its Action Plan for a Network of Protected Areas, including goals objectives and timelines, by the end of the current fiscal year.

5.3.8

The 1998 Memorandum of Understanding signed between the Manitoba Government and First Nations on how they will cooperate on protected areas should be extended and followed.

5.3.9

Two new land use categories are needed for designating protected areas under appropriate provincial legislation. One is needed to protect First Nations' and Metis Nation's sacred, historical and burial sites without disclosing the exact location. This is to protect the sites from damage and impacts. These do not need to be parks or ecological reserves. The other is a recognition for First Nation Traditional Lands. These lands could be situated inside or outside of parks. This recognition would mean lands protected and cared for utilizing traditional First Nation and Metis Nation values, approaches and ecological knowledge, and with activities prescribed by local decision-making and control. Where there are shared traditional territories, First Nations would be invited to develop a common approach which would satisfy their mutual interests in the territory.

5.3.10

Individual protected areas in parks without management plans should have them developed, and a plan review process established within 2 years. Protected areas without management plans, outside of parks should have them developed and a plan review process be established within two years. All protected areas should be reviewed against the potential impacts of climate change, fire, insects and disease, maintenance of ecological processes, surrounding incompatible land uses in the area, and appropriate strategies developed (e.g., Fire Smart Program in Jasper National Park). This formal periodic review should be supported by continued monitoring efforts that involve and employ local people.

5.3.11

The Government of Manitoba develop and utilize adaptive ecosystem based management standards and practices. As an example, measures are needed to protect water ways and bank (riparian) features.

5.3.12

The Government of Manitoba secure sufficient financial and human resources, including contributions from other partners (federal government, public & private sector, environmental non-government organizations) to permit east side First Nations to undertake and/or complete *Traditional Ecological Mapping* of their traditional territories.

5.3.13

With the fundamental recognition that accurate and proficient land use planning can only proceed with timely and topical information, and mindful of the equally fundamental application of the precautionary principle, that the government of Manitoba move with all possible dispatch to ensure that all necessary environmental data concerning the east side of Lake Winnipeg is both acquired or updated at the earliest possible opportunity.

6. Priority Issues & Recommendations

6.1 Working Groups: Constructing the Observations & Recommendations

At the Round Table meeting in December, 2003, a sub-committee was asked to consider the feasibility of establishing working groups to develop recommendations towards the Broad Area Plan. The concept was considered and approved by the ESRT and FNC in January, 2004.

The purposes of the working groups were to:

- receive and analyze information on issues that the government had asked the ESRT and the FNC to include in the Broad Area Plan for the east side of Lake Winnipeg;
- consider all manner of public input on these issues, with particular attention paid to observations, suggestions and recommendations received from individuals and communities resident on the east side of Lake Winnipeg;
- consider the adequacy of existing data and information on current and potential planning initiatives and identify data and information gaps that could prevent initiatives from proceeding;
- undertake an in-depth consideration of the major issues and components of the Broad Area Plan; and
- prepare recommendations to the ESRT and the FNC on the issues of consideration before the working group so that they may be included in the Broad Area Plan.

Principles identified to guide the work and progress of the working groups were: Aboriginal, Treaty Rights and Traditional Ecological Knowledge would be respected and fully integrated; the current and future needs of people living on the east side would be respected and integrated; the environment would be protected, with particular attention to protecting and maintaining the integrity of the boreal forest; and the potential impact of climate change on the environment of the east side of

Lake Winnipeg, and the role of the ecology of the east side in mitigating its effects would be accounted for.

Five working groups were created to assist the work of the ESRT and the FNC in recommending a Broad Area Plan for the east side of Lake Winnipeg. An Aboriginal Protocol Working Group, whose membership was limited to members of the First Nations Council, was established to develop a Memorandum of Understanding leading to a *Protocol of Agreement* that would be incorporated into the Broad Area Plan. An MOU was reached through negotiations between a subcommittee of the FNC committee and the Government of Manitoba. The *Protocol of Agreement*, the next step to be reached, will be followed throughout the ESPI process and will direct the implementation of recommendations arising out of the final Broad Area Plan.

Three Regional Working Groups (RWGs), the north, central and south, were established to consider the relevance of a minimum of three plan-mandated issues associated with their geographic area. (Plan-mandated issues are defined in chapter 4 of this report and in the *Executive Summary of the East Side of Lake Winnipeg – Broad Area Planning Initiative: Phase 1 Final Report, Chapter 8; section 8.4*).

Each Regional Working Group was chaired by a member of the ESRT or FNC and limited to 12 members from the membership of the ESRT, FNC and ESAC.

A fifth working group, the Plan Coordination & Implementation Working Group, was established to:

- craft a 'Vision and Values' statement to guide the work of the working groups;
- consider and propose plan governance and implementation mechanisms for the Broad Area Plan;
- ensure that all recommendations are consistent with the three principles of the Broad Area Plan, in particular that the ecological integrity of the area and the

protection and sustainable management of the boreal environment remain paramount.

- coordinate the information needs and work of the other working groups, in particular with respect to addressing large scale issues such as regional conservation plans, transportation options and hydro corridors; and
- integrate the observations and recommendations of the three geographic working groups into a coherent and consistent series of recommendations to the Round Table and The First Nations Council.

The PCI was chaired by the Associate Chair. Its membership consisted of members of the ESRT, FNC and ESAC and included each RWG chair.

Nominations for the positions of chairs of the three Regional Working Groups were received by the ESPI Chair. Volunteers for membership in four of the five RWG's were also received (Aboriginal Protocol Working Group membership was pre-determined). Once the ESRT and FNC were canvassed for volunteers and those volunteers placed, remaining memberships were made available to members of the ESAC. It was not considered essential that each member of the ESRT or the FNC be on a Working Group.

The Secretariat supported the Chairs of the Working Groups in carrying out their responsibilities. The Secretariat also ensured that progress reports were shared among the various working groups. All Working Groups completed their tasks. The Secretariat assembled Working Group submissions by issue and following numerous review meetings forwarded a draft of the status report to the ESRT and FNC for consideration and approval.

6.2 Aboriginal and Community Development

Mandate

"The east side round table review the status of community planning in the planning area and provide advice on ways and means to meet the needs for community plans".

"The east side round table provide advice on the relationship that should be established between the broad area plan and local community plans and how they may be integrated into the large area plan for the east side of Lake Winnipeg."

Poplar River, Black River and Hollow Water First Nations are in the process of developing land use plans for their traditional areas. Berens River First Nation and the Island Lake Tribal Council have indicated their intentions of doing the same. The communities of Manigotagan and Wasagamack are in the process of developing community plans. In spite of these initiatives, the majority of communities in the study area have not undertaken any form of planning, community or otherwise, even though they desire to do so.

There are however, much broader community development issues than are captured by the mandate. For example, an overriding issue is the increasing population of in the area and the lack of economic opportunities. Some of the reasons for the lack of opportunity include a perception of policy and regulatory road blocks preventing access to financing and an inability to acquire licenses for various activities, resulting in non-local ownership and cash outflows. The ESRT heard comments that there are too many regulations. Trapline regulations, for example, are too costly and restrictive.

While there is support for economic developments on the east side, there is a frustration at the lack of involvement and participation in decision making related to the granting of licenses, permits and the realization of local economic opportunities

and benefits and ensuring economic benefits are realized locally. While there appears to be many training opportunities for local residents to acquire the skills necessary to participate in economic development activities, there are few employment opportunities available.

In spite of apparent new opportunities developing on the east side for economic development, in partnership with industry and government (eg. forestry, hydro, parks and ecotourism), there is a seeming lack of interest and support from government in pursuing potential partnerships.

The Memorandum of Understanding and resulting Protocol between First Nations on the east side of Lake Winnipeg and the Province of Manitoba will serve as a foundation for First Nations communities for their involvement in economic development and land use decisions affecting their communities and traditional territories. A similar Protocol is recommended for the Metis Nation resident on the east side of Lake Winnipeg (see 5.2. Building Positive Relationships with Aboriginal Peoples: *Protocols of Agreement*) However, there is still a need to help all communities realize their full development potential remains.

Recommendations

6.2.1

All First Nation governments, the Métis Nation government representing Metis residents on the East Side of Lake Winnipeg, and Northern Affairs communities in the east side planning area be provided the necessary financial and other resources to develop and produce plans for both their community and surrounding areas of interest, including Traditional Ecological Knowledge, before significant development expansion, new developments, or new licenses are issued in any potentially affected area.

6.2.2

Future development must be contingent on the establishment of processes and policies that ensure community involvement, training and employment and that resource allocation decisions involve local communities.

6.2.3

The Government of Manitoba provide capacity building initiatives and programs for people to participate more fully in resource activities in their traditional territories. Effective skills training programs must be developed to maximise local input in community economic development initiatives.

6.2.4

A formal assessment be done that would identify current and anticipated economic opportunities and skill sets that will be required to take advantage of these opportunities. Training programs such as business management skills must then be designed and delivered to meet these needs. Other programs could include emergency fire fighting, first aid, dangerous goods, presentation skills, emergency readiness, ecotourism, life skills, and proposal preparation.

6.2.5

That certification training programs be established for those occupations where certification is currently not required – viz. tourism industry, timber harvesting, mining and commercial fishing).

6.2.6

The development of local enterprise and ownership be encouraged in addition to ensuring that there is local benefit, training and employment when the public of private sector is operating in the planning area.

