
Standing Committee on Legislative Affairs
Legislative Assembly of Manitoba

IN THE MATTER OF
BILL 6, The East Side Traditional Lands Planning and Special Protected Areas Act

Submission of the
GOD'S LAKE FIRST NATION
June 8, 2009

The God's Lake First Nation is working hard on our traditional land use plan. We support the objective of achieving legislation recognition of our land use plan when it is completed and approved by our people.

The God's Lake First Nation cannot accept that Bill 6 says that any traditional land use plan completed by a Planning Council will be forwarded *only* to the provincial Minister for further consideration, instead of to the Chief and Council and the Minister as we discussed with Manitoba during the WNO process. As well, the Gods's Lake First Nation cannot accept that *only* the Provincial Cabinet will approve our traditional land use plan or develop and establish regulations that will implement our plan. The God's Lake First Nation also cannot accept that the Provincial Cabinet may unilaterally amend our traditional land use plan without the consent of the citizens of the God's Lake First Nation if the amendment is "in the public interest".

The God's Lake First Nation is opposed to these principles and processes of the land use planning framework as set out in Bill 6.

Contrary to the April 3, 2007 Wabanong Nakaygum Okimawin (WNO) Council of Chiefs Accord and to the February 22, 2008 request of the Chiefs of the WNO First Nations during our meeting with Minister Struthers, the provisions of Bill 6 were not jointly developed on a "government-to-government basis" under Article 1.1 of the Accord or with "First Nations governments' participation and approval" under Article 3.8.

Therefore, the God's Lake First Nation is also opposed to Bill 6 "on principle" as the proposed legislation was not drafted together with the WNO First Nations.

In keeping with the long tradition of co-management in northern Manitoba, the Master Implementation Agreements pursuant to the 1977 Northern Flood Agreement effectively establish co-decision authorities whereby land use plans and resource management plans are jointly developed, approved, implemented and amended by Chief and Council and by the Minister.

The God's Lake First Nation expects to see a framework more like the other co-decision authority approaches such as the joint management framework between Manitoba and the Opaskwayak Cree Nation, with the Fox Lake Cree Nation and those being established under the successor agreements to the 1990-1991 Grand Rapids Forebay agreements.

The God's Lake First Nation wants to ensure that land use and resource management planning relationships over God's Lake traditional territory will be founded on a co-decision authority that is exercised jointly between Chief and Council and Manitoba. The God's Lake First Nation wants to ensure that any provincial legislation that gives legislative recognition to First Nation traditional land use plans will recognize and support the principle that Chief and Council and Minister will at least share decision-making authorities. In addition, the God's Lake First Nation wants to ensure that any provincial legislation does not undermine the established principle of co-decision authorities.

It is the position of the God's Lake First Nation that any provincial legislation affecting the planning and management of the Traditional Territory of the God's Lake First Nation must be developed through a joint legislative drafting process between Manitoba and the God's Lake First Nation and must be, at a minimum, based on the principle of a co-decision authority similar to that established under the *Northern Flood Agreement*

The God's Lake First Nation also objects to the principle in Bill 6 that requires a First Nation to accept that all existing permits, licenses and dispositions will be automatically entrenched and would be excluded from review or revision as part of any traditional land use planning process.

The God's Lake First Nation is very concerned that Bill 6 effectively establishes a condition that a participating First Nation must first accept all existing licences and permits within our traditional territory whether or not these authorizations may be unlawful because Manitoba failed to engage in a First Nation-Crown consultation process before issuing the permit, licence or claim.

It is the expectation of the God's Lake First Nation that Manitoba will also honour Article 3.10 of the *Accord*, which provides:

3.10 Until the applicable First Nations land use plans are developed and adopted or resource management agreements are in place, the Province, before deciding on a proposal for an allocation or disposition of Manitoba Crown land or resources for an activity in the Planning Areas, will consult meaningfully with any First Nation Government whose aboriginal or treaty rights may be adversely affected by the proposal and will accommodate the reasonable concerns of the First Nation Government about the effects.

We have not been consulted about many provincial licences and permits and claims. While Article 3.10 of the Nakaygum Okimawin Council of Chiefs Accord appears to suggest that the future land use plans will set out the rules for consulting the God's Lake First Nation, Manitoba owes a duty at all times to engage the God's Lake First Nation in a process of consultation, justification and accommodation. Manitoba must consult with the God's Lake First Nation whenever a proposed decision or action might affect, impact or infringe our Aboriginal and Treaty rights.

The God's Lake First Nation has a Treaty right to use our traditional lands. Manitoba's duty to consult, justify and accommodate applies to Bill 6 and to any provincial legislation that affects the planning and management of the Traditional Territory of the God's Lake First Nation.

The God's Lake First Nations asks the Province of Manitoba and this Committee to ensure that further consideration of Bill 6 is at least deferred until fall to provide for the process of joint legislative development that is called for by the WNO Accord.