



## **East Side Planning Initiative**

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### **Broad Area Planning**

**Draft Minutes**  
**EAST SIDE FIRST NATIONS COUNCIL MEETING**  
**April 11<sup>th</sup> and 12<sup>th</sup>, 2005**  
**Radisson Hotel Downtown, Winnipeg, MB**

**Present:** Co-Chair E. Wood, Chief A. Everett, J. Jack, Chief F. Abraham, J. Peebles, Chief R. Hamilton, O. Turtle, Vice Chief J. Harper, L. Moneas, K. Peskoonas, Chief I. Bushie, H. Moneas, N. Keeper, Chief M. Okimaw, Chief R. Evans, J. Cromarty, Chief R. Lambert, E. Hudson, Chief F. Harper, M. Courchene, R. A. Mason, A. Wood, J. Campbell, V. Keenan, D. Markham, P. Miller, J. Ticknor

**Ministers:** Minister Stan Struthers, Conservation  
Minister David Chomiak, Energy, Science and Technology  
Minister Jim Rondeau, Industry, Economic Development and Mines  
Minister Ron Lemieux, Transportation and Government Services

**Guests:** E. J. Fontaine, KTC-INAC Community Coordinator, ADM S. Scrafield, J. Gray, Premier's Office

**Staff:** B. Anderson, B. Wood, R. Ratte, R. Moose

**Regrets:** Minister Eric Robinson, Minister Oscar Lathlin, Co-Chair Phil Fontaine

**1. Opening Prayer - Ed Wood**

**2. Introductions – Co-Chair Ed Wood