6.2.7

The Government of Manitoba must support joint ventures/ partnerships / local ownership creating the means for communities to gain benefits from resource

initiatives and economic activities within communities and traditional territories. All economic development initiatives undertaken by the public or private sector within the planning area should ensure training and employment opportunities for local residents where possible.

6.2.8

First Nations, Metis and local community governments be given representation on Manitoba government boards, agencies, commissions and committees in order to gain more information and participate more actively with respect to planning and development issues that impact their traditional territories.

6.2.9

The Government of Manitoba commit to working with the ESFNC and First Nation governments to establish a natural resources management authority that would be operational within three years. The authority must be grounded on the principles of the seven generations and the structure and authorities of the Great Lakes Indian Fish and Wildlife Commission is offered as a desired model.

6.2.10

The Government of Manitoba actively engage the Métis Nation resident on the East Side of Lake Winnipeg and local communities in developing and enhancing their own conservation capacity and engagement in formal conservation practices and activities in the planning area.

6.3 Forest Resources

Mandate

"The east side round table provide advice on protecting the values of the boreal forest, its sustainability, and sustainable use including, but not limited to:

- ♣ maintaining biological diversity and ecological functions;*
- ♣ role in carbon storage;*
- ♣ non-timber forest products;*
- ♣ ecotourism; and*
- ♣ sustainable forest harvesting activities.*

The province not permit any major new timber allocation beyond the annual allowable cut, as determined by Manitoba Conservation within Forest Management License #1 and historical allocation levels in Integrated Wood Supply Area #1, subject to annual public review and pending completion of the broad area plan."

Forest resources on the east side are valuable. Commercial logging and processing operations constitute an important economic activity. The forest provides much more than wood; it is a habitat for hundreds of species and provides valuable ecological services (see Chapter 5.3). It is also the focus of interest for First Nations and the Metis Nation on the east side, because of their ancestral habitation of the area, their use of the forest for food, furs, medicines, spiritual and ceremonial purposes, and economic interests. The priority for the future will be on the sustainability of these values and services, and where there are commercial operations, on making the economic benefits available to local communities.

Tembec Industries Inc. is the principal private sector interest in forestry operations in the area. Their Evergreen Forest Management License Agreement operates on a 20 year term, and is renewed every 10 years for an additional 10 years term. This provides a minimum of 10 and maximum of 20 years to the agreement.

The agreement assigns management and reforestation responsibility for Forest management License #1 (FML#1) to Tembec, while Manitoba retains these responsibilities for timber sales in the Integrated Wood Supply Areas East and West (1 & 2) of Lake Winnipeg. Forest management operations in FML #1 are authorized through Environment Act licenses awarded to 10 year forest management plans. Since the expiration of the forest management plan in 1998, Manitoba has requested Tembec to seek *Environment Act* licenses on annual plans until the completion of the ESPI process.

Negotiations for an expanded harvest area to facilitate sawmill development are also on hold pending the completion of the ESPI process and the softwood lumber negotiations with the United States. Any expansion of the license area would require the renegotiation of the Forest Management License Agreement.

In the northern portion of the planning area, north of approximately the 53rd parallel, the forest inventory is over 30 years old. Absence of current data on timber species, volumes and operability limits commercial forest management and planning in this large area. Also, absence of a transportation infrastructure in the northern half of the planning area severely limits commercial forestry activities.

One goal of the Broad Area Plan is to achieve long-term sustainability of the forest as a habitat and a source of social and economic benefits. There are multiple users of the forest, and multiple interests competing to have their interests met. Finding the right balance is an ongoing challenge. Forestry operations, local benefits, community growth and development, and the transportation network are all linked. The development of an all-weather road north of Hollow Water First Nation to Bloodvein First Nation, and beyond is seen by some as the key to expanding forestry operations further north. This will bring a full range of costs and benefits.

Ascertaining forest values is fundamental to this process. For example, the use of High Conservation Value Forest assessments are being adopted by numerous agencies and systems (such as the Forest Stewardship Council) as one means of

determining significantly outstanding forests or forest attributes. The World Wildlife Fund - Canada has developed a checklist that facilitates a systematic assessment of high conservation values beginning globally and ending locally which could be used for the east side planning area. Subsequent management decisions would require the maintenance or enhancement of the defined attribute and a monitoring program would have to be established to assess the effectiveness of the measures employed.

A long-term threat to forest resources is an increased risk of large forest fires as the climate changes and the predicted drier summer conditions occur. This threat could be increased with increased recreation access in the future. Difficulties in accessing the more remote northern part of the planning area will restrict the response to major fires, but there could be considerable losses of forest as a result of global climate change.

A principal concern repeatedly voiced had to do with the jobs and other economic benefits of forestry (and other resource activities) not staying in the communities. East side residents perceive that the economic benefits accrue elsewhere. Concerns were also frequently expressed that the best trees have already been removed, leaving only marginal timber for locals residents to use.

Many comments addressed the lack of local and traditional ecological knowledge used when making decisions about resource uses, including forestry. Concerns included insufficient consultation, but also a lack of input on the cultural and spiritual value that local people place on the forest.

A common theme in the comments was that while local residents are pleased that they are being asked for their views, there is a belief that their input won't matter when decisions are made, or that decisions have already been made, and the community visits are just window dressing. There are also local demands for more training of young people in basic forestry practices and other resource development businesses.

Generally, the comments from communities indicate support for development that is sustainable, so long as there is local input to the process and where benefits accrue to communities directly.

Recommendations:

6.3.1

To ensure sustainable forestry practices are maintained on the east side of Lake Winnipeg, that all commercial forestry activities are encouraged to operate according to standards and procedures established or recommended by management and forest certification systems.

6.3.2

That when Manitoba renegotiates the FML #1, it does so through the East Side First Nations Council ensuring more timely opportunities for input. When stakeholders operate outside FML-1 such as within the Integrated Wood Supply Area #1, First Nations governments and the Metis Nation resident on the East Side of Lake Winnipeg must be consulted and accommodated.

6.3.3

Provisions are needed for royalty, revenue sharing or other benefits for First Nation and Métis governments on the East Side of Lake Winnipeg for timber removed from the planning area.

6.3.4

A comprehensive Forest Resource Inventory (FRI) should be completed for the entire planning area to guide the review of commercial forestry expansion, new developments, or new licenses proposed within the planning area.

6.3.5

Using assessment tools such as the High Conservation Value Forest method, identify and quantify the values contained within the forests in the planning area.

Such an assessment could address environmental, social, health, Aboriginal and treaty rights, cultural, and economic factors. Models such as the Whitefeather example in Ontario could be used in developing forest plans for each First Nation, commercial forest interest, and local community.

6.3.6

The development of local enterprise and ownership should be encouraged, in addition to ensuring that there is local benefit, training and employment when companies based outside the planning area are operating within the planning area. There may be alternatives to selling timber within a local market, such as bartering, trading, etc, that should be explored.

6.3.7

Alternatives to conventional forest uses be explored and developed, such as using the forest for carbon storage, non-timber forest products, biodiversity services, and other non-forestry uses. For example, there may be economic value in the carbon storage capacity of the forest for emissions trading purposes.

6.3.8

Genetically modified or otherwise "improved" trees should not be used in the planning area, as there is a concern over the eventual decrease in genetic diversity that can result.

6.3.9

Affected First Nations, Métis and local governments and affected stakeholders should be consulted and accommodated prior to the planning or decommissioning of forest roads within the plan area.

6.3.10

Any permitted or licensed forestry development or activity must investigate, identify and mitigate impacts on other licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others. The Government

of Manitoba shall work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict Resolution by a third party mediator could be a consideration.

6.4 Transportation

Mandate

"The east side round table provide advice and input on the options (e.g., north-south versus east-west route alternatives) in the east side transportation network study to be conducted by Manitoba Transportation and Government Services. Manitoba Transportation and Government Services work with the east side planning secretariat and directly with the east side round table to ensure the effective and efficient co-ordination of planning and communication activities in the planning area."

"The east side round table provide advice on the proposed transportation assessment work plan of Manitoba Transportation and Government Services which will include the planning, consultation, upgrading and construction of the road to the Bloodvein community."

In August, 1999, Manitoba Transportation retained Dillon Consulting Limited to undertake a study to look at the feasibility of developing an all-weather road system to improve access to remote communities on the east side of Lake Winnipeg. All ESPI communities are located within the Manitoba Transportation study area. The study was to be a preliminary cost-benefit assessment to determine if more comprehensive considerations of an all-weather road development in the study area were justified.

In a report prepared by Dillon Consultants entitled *East Side of Lake Winnipeg All Weather Road Justification and Scoping Study (August, 2000)*, two all-weather road route scenarios with different points of origin, were evaluated. In one scenario, all east side communities would be connected from the south via Manigotagan. In the other, the northern communities would be connected from the west via Norway House/Cross Lake with a separate connection from Manigotagan serving only the southern communities.

The report's general conclusion was that an all-weather road in the east side of Lake Winnipeg could be justified for many communities on the basis of long-term transportation cost savings alone. The study also concluded that:

- The existing winter road system provides marginally acceptable service to communities.
- Total costs of the winter road system are rising due to growing populations in the region and increasing demands.
- The majority of communities in the region appear to support an all-weather road system as a means of reducing the cost of living, enhancing travel opportunities, and improving emergency, health, education and social services.
- Communities have concerns about the impact of an all - weather road and the resulting resource development on lifestyles, land use, the environment and control over their future destiny.
- Rapid population growth in the study area justifies the all-weather road project for many of the communities based on long-term transportation costs.
- Resource development projects potentially supported by an all-weather road system include expanded forestry operations, mining exploration opportunities, hydro development, and enlarged fisheries and tourism.

In February, 2001, Paskanake Project Management provided a review of the findings in the Dillon report for Whelan Enns Associates Inc. It questioned the report's overall justification levels for the all - weather road scenarios and suggested the level and degree of community support presented for an all - weather road, with respect to the majority of affected communities, was overstated.

In 2001, Dillon Consultants prepared a second report for Manitoba Transportation entitled *Work Plan to Develop an All-Weather Road Network for the East Side of Lake Winnipeg - Final Report (Dillon Consulting Limited and N.D. Lea, October,*

2001). It presented a planning approach and overall work plan to plan, design and service east side of Lake Winnipeg communities with an all-weather road network.

In developing the work plan, the following major factors were identified:

- size of the study area
- access to remote communities
- engineering challenges
- social and environmental issues
- economics
- Federal/Provincial co-operation and regulatory approvals
- interests of multiple stakeholders

Two work plan components were addressed:

- Component 1: consisting of two related work programs described below:

Component 1a: Work program to upgrade the existing 70 km of forestry road, known as the Rice River Road, to Provincial standards.

Component 1b: Work program to extend the existing road by approximately 10 km to connect to the community of Bloodvein. This will include the construction of a new bridge over the Bloodvein River. When completed, the Province of Manitoba would assume ownership of the entire road as a Provincial Road.

- Component 2: Work program to undertake a Regional Transportation Network Study to confirm basic network concepts (east-west vs. north-south) and to identify preferred routing options for an all-weather road network to service the major communities on the east side of Lake Winnipeg to the north of the community of Bloodvein.

The planning process for Component 1a of the work program, upgrading the existing Rice River Road, proposes the following:

- a functional study to upgrade the existing road to Provincial standards
- identifying and addressing environmental issues
- identifying and addressing stream crossing needs
- obtaining all regulatory approvals
- completing the functional study
- completing a detail design

The planning process for Component 1b of the work plan, the extension of the existing Rice River Road to the community of Bloodvein, consists of functional routing and environmental studies. The following is proposed:

- seeking input from the community of Bloodvein as well as stakeholders
- seeking input on Traditional Ecological Knowledge (TEK)
- undertaking exploratory surveys for special environmental components
- paying special attention to the crossing of the Bloodvein River and its tributaries

The planning process for Component 2 of the work plan, undertaking the Regional Transportation Network Study for the large area north of Bloodvein, proposes the following:

- corridor network concept confirmation (eg. east-west and north-south alternatives) taking into consideration transportation needs; environmental impacts; social, health, cultural and economic impacts; and cumulative impacts
- corridor selection (east-west vs. north-south)
- detailed functional planning and detailed environmental assessment of individual road segments
- regulatory approval of each road segment

- detail design of route segments

Manitoba Transportation has retained UMA Engineering Ltd. to undertake a study based on Components 1a and 1b of the work plan. It is anticipated that the consultant will be forwarding its report to Manitoba Transportation by the end of July 2004.

While roads can have both positive and negative implications relative to economic, social and environmental considerations, it can generally be concluded that there is support for upgrading the existing Rice River Road and its extension to the community of Bloodvein, as well as support from most communities for a regional all-weather road network beyond Bloodvein.

With respect to Berens River First Nation, a letter dated July 30, 2002, to Mr. Phil Fontaine, Chair of the East Side Round Table, on behalf of the Berens River Chief and Council, stated that the construction of an all-weather road is the highest priority in terms of developing the east side of Lake Winnipeg. The letter went on to say that an all-weather road must come first before other large scale developments are considered. A subsequent Band Council Resolution, dated October 10, 2002, stated that "the Berens River First Nation Chief and Council is in agreement with the Berens River Mayor and Community Council that the number one priority for Berens River is the construction of an all-weather road to Berens River". It was resolved that the community of Berens River be included in the planning component of the extension of the Rice River Road. At the January 17, 2003 ESRT meeting, the Round Table received a formal request (presentation and letter) from representatives of the Berens River First Nation, asking that Berens River be included in the Rice River Study and not in the Regional Transportation Network Study as proposed by Manitoba Transportation. Community representatives also attended several ESRT meetings to promote and discuss this request.

Concerns expressed about additional access and all-weather road development included:

- the lack of knowledge about the values being accessed and the impact access and the influx of people can have on these, ie. wildlife (particularly caribou), fisheries, water quality, traditional gathering sites, spiritual sites
- the risk of introducing exotics and invasive species;
- the need for communities to be ready with business and other proposals;
- the introduction of gangs, alcohol, drugs and their destruction on lives (others suggested these influences were already in communities);
- the need for increased policing, signage and safety features;
- the need to compensate trappers who might be impacted economically by route locations;
- the potential negative economic impact on remote lodges that stand to lose their marketability if they were suddenly no longer remote;
- the potential loss of ferry services to Bloodvein and barge services to Berens River and Poplar River and the resulting loss of existing relationship with west side businesses in Riverton and Gimli;
- the potential reduction of air services to communities and associated maintenance (It was felt that air strips will always be required for medical services and that the development of an all - weather road should not diminish government's responsibilities for good air service);
- the possible use of Federal funding to communities as a source for funding all-weather road studies and development. (It was felt that Federal dollars existed to be put to training programs for local people to develop an all-weather road. This would create local employment. This was evident by the Throne speech which called for more assistance for Aboriginal communities. It was felt that funding could be accessed through infrastructure programs and gas tax rebates.

Communities also indicated that the conditions of their internal road systems pose health and safety concerns that need to be dealt with on a constant basis. It was

also suggested that the regional transportation study was too narrowly focussed on roads and that a more comprehensive approach, including alternate.

Recommendations

The following recommendations concern Components 1a and 1b of Manitoba Transportation's *Work Plan to Develop an All-Weather Road Network for the East Side of Lake Winnipeg - Final Report (Dillon, 2001)*:

6.4.1

Manitoba Transportation proceed with its proposed planning process to undertake the Rice River Road upgrade and its extension to the community of Bloodvein on the following conditions:

- Manitoba Transportation conduct a thorough review of routes in collaboration with directly affected First Nation, Métis Nation resident on the east side of Lake Winnipeg, NACC and non-Aboriginal communities.
- The final route selection follow from results of an independent environmental assessment of alternatives.
- The environmental impact assessment to include: as proposed in 5.1, an Aboriginal and Treaty Rights Impact Assessment, and a multiplier effect projection.
- Locating the Bloodvein crossing so as to avoid Longbody Creek and locating a road corridor as close as possible to the lakeshore to minimize environmental impacts.

6.4.2

Manitoba Transportation provide the UMA engineering study to the ESPI secretariat for distribution to and consideration by the Round Table, First Nations Council and ESAC.

6.4.3

Manitoba Transportation amend its proposed planning process to upgrade the Rice River Road, by extending it to the community of Berens River.

6.4.4

Manitoba Transportation apply for an environmental license for the upgrade of the Rice River road presenting the final road alternative to the Manitoba Clean Environment Commission.

The following recommendations concern Component 2 of Manitoba Transportation's Work Plan to Develop an All-Weather Road Network for the East Side of Lake Winnipeg - Final Report (Dillon, 2001):

6.4.5

Manitoba Transportation undertake an amended Regional Transportation Network Study to consider other means of access, such as rail, bridges, dirigibles, hovercraft and ferries, to communities on the east side of Lake Winnipeg in addition to an all-weather road option.

6.4.6

Consider existing case studies on the impact of road access on remote communities and through wilderness areas in order to better understand both positive and negative environmental and social impacts, and to prepare mitigation measures where needed.

6.4.7

Manitoba Transportation facilitate independent research leading to a comprehensive understanding of all social, environmental, economic and cumulative affects consequences of an all-weather road system on the East Side. As identified in recommendation 5.1.13, the required Environmental Impact Assessment must include a comprehensive Aboriginal and Treaty Rights and Traditional Lands Impact Assessment. This research should also include an examination of alternative

transportation routes and methods and must proceed in advance of all-weather road development proposals beyond the Rice River road.

6.4.8

The East Side First Nation Council be involved in the review of road corridor alternatives and prior to final route selection, Manitoba Transportation apply for an environmental license and present the final road alternative to the Clean Environmental Commission.

6.4.9

Prior to any construction, regardless of road standard, Manitoba Transportation and other road developers develop road management plans for all roads. These plans would include standard options, location options, environmental impact mitigation plans, decommissioning plans and access restriction plans. The process of road management planning should also have a thorough public consultation process built in.

6.4.10

An environmental impact assessment address the cumulative impact of rights-of-way for both an all-weather road and Hydro Bi-Pole III.

6.4.11

Ferry and barge services to east side communities remain commissioned and unchanged until alternatives are in place, at which time, private ownership could be encouraged as an option to services not publicly owned.

6.4.12

An economic assessment be undertaken to evaluate potential impacts that might occur as a result of the loss of existing business relationships between east Lake Winnipeg and west Lake Winnipeg businesses through the decommissioning of ferry/barge services.

6.4.13

The on-going maintenance and upgrading of airports, or the development of new airports, will remain a government responsibility and priority and not be at the expense of any work on an all-weather road.

6.4.14

Prior to the establishment of new all-weather road developments, and with local community involvement, comprehensive plans should be developed to protect wildlife (refuge corridors) that could be impacted by increasing road access.

6.4.15

Any transportation development or activity with a permit or license to proceed or operate must investigate, identify and mitigate impacts on other licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others. The Government of Manitoba must work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict Resolution by a third party mediator could be a consideration.

6.5 Tourism and Recreation

Mandate

The east side round table consider and address the opportunities and acceptability of ecotourism and tourist development in the planning area.

It is generally agreed that there is a high potential for tourism and recreation in the planning area. Recreational opportunities are especially high for wilderness and ecotourism, cultural tourism and backcountry camping and canoeing. Maps prepared for the ESPI show dozens of locations of campgrounds and outfitter camps and caches, and numerous commercial lodges throughout the southern portion of the planning area. There are fewer facilities north of the Poplar / Nanowin Park Reserve. Most of these facilities are focused on hunting and fishing activities, require air access, and are aimed at a clientele able to afford it. Licenses to lodges and outfitter camps are issued by the Licensing Advisory Committee, a committee internal to government, formed under the Resource Tourism Operator's Act.

The opportunities for further development of tourism and recreation in the planning area have not yet been considered in detail by the Round Table. This is an area for further elaboration in the development of the Broad Area Plan. To date indications are that further development of this potential is wanted and needed, and that the focus should be on creating improved local capacity and benefits. More tourism development in the area is strongly linked to the transportation network. More local benefits in this sector would flow from the development of all weather roads. However, there is a great concern over the creation of new cottage developments, because these tend to be followed by incremental demands for improvements in services and access. There are also concerns that access could impact remote tourism opportunities. If tourism is to yield economic development opportunities for the area residents, careful consideration must be given to how access can be coordinated with the tourism potential.

During the community visits, as reported in "What We Heard", there were several references to the need for tourism and ecotourism development. There is an awareness of the attraction that the planning area holds for tourists, and the potential for business in this sector. Many submissions emphasized the need for jobs. There is a perception that local businesses are refused licenses for tourist facilities by the Licensing Advisory Committee, while larger companies from outside the region obtain them. Some local residents feel disadvantaged by this.

Recommendations

6.5.1

Decisions on development of tourism facilities should be tied into other decisions on infrastructure, such as roads and other services. Better coordination of these decisions is needed in the placement of tourism developments. This is particularly important if tourism developments are spurred by the Aboriginal Tourism Strategy being developed by the province.

6.5.2

A local decision-making mechanism for approval of new or expanded tourism facilities is needed, and must be based on joint governance arrangements between First Nations, local communities and the province. The Licensing Advisory Committee should seek advice from a local decision-making mechanism. The criteria for making these judgments need to be clear, and complete explanations given to applicants when permits and licenses are turned down. A process for resolving disputes and appealing decisions is also required.

6.5.3

The expansion of opportunities for non-consumptive forms of recreation, such as outdoor education and ecotourism, in addition to the existing hunting and fishing opportunities, is encouraged. Provision should be made for the hiring and training of significant numbers of local residents for advancement in the industry.

6.5.4

Provision for hiring and training people for advancement in the industry from the local community must be a condition of licenses and permits in future tourism facilities. Training programs should provide accreditation to recognized standards and certification.

6.5.5

Provide First Nation, Metis and local communities with better access to information and training in tourism development, marketing and entrepreneurship.

6.5.6

Because of potentially significant environmental impacts, new cottage developments must be subject to rigorous environmental impact assessments. New road locations to cottage developments should not negatively affect ecotourism and entrepreneurship opportunities.

6.5.7

The Government of Manitoba support a comprehensive Aboriginal tourism strategy and provide resources for its implementation.

6.5.8

That the Government of Manitoba support the creation of a Manitoba First Nations Tourism Group with financial and technical assistance to, in part, facilitate their participation in the areas of ownership in lodges, outposts, camps etc, and in training and advocacy. Provision for hiring and training of members of First Nations communities for advancement in the industry should be a condition of licenses and permits in future tourism facilities.

6.5.9

Any tourism and recreation development or activity with a permit or license to operate must investigate, identify and mitigate impacts on licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others.

The Government of Manitoba shall work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict Resolution by a third party mediator could be a consideration.

6.5.10

That the East Side First Nations Council develop a clear consultation process regarding the allocation of non-resident big game licenses as the current process appears to be unfair to local entrepreneurs.

6.6 Hydro Transmission Corridor

Mandate

"As part of the planning process, Manitoba Hydro co-ordinate any future transmission line communications and public consultation activities with the east side round table. The east side round table provide regional guidance relative to Manitoba Hydro in regards future electrical transmission facilities within the planning area. Manitoba Hydro work with the east side planning secretariat and directly with the east side round table to ensure the effective and efficient co-ordination of planning and communication activities in the planning area."

Consideration of the proposed Manitoba Hydro transmission corridor was initially defined as a "procedural" mandate to ensure cooperation and coordination between the East Side Planning Initiative and Manitoba Hydro in approaches to east side of Lake Winnipeg communities. Community information sharing and consultation sessions quickly re-focused the issue to one of the potential location of the BiPole III transmission corridor proposed by Manitoba Hydro. This was due, in part, to a number of community visits undertaken by

Manitoba Hydro immediately prior to the first round of east side community visits organized by ESPI. The purpose of the east side community visitations initiated by Manitoba Hydro was to gauge public interest and reaction to the possible location of a hydro electric transmission corridor down the length of the east side of Lake Winnipeg. Manitoba Hydro had not completed its full round of community visits when, by mutual agreement between Manitoba Hydro and ESPI, the former agreed to suspend all community information sessions / consultations until ESPI had completed its first round of community visits.

A wide range of issues and concerns were broached in submissions to ESPI from east side communities and residents, numerous stakeholders and Manitoba citizens on the subject of hydro electric transmission. They ranged from what ESPI has termed "legacy issues" - expressions of distrust and resentment over past

relationships between First Nations and Métis nation peoples and Manitoba Hydro to practical concerns about the absence, adequacy and cost of electrical energy in many communities, to more macro-level policy considerations of the vital importance of hydro electricity in reducing green house gas emissions and mitigating the onslaught of climate change.

It is most interesting to note that these macro-level policy issues, i.e., the relatively clean energy of hydro-electric power generation, the onslaught of climate change and the questionable wisdom of our over reliance on fossil fuels rarely emerged in our public discussions. Nor was any public consideration given to the economic impact and benefits of the sale and export of Manitoba energy to other jurisdictions. In light of the current government's commitment to promoting "clean energy" alternatives to the unsustainable consumption of fossil fuels, and the economic advantages to be gained from the export of Manitoba energy, the government of Manitoba would do well to substantially increase its public communications on this issue and engage its citizenry in a broader debate than is currently evident.

East Side Round Table members were impressed with the breadth and depth of concerns expressed by residents of the east side of Lake Winnipeg respecting past relationships with Manitoba Hydro. Many compelling statements and arguments were put before Round Table and First Nations Council members asking for assurances that local communities would benefit economically from the installation of transmission lines on the east side. Equally, concerns were expressed about the impact that such installations might have on the natural environment – from the introduction and leaching of pesticides into water tables and courses, to the disruption of traditional activities such as hunting and trapping. Few were the communities visited by Round Table and First Nations Council members that did not have strong opinions and concerns about the possible future location of a hydro transmission corridor on the east side of Lake Winnipeg.

Recommendations:

In considering all the arguments and interests placed before it on the issue of the possible location of a hydro transmission corridor, the East Side Round Table and First Nations Council offer the following preliminary observations and considerations.

Manitoba Hydro has a legacy issue with which it has to contend. When the topic of Manitoba Hydro or the issue of the possible east side location of BiPole III was raised in communities through the ESPI process, reaction to the corporation and the proposed transmission line corridor on the east side of Lake Winnipeg was either uniformly negative, or contained significant overtones of mistrust and suspicion. Frequent comments were made to past practices and the perceived unwillingness or inability of Manitoba Hydro to fulfill commitments – be they related to employment creation or compensation for negative impact on livelihoods or the adjacent environment.

East Side Working Group members who considered this issue were consensual in their opinion that the transmission corridor not proceed unless and until Manitoba Hydro can clearly indicate that there are clear and permanent economic benefits to be accrued by communities on the East Side. It was also observed by Working Group members that there may be a perceptual discrepancy in designating a significant part of the east side of Lake Winnipeg as a United Nations World Heritage site only to have a major hydro transmission corridor traversing it.

6.6.1

That all future discussions, consultations and negotiations between Manitoba Hydro and First Nations and Aboriginal communities on the East Side of Lake Winnipeg be subject to, as and when they are developed, the *Protocols of Agreement* with First Nations and the Metis Nation resident on the east side of Lake Winnipeg respecting the Broad Area Plan for the East Side of Lake Winnipeg between the Government of

Manitoba and First Nations governments and Aboriginal communities extant on the east side of Lake Winnipeg.

6.6.2

That a comprehensive *Aboriginal Treaties, Title and Land Impact Assessment* be completed as part of the Environmental Impact Assessments that must be undertaken as part of the possible location of the BiPole III line on the east side of Lake Winnipeg. Should such an assessment indicate that impacts are anticipated, and compensation or revenue – sharing is required, it is further recommended that Manitoba Hydro reach an agreement-in-principle on compensation, or such revenue – sharing as a component of, and prior to, the conclusion of the Environmental Impact Assessments.

6.6.3

That Manitoba Hydro identify the location of all potential corridor routes for transmission lines, including those external to the east side of Lake Winnipeg Planning Area.

6.6.4

Should the location of a BiPole III hydro transmission corridor on the east side of Lake Winnipeg continue to be considered as a viable option by Manitoba Hydro that it expend the resources necessary, including the provision of resources to the communities themselves to ensure that communities on the east side of Lake Winnipeg are fully informed, involved and consulted on all components of the intended proposal, including the likely impact of the corridor on the nominated UNESCO World Heritage site.

6.6.5

With respect to the possible location of a BiPole III hydro transmission corridor on the east side of Lake Winnipeg, that should it proceed, Manitoba Hydro provide assurances that, wherever possible, the corridor be adjacent to other vehicle transportation corridors, unless an environment impact assessment determines this

is not advisable. Where hydro and transportation corridors diverge, there will be no road access to the hydro transmission corridor.

6.6.6

With respect to the possible location of a BiPole III hydro transmission corridor on the east of Lake Winnipeg, that should it proceed, Manitoba Hydro provide assurances to local communities that employment opportunities will be provided and local resources utilized on a priority basis.

6.6.7

With respect to the possible location of a BiPole III hydro transmission corridor on the east of Lake Winnipeg, that should it proceed, Manitoba Hydro provide assurances that where the transmission lines cross recreation or navigable rivers that transmission line support pylons will be located so as to be hidden from normal sight lines on or adjacent to the river, and, should environmental assessments prove such is feasible, that the transmission lines corridors be buried at key river crossings.

6.6.8

As concerns have been expressed about the potential negative impact on human and animal health caused by the possible creation of magnetic fields in the area of transmission corridors with operating hydro transmission lines, any HVDC transmission lines must maintain a minimum five hundred metre distance from settlements and residences. Manitoba Hydro should make available to the public all current research on this issue. Should such research indicate that there are possible deleterious effects upon human health, Manitoba Hydro must inform resident potentially exposed to these corridors of what steps the agency plans to take to eliminate the possible health hazard.

6.6.9

Any hydro transmission development or activity with a permit or license to operate must investigate, identify and mitigate impacts on licensed or permitted activities

such as trapping, wild rice propagation, lodges and outfitters, and others. The Government of Manitoba shall work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict Resolution by a third party mediator could be a consideration.

6.7 Mining Issues

Mandate

"The East Side Round Table consider the potential for mineral development and its acceptability within the various land use zones that may be designated in the planning area.

Mining exploration and development in the planning area continue as per existing established public consultation requirements, environmental review and licensing requirements and other required reviews and permitting processes and procedures."

Mineral exploration and development within the planning area is manageable within established procedures and approval mechanisms, but requires more attention to local communications and cooperation. Exploration is on-going to a limited extent, and the mineralized belts are generally well identified. Exploration for diamonds is occurring in the northern part of the planning area, and extensively just north of the planning area boundary. Gold exploration is occurring just north of Red Sucker Lake. An existing mine near Bissett operates periodically. Information sources, maps and reports are available on-line through the government web site.

Although the mineral potential and the geology of the southern area is relatively well known and developed, this is not the case with the central and northern areas. Mineral exploration within these areas has been sporadic. This is in part due to the relative remoteness and poor access to these areas. It is also due in part to the fact that the geology of these areas has only been mapped on a reconnaissance level and therefore it is not known in sufficient detail to prompt intensive exploration. Even though there are mineral occurrences in these areas, they remain among the least prospected in the province, and the mineral potential is poorly understood.

A process has been developed between the government and the minerals sector through which new protected area proposals are screened. This involves a group of mining industry and other participants, who examine Areas of Special Interest (ASIs) from the perspective of the mineral sector, and determine if a protected area in that location withdraws mineral resources significant to the industry. Where no conflicts arise, there is a green light from the sector. Where conflicts arise, a resolution is negotiated, which sometimes requires more detailed information about the mineral potential and the ASI. This process has successfully screened the ASIs within the planning area.

In March 2000, the mineral sector, Manitoba government, First Nations groups and other stakeholders developed a Manitoba Minerals Guideline containing the principles that should be followed for building relationships and creating opportunities during the mineral development process. This guide set a standard for how the mining industry and communities on the east side should be cooperating.

Active mineral claims give certain land access and occupation rights to the holder. People in local communities may not realize that these rights of occupation of land by mineral exploration companies are included when mineral claims are staked. Sudden unannounced or unexpected activity by an exploration company near a small community can surprise the local residents. These surprises can and should be avoided through the use of the Manitoba Minerals Guideline.

Despite the Minerals Guideline cited above, there were several observations from communities that mineral exploration activity was occurring in their area and they had not been informed, and that there was no evidence of local employment opportunities. There were local concerns that mineral exploration may affect trap lines and restrict traditional access to the land. Also, concerns were expressed that access roads used by licensed wild rice producers could be damaged by heavy mining machinery.

It must be recalled that this planning process has not advanced far enough to enable identification of specific land use zones, other than existing protected areas, where mineral exploration and development are excluded.

Recommendations

6.7.1

That the East Side First Nations Council develop a consultation process regarding potentially affected peoples and licensees prior to the approval of mineral exploration programs, permits and staking activity.

6.7.2

Mineral exploration and development is an acceptable activity within the planning area, provided that the proposed East Side First Nations Council plays an oversight role in consultation and approval mechanisms, decisions are taken on a case by case basis, and there is local benefit from the activity.

6.7.3

The Manitoba Minerals Guideline (2000) principles for community consultation, information sharing, protecting environmental integrity, policy review and development and creating opportunities be accepted as the starting point for guiding relationships between the minerals industry and communities on the East Side of Lake Winnipeg.

6.7.4

The onus for using the Guidelines falls on both the mining companies and the communities. Even with best efforts, not everyone in a community may be satisfied with the information they receive about exploration or mining activities. As much effort needs to be made within the community to share this information, as is made by the industry to make it available.

6.7.5

Any mining development or mining exploration activity with a permit or license to operate must investigate, identify and mitigate impacts on licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others. The Government of Manitoba shall work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict Resolution by a third party mediator could be a consideration.

6.8 Additional Significant Issues

Mandate

The government should seek the advice of the round table on any significant issue which might arise during the course of the planning process.

Research Needs

In the course of this planning activity, and has been noted above in Chapter 5.3, it has become evident that several areas of on-going research are needed to further support broad area planning, and refine management approaches and techniques. One prominent concern is the lack of natural resource data available for the planning area north of the 53rd parallel. There, species inventories, lake surveys, forest inventory, historic and archeological investigations are all needed in order to develop better information to support land use decisions. More information is also needed on threatened or sensitive species such as woodland caribou.

A more complete assessment of the research needs in the planning area will be part of the on-going development of the Broad Area Plan. At this stage, the need for further research is noted.

6.8.1

To assist in developing a better understanding of research needs on the East Side, it is recommended that a group of advisors be assembled from various Manitoba research and other institutions. This group could advise government on research needs and priorities. Membership of this group could be drawn from the universities, the Centre for Indigenous Environmental Resources, the Natural Resources Institute, Freshwater Institute, etc.

Other Recommendations

6.8.2

That the Government of Manitoba be consistent in fulfilling its public policy commitments by not issuing licenses and permits for new development within the planning area that would violate standards, regulations or policies for water quality protection.

6.8.3

That the Government of Manitoba continue to fulfil its obligation to protect species when reviewing development expansion, new developments or new license proposals within the planning area.

6.8.4

To provide an additional level of protection to the boreal environment when undertaking business developments, that all new business ventures, with 25 or more employees, are encouraged to secure and maintain registration with an independent organization which is designed to address the potential environmental effects of the operation. At a minimum, such systems will identify potential environmental impacts, develop and implement controls to mitigate negative environmental impacts and require an independent assessment by a registered auditor. Existing business (with 25 or more employees) developments will be required to comply with this requirement within 5 years. As all existing systems are voluntary, the Government of Manitoba would have to establish the necessary policy framework to support the recommendation.

6.8.5

Impact benefit agreements with standardized criteria should be mandatory for development initiatives impacting land use within the broad area plan for the East Side of Lake Winnipeg.

7 Conclusion

The Path Forward: Challenges & Opportunities . . .

Despite having prepared a narrative analysis and numerous recommendations for consideration by east side of Lake Winnipeg communities and the Government of Manitoba, this status report, as its title suggests, is a long way from completion. Negotiations and discussions on many of the planning, protection and development issues identified in the original mandate for the broad area plan have not been completed, nor has there been adequate opportunity for east side residents to prepare their input to this planning process. As information - sharing sessions with communities started but a scant 10 months ago, this is not surprising. It is to the credit of the Government of Manitoba and its commitment to this exercise that it will likely extend the period for community input thereby ensuring a broad area plan that both protects the environment and responds to the economic and social needs of the residents of the east side of Lake Winnipeg.

Also encouraging is the “leap of faith” taken to date by 13 of the 16 First Nations communities on the east side of Lake Winnipeg in signing an important *Memorandum of Understanding*. The Memorandum commits these First Nations governments and the Government of Manitoba to a process of negotiations and consultations which may lead to a *Protocol of Agreement* that will be the centerpiece of the broad area plan itself. Credit is also due to the remaining three non-signatory First Nations who continue to be represented at discussion table. As suggested in an earlier chapter, if the broad area plan defines *what* issues and proposals are to be subjected to a planning regime (transportation, protected spaces, mining, etc.), the Protocols of Agreement will determine *how* those issues come into play on the east side of Lake Winnipeg. Consistent with the recommendations in COSDI, the Government of Manitoba is strongly encouraged to commit to a separate process of protocol negotiations with the Metis Nation Government of the east side of Lake Winnipeg.

With the justifiable excitement and focus on the promise held by the negotiations and consultations on *Protocols of Agreement*, it is essential to the overall success of

the East Side Planning Initiative to remember that the broad area planning and protocol processes are inextricably intertwined. One cannot proceed without the other.

Another major facet of the implementation of the broad area plan is the creation of a governance mechanism that will ensure adhesion to the Broad Area Plan and *Protocols of Agreement*. The necessary authority will have to be vested in such a mechanism in order to guarantee local community input while adhering to the principles of sustainable development and protection of the environment which are the foundations of the broad area plan. It is not too soon to begin thinking of the possibility of legislative action to enshrine both the Broad Area Plan and the *Protocols of Agreement*, which will be essential to its survival and implementation.

If undertaken with respect for the necessary complexity of the process, a measure of good faith and patience, and appropriate attention to detail, the Broad Area Plan for the East Side of Lake Winnipeg will represent a watershed in the evolving relationship between government and Aboriginal communities in Canada. In terms of both the geographic area encompassed within the planning area and the complexity of the issues at stake, this is a most ambitious undertaking – one, that if successfully completed, will change the social and economic relationships between the Government of Manitoba and First Nations governments on the east side of Lake Winnipeg, and that will alter for the foreseeable future how land use planning is carried out in Manitoba.

There are numerous and daunting challenges to this enterprise: The constant challenge of ensuring that information and data is adequately shared with the population of the east side; the requirement to continuously engage the leadership and members of east side communities in building the broad area plan; the need for vigilance and persistence in “following through” with all components of the planning exercise; ensuring that (institutional inattentiveness) does not permit the initiative to slowly slip below the horizon of possibility and imagination; the essential requirement for improved horizontal communications among provincial

government departments thereby reducing “stovepipe bureaucracy” and increasing the likelihood of a more coordinated and timely response to community needs; the challenges of using adaptive management techniques to allow the necessary flexibility to alter approaches and outcomes to the broad area plan. . . endless as the list of challenges may appear, the potential rewards far surpass the fears which may be associated with this process.

First and foremost, should the Protocol negotiations succeed and become the centerpiece of the broad area plan not only will it represent a landmark in government-to-Aboriginal government negotiations, it will represent the first time in modern Canadian history that the process was initiated in its entirety by a non-Aboriginal government. The Government of Manitoba can enjoy a measure of pride in undertaking this risk-filled venture and committing itself to staying the course. The successful completion of both the *Protocols* and the Broad Area Plan will contribute immeasurably to re-defining relationships that have been marked historically by mistrust and bitterness. Should the Protocols succeed in allowing Aboriginal communities to play the predominant role in charting their own futures with the access to the resources to do so, all Manitobans will benefit.

Another opportunity realized with the adoption of the Broad Area Plan for the east side of Lake Winnipeg is an unprecedented measure of protection for a significant and contiguous boreal environment. Faced with the seemingly relentless pressures of population expansion and development, the Broad Area Plan will redefine development in terms of its sustainability. Finally, the intrinsic value of the forest environment in “just being there” will be weighted equally with the values our society places upon turning the forest into commodities of necessity and convenience.

This *Status Report* is but a benchmark along the way, and the path ahead does finally offer a glimpse of what a fully functional Broad Area Plan may look like. The fragile coalition of interests which have contributed to the preparation of this report and support its objectives must now rely on the good faith and good will of the

government which commissioned this initiative. Let us hope that this faith and this will has not been misplaced so that "*Promises to Keep*" will become promises kept.

8 Appendices

- 8.1 Reference Map – East Side of Lake Winnipeg.
- 8.2 Public Participation Process – Schematic
- 8.3 Community & Stakeholder Submissions
- 8.4 Community Reports: “What We Heard” – By Community . .
- 8.5 Community Facilitation Reports – NACC Communities
- 8.6 Reports of Meetings with Elders
- 8.7 Memorandum of Understanding
- 8.8 Original East Side Secretariat – East Side Round Table – East Side First Nations Council – East Side Advisory Committee Members . . .
- 8.9 Reference Appendices & Locations of Availability

8.9 Reference Appendices & Locations of Availability

Numerous reference sources will assist the continuing development of this report. They can be found in a number of places and have been identified as such next to the listing according to the code below. The ESPI web site is located at: <http://www.gov.mb.ca/conservation/eastsideplan/index.html>

(R) = Public Registry (W) = ESPI Web Site

The list of the references and their location are as follows:

- (W & R)** Boreal Forest World Heritage Site Map
- (W & R)** Executive Summary of Phase One Report
English / Ojibway / Oji-Cree / Cree
- (W & R)** East Side Planning Process Brochure
- (W & R)** East Side Round Table Terms of Reference
- (W & R)** East Side First Nations Council Terms of Reference
- (W & R)** Community Reports: "What We Heard" – By Issue
- (W & R)** Summary of Departmental Planning Activities
- (W)** East Side of Lake Winnipeg First Nations Community Profiles
- (W & R)** Report of the Working Groups – Compilation Document
- (W & R)** Report of the Open Houses Process
- (W & R)** UNESCO "Man and Biosphere" Programme FAQs
- (W & R)** Legislation Under Which Areas are Designated Under Manitoba's P.A.I.

GLOSSARY OF TERMS

- **Aboriginal Peoples** - The definition of "Aboriginal peoples" being used in this document is the legal definition contained in the Constitution of Canada. This includes Indians (on and off reserve Status Indians, First Nations, non-Status Indians, Treaty and non-Treaty Indians), Metis and Inuit.
- **Aboriginal Treaty Rights and Traditional Lands Impact Assessment** - to determine the existence of Aboriginal rights and the implications of proposed resource management or development activities on those rights and on the continued use of traditional lands, and whether the approval of the proposal can co-exist with the Aboriginal rights and the continued use of the traditional lands.
- **Area Of Special Interest (ASI)** – These are areas being studied for possible future designation as “protected areas”. The studies, utilizing “enduring features” methodology identifies the combinations of soils, geology, climate and landforms (enduring features) that influence biodiversity. The methodology also assesses the contribution of each protected area or ASI in representing biological diversity within a natural region, and designs study areas to fill gaps in enduring feature and natural region representation. Areas of Special Interest are used to focus consultations and are not protected in any formal manner. In most cases ASI boundaries are flexible and can be changed to respond to new information.

According to a protocol established between the departments of Conservation and Industry, Economic Development and Mines, ASI’s that meet predetermined criteria are requested in writing by the Director of Parks to be placed in a "withdrawal pending" status, meaning that the Crown mineral rights in these areas are not available for new mineral dispositions, pending final resolution of the area's status and future designation of protected lands.

- **Assessment and Review of Effects** – an assessment and review of all sustainability factors such as environmental, economic, social, cultural and human health. The terms "assessment and review of effects", "assessment and review process", "assessment process", "assessment and review", and "effects assessment" will be used synonymously. The assessment process is generally guided by legislation (such as the Canadian Environmental Assessment Act or Manitoba's Environment Act) which defines both the substantive and procedural requirements, including the scope of the project/undertaking, information requirements, matters to assess, and public participation.
- **Biodiversity** – The variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are a part. This includes diversity within species, between species and of ecosystems (Convention on Biological Diversity, 1992).

Biodiversity has been seen as the total (and irreducible) complexity of all life, including not only the great variety of organisms but also their varying behaviour and interactions... One of the more broadly shared and economically defensible values for conserving wholesale biodiversity (rather than just the few components or 'biospecifics' with obvious high use value at present) may be seen to lie in ensuring continued possibilities both for adaptation, and for future use by people in a changing and uncertain world (From the [Natural History Museum, Biodiversity and Worldmap](#), website)

- **Boreal Forest (contiguous)** - Canada's boreal forest is the largest contiguous intact forest left on earth, covering 35 per cent of the country's land mass and stretching across the north from Newfoundland to the Yukon. It includes the east side planning area. These northern forests are the breeding grounds for over 60 per cent of Canada's bird population with

approximately three billion birds nesting there annually. The boreal is also home to the world's largest caribou herd, the second-highest wolf population, and polar, black and grizzly bears.

Thousands of species of plants, insects and animals - most of which have not been scientifically described - but many of which have long been used by Aboriginal people for food and medicinal purposes, are found in boreal ecosystems.

- **Boreal Forest Conservation Framework** – The Boreal Forest Conservation Framework reflects the collective wisdom of the Boreal Leadership Council and is based on the best currently available information. The Framework is based on a shared vision to sustain the ecological and cultural integrity of the Canadian boreal forest region, in perpetuity.

The Framework's goal is to conserve the cultural, sustainable economic and natural values of the entire Canadian boreal region by employing the principles of conservation biology to:

- protect at least 50% of the region in a network of large interconnected protected areas, and
- support sustainable communities, world-leading ecosystem-based resource management practices and state-of-the-art stewardship practices in the remaining landscape.

The Framework represents a national vision and goal for the region as a whole, rather than a formula to be applied on a unit-by-unit basis in a particular part of the boreal. In promoting a conservation approach for the entire boreal, the Framework recognizes that conservation challenges and opportunities will vary. (Canadian Boreal Initiative website)

- **Boreal Shield** - At 195 million ha, the Boreal Shield is the largest ecozone in Canada. It is almost 80% forested and much of the ecozone remains in a wilderness condition. Most of this ecozone is covered with an immense coniferous forest, consisting primarily of black spruce, white spruce, jack pine, balsam fir and tamarack. Further south, red pine, jack pine and eastern white pine occur, along with some hardwoods, such as white birch, yellow birch and trembling aspen. Black ash, mountain maple and eastern white-cedar also grow in some places. Characteristic mammals of this ecozone include woodland caribou, moose, white-tailed deer, black bear, wolf, marten, snowshoe hare, fisher, Canadian lynx and bobcat. Common bird species include the common loon, boreal owl, great horned owl, yellow-rumped warbler, blue jay, evening grosbeak and white-throated sparrow. (Natural Resource Canada website)
- **Broad Area Planning (BAP)** - integrated and co-coordinated planning that is based on the sustainability of the ecosystem, to ensure future land, resource and development decisions address the environmental, social, health, cultural and economic needs of the public, local communities, First Nations and various stakeholders and interest groups.
- **Canadian Boreal Forest Initiative** – The Canadian Boreal Initiative (CBI) is an independent organization working with conservationists, First Nations, industry and others to link science, policy and conservation activities in Canada's boreal region. On December 1, 2003 the CBI released the Boreal Forest Conservation Framework ... The Framework was developed in concert with leading conservation organizations, resource companies and First Nations. Convened by the Canadian Boreal Initiative, this group forms the Boreal Leadership Council, committed to the conservation and sustainable development of Canada's boreal forest region. (CBI Website)

- **Co-Management (Share management)** - Share-management is a tool that helps address resource management issues and opportunities between government and users by negotiating shared roles and responsibilities, such as involvement in decision-making and monitoring. (Manitoba Conservation)
- **Consultation** – As perceived by COSDI, consultation is the provision of meaningful opportunities for the public, other governments and stakeholders to influence government or other decisions about matters of concern to them. The concept of meaningful consultation is being more specifically defined by the courts as it applies to the nature of the opportunities for Aboriginal people.
- **COSDI** – The Consultation on Sustainable Development Implementation was a multi-stakeholder, consensus based process commissioned in 1997 by the government, to “consider and make recommendations...on how Manitoba can best implement Sustainable Development Principles and Guidelines into decision- making, including environmental management, licensing, land-use planning and regulatory processes”. An eighteen member Core Group and 60 member Advisory Committee collaborated on the preparation of a report with recommendations. The COSI Report was submitted to government in June 1999. After an election, the current government adopted the report as a central component of its Sustainable Development Strategy in 2000.
- **Double Majority** – In the context of the East Side Plan, double majority is a method for decision making to allow for communities to have a strong voice in decisions affecting their community. In a vote respecting a decision affecting a particular community, the decision would require both the vote of the community and a majority of the EAST SIDE FIRST NATIONS COUNCIL .

- **Ecological integrity** – The quality of a natural, unmanaged or managed ecosystem in which the natural ecological processes are sustained, with genetic, species, and ecosystem diversity assured for the future.(forestry)

Ecosystems have integrity when they have their native components intact, including: abiotic components (the physical elements, e.g. water, rocks), biodiversity (the composition and abundance of species and communities in an ecosystem, e.g. tundra, rainforest and grasslands represent landscape diversity; black bears, brook trout and black spruce represent species diversity) and ecosystem processes (the engines that makes ecosystem work; e.g. fire, flooding, predation) – Parks Canada website

- **Ecosystem** – A community of all plants and animals and their physical environment, functioning together as an interdependent unit. (forestry)
- **Ecozone** - Canada has been divided into 15 terrestrial ecozones. Each represents areas of the country which can be easily identified by their general living (biotic) and non-living (abiotic) characteristics. The east side of Lake Winnipeg falls within the “Boreal Shield” ecozone.
- **Effect** - is a neutral term including positive and negative effects of a plan or project.
- **Endangered Species** –Manitoba’s Endangered Species Act provides for the Minister to designate species as endangered, extinct, extirpated or threatened, depending on their number and status. The different designations allow for different levels of protection.

- **Environmental thresholds** – The environment, as an integrated system, is healthy as long as its components and their interactions are maintained in a state where they can continue to perform their natural function. If significant changes are made to any component(s) of the system, the efficiency of the system is affected and the environment is thrown off balance. The environment has a degree of resiliency built into it, which allows for it to be able to cope with or adapt to some change without damaging effects. Environmental thresholds define those allowable changes. Used in planning or assessment purposes, they help decision makers know what change to the environment will be within the threshold and therefore acceptable, and what change should be avoided. A common threshold is the assimilative capacity of a waterway. How much of a specified substance can be added to a river without altering the characteristics of the river to a degree that it will adversely impact biota, fish, people, etc.? The thresholds can be developed in advance of development, as a part of the planning process, or in response to a proposed development, as a part of the environmental assessment process.
- **Forest Stewardship Council** - The Forest Stewardship Council is an international non-profit organization founded in 1993 to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests. It supports the development of national and regional standards to be used to evaluate whether a forest is being well-managed.

It is an association of members consisting of a diverse group of representatives from environmental and social organizations, forest and product industries, Indigenous People's organizations, community forestry groups and certification bodies from around the world. With its head office in Bonn, Germany, FSC is governed by an elected Board.

- **Fragmentation** – Fragmentation occurs when a large region of (in this case) forest has been broken down, or fragmented, into a collection of smaller patches of habitat. Fragmentation typically occurs when land is converted from one type of habitat to another. For example, a forest habitat may become fragmented when a highway is built across the forest. The highway would split a single, large, continuous patch of forest into two smaller patches. The greater the degree of fragmentation the greater the effects as the once large, continuous forest habitat becomes a series of small, disconnected habitats. Because the characteristics of small forests differ from large ones, the characteristics of habitat and its suitability for the pre-existing species can change as well.
- **Genetic diversity** - Variety within individuals within a species or a population, or more specifically the variety of DNA or alleles within a species or population.
- **Great Lakes Indian Fish and Wildlife Commission (GLIFWC)** The GLIFWC is an inter-tribal, co-management agency committed to the implementation of off-reservation treaty rights on behalf of its eleven Ojibway member tribes. Formed in 1984 and exercising authority specifically delegated by its member tribes, GLIFWC's mission is to help ensure significant, off-reservation harvests while protecting the resources for generations to come.
- **Guidelines** - refer to instructions provided to the proponent for the information requirements and the conduct of an effects assessment in Manitoba.

- **Habitat** - 1. Those parts of the environment (aquatic, terrestrial, and atmospheric) often typified by a dominant plant form or physical characteristic, on which an organism depends, directly or indirectly, in order to carry out its life processes. 2. The specific environmental conditions in which organisms thrive in the wild. (forestry)

- **High Conservation Value Forest** - All forests contain environmental and social values, such as wildlife habitat, watershed protection or sacred sites. Where these values are considered to be of outstanding significance or critical importance, the forest can be defined as a High Conservation Value Forest. The idea of High Conservation Value Forests (HCVFs) was developed by the Forest Stewardship Council (FSC) and first published in 1999. This concept moves the forestry debate away from definitions of particular forest types (e.g. primary, old growth) or methods of timber harvesting (e.g. industrial logging) to focus on the values that make a forest important. By identifying these key values and ensuring that they are maintained or enhanced, it is possible to make rational management decisions that are consistent with the maintenance of important environmental and social values.

High Conservation Value Forests are those that that possess one or more of the following attributes:

- a. Forest areas containing globally, regionally or nationally significant :
 - i. Concentrations of biodiversity values (e.g., endemism, endangered species, refugia); and/or
 - ii. Large landscape level forests, contained within, or containing the management unit, where viable populations of most (if not all) naturally occurring species exist in natural patterns of distribution and abundance.

- b. Forest areas that are in or contain rare, threatened or endangered ecosystems.

- c. Forest areas that provide basic services of nature in critical situations (e.g., watershed protection, erosion control).
 - d. Forest areas fundamental to meeting basic needs of local communities (e.g., subsistence, health) and/or critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).
(forestry)
- **Impact Benefit Agreement** – Often arising out of a consultation process, agreements can be developed between a proponent of a development and the host community/ region, often an Aboriginal community. The agreement can address one issue, or can be an umbrella agreement covering all the issues respecting the proposed development – environmental, social, and economic.
 - **Land-use planning**
The systematic assessment of land and water potential, alternative patterns of land and resource use and other physical, social and economic conditions, for the purpose of selecting and adopting land and resource use options which are most beneficial to land users without degrading the resources or the environment, together with the selection of measures most likely to encourage such land uses. . Land-use planning may be at international, national, district (project, catchment) or local (village) levels. It includes participation by land users, planners and decision-makers and covers educational, legal, fiscal and financial measures.
 - **Manitoba Model Forest Program** – The Manitoba Model Forest is a non-profit organization representing over 25 diverse forest interests. The Model Forest brings together environmentalists; industry; all levels of government; local communities, including First Nations; economic development groups;

unions; universities; and Aboriginal organizations so that they may share knowledge and resources in their mutual quest for sustainable forests. The Manitoba Model Forest comprises 1.05 million hectares of boreal forest that stretches eastward from Lake Winnipeg to the Manitoba-Ontario border.

Activities in the Manitoba Model Forest include research, development, education and communications on a wide range of subjects, such as:

- migration patterns of woodland caribou with the purpose of designing a harvesting plan that will protect the animal's habitat;
 - improving inventories of forest resources; and
 - building lasting partnerships among diverse stakeholders.
-
- **Manitoba Minerals Guideline** - In May 1998, a process was initiated by the Province of Manitoba's Energy and Mines department (now Manitoba Industry, Trade and Mines) to bring together representatives of First Nations, Metis Nation, Northern Communities and the Manitoba Minerals Industry to begin a relationship building process. The purpose of this process continues to be to strengthen the links between parties, learn about common aspirations, cultural values and communication needs, and to create a climate for mutually beneficial opportunities related to the building of a strong minerals industry within Manitoba. The document is a guide to facilitate relationship building between those involved in, or affected by minerals activity within the province. (Manitoba Minerals Guideline)
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- **Manitoba Principles and Guidelines of Sustainable Development** – the principles and guidelines of sustainable development as adopted by Manitoba and set out in The Sustainable Development Act.
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- **Memorandum of Understanding (MOU)** – A memorandum of understanding is one form of written agreement signed by two or more

parties. In the case of ESPI, the MOU is preliminary to the negotiation of a protocol that will guide the future relationship between the First Nations on the east side of Lake Winnipeg and the Government of Manitoba with respect to the matters of the east side.

- **Non-timber forest products** - All forest products except timber, including other materials obtained from trees, such as resins and leaves, as well as any other plant and animal products produced by the forest. In the boreal forests of Canada, there are many commercial enterprises based on non-timber forest products, such as hunting and fishing lodges, trapping operations, outfitting, remote tourist operations, and youth camps.(forestry)
- **Precautionary Principle** – “The Precautionary Principle” is Principle #15 of the 1992 Rio Declaration on Environment and Development. It states, in part: “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” Although generally accepted, since that time governments and industry have been striving to understand the implications and fine-tune the meaning and application of the principle.
- **Proponents** - are any persons, including the Government, interested in proposing a plan, significant resource allocation or a development.
- **Protected Area** - This is a parcel of land that is protected from most industrial or commercial activities in order to preserve its natural features or diversity. This is usually land that is designated by law, or Order in Council, as protected, In Manitoba, the Parks Act and other legislation allows for the creation of protected areas. Usually, only non-consumptive recreation is

permitted in protected areas. Treaty and Aboriginal rights can be exercised in protected areas.

- **Protected Area Accord** - The Protected Areas and First Nation Resource Stewardship: A cooperative Relationship Accord is a March 2002 Accord between Poplar River, Pauingassi, Little Grand rapids and Pikangikum to create a network of linked protected areas on ancestral lands, and apply for its designation as a world heritage site. Since 2002, Bloodvein has also signed the Accord.
- **Protected Areas Initiative (PAI)** - Manitoba's Protected Areas Initiative is a government program dedicated to building a network of protected areas that contains the tremendous biological diversity found in Manitoba's varied landscapes. Since the start of the Protected Areas Initiative in 1990, the area of protected lands has increased from 350,000 hectares to just over 5.4 million hectares in 2004. Approximately 8.4% of Manitoba's lands are protected.
- **Protected Area Network** - The total network of places and locations protected by various means within a forest or an area, including riparian reserves, habitat reserves, parks, and all other protected areas.
- **Protocol of Agreement** – The COSDI report recommended: “Manitoba work in partnership with Aboriginal peoples to develop a cooperative protocol to address the involvement of Aboriginal peoples where their land and resource use planning, significant resource allocation, development assessment and review and regulatory mechanisms, including effects assessment tools and documents are affected”. The ESPI has been instrumental in negotiating a Memorandum of Understanding to guide the development of a more

comprehensive agreement – the Protocol of Agreement, specifically for the east side First Nations. The Protocol will contain an official procedure or set of rules for working towards negotiation and consensus. It is a guide that parties must adhere to in attempting to establish working relationships and share management arrangements. The protocols would focus both on the process and contents of agreements that will meet the objective of both parties.

Similarly, efforts will be made to negotiate a Protocol of Agreement with the members of the Metis Nation resident on the east side of Lake Winnipeg. These Protocols will govern the relationship between the parties with respect to resource and environmental decision making on the east side of Lake Winnipeg, including consultation mechanisms and practices.

- **Public** - For the purposes of this report, has two usages. For notice provisions and a variety of other matters, "the public" means the entire public. In other cases, especially related to participation in effects assessment or planning, "the public" means all those persons whose interest in involvement is neither frivolous nor vexatious.
- **Public participation process** - A formal process of public involvement as a part of a decision making process. Public participation processes range from relatively passive opportunities for information sharing and comment to interactive processes which ordinarily involve a defined membership, established ground rules and expectations, opportunities for interaction among participants and the provision for ongoing involvement.
- **Resources** – For the purposes of this report resources refer to Manitoba's natural resources, air, aquatic and terrestrial, unless otherwise indicated.

- **Stakeholder** - *Although the normal legal definition relates to the holder of the "stake" during a bet or wager, the word is used quite differently in the context of public consultation processes, especially relative to government decision making. In this context, "stakeholder" refers to a party with a "stake" or legitimate interest in the outcome of a decision to be taken. The word "stakeholder" generally includes non-government entities, usually the ones that have a desire to influence the decision. Thus, stakeholders in a planning process would include the land-users, property owners, non-governmental associations, interest groups, potential developers and individuals. The parties that are governments or decision makers are not considered stakeholders.*
- **Sustainable Development** - is defined in The Manitoba Sustainable Development Act as "meeting the needs of the present without compromising the ability of future generations to meet their own needs". The definition is supplemented by the inclusion in the Act of the "Manitoba Principle and Guidelines of Sustainable Development".
- **Sustainable Development Components** - The use of the phrases "sustainable development components", "sustainable development", "sustainability", and "sustainability factors" in recommendations all include economic, social, environmental, human health, and cultural considerations.
- **Tenure** – Socially defined agreements held by individuals or groups, recognized by legal statutes or customary practice, regarding the "bundle of rights and duties" of ownership, holding, access and/or usage of a particular land unit or the associated resources there within (such as individual trees, plant species, water, minerals, etc). (forestry)

- **Terms of Reference** – Refer to instructions provided to hearing panels such as the Clean Environment Commission for the conduct of such activities as public hearings.
- **Traditional Ecological Knowledge** – Traditional ecological knowledge is the knowledge base acquired by indigenous and local peoples over many hundreds of years through their direct contact with the environment. This knowledge includes an intimate and detailed knowledge of plants, animals and natural phenomena, the development and use of appropriate technologies for hunting, fishing, trapping, agriculture and forestry, and a holistic knowledge, or "world view" which parallels the scientific discipline of ecology. When TEK and western scientific knowledge are used in an appropriate and complementary fashion, the two knowledge systems provide a powerful tool for managing natural resources and achieving sustainable development. (Newsletter -Centre for Traditional Knowledge Canadian Museum of Nature)
- **Traditional Ecological mapping** – The use of mapping technology is being expanded to accommodate TEK. Most GIS applications have been traditionally concerned only with scientifically-derived data. The spatial analytical capabilities of this technology offer great potential to aid in land-oriented decision making. The quantifiable nature of GIS output supports First Nations positions within political negotiations and legal contexts.

The challenges are with respect to the informal nature of traditional knowledge. There are several ways to address this issue. First of all, by its very nature GIS has the potential to be more reflective of a holistic worldview than static analogue maps. The ability to layer diverse themes, variables and landscape characteristics can more closely approximate a less reductionist, more encompassing environment. The update capabilities of GIS, moreover, can incorporate dynamic conditions in the real world into the analysis.

- **UNESCO – World Natural and Cultural Heritage Site** – The United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity . This is embodied in an international treaty called the *Convention concerning the Protection of the World Cultural and Natural Heritage* , adopted by UNESCO in 1972. Cultural heritage refers to monuments, groups of buildings and properties with historical, aesthetic, archaeological, scientific, ethnological or anthropological value. Natural heritage refers to outstanding physical, biological and geological formations, habitats of threatened species of animals and plants and areas with scientific, conservation or aesthetic value. UNESCO's World Heritage mission, among a lengthy list of objectives, is to encourage countries to sign the 1972 *Convention* and to ensure the protection of their natural and cultural heritage and encourage States Parties to the *Convention* to nominate properties within their national territory for inclusion on the World Heritage List.
- **Watershed** - the area that drains to a common waterway, such as a stream, lake, estuary, wetland, or even the ocean (EPA)
- **Wetlands** - Wetlands are areas where water covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and what types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favour the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.

Wetlands vary widely because of regional and local differences in soils, topography, climate, hydrology, water chemistry, vegetation, and other factors, including human disturbance. Indeed, wetlands are found from the tundra to the tropics and on every continent except Antarctica. (EPA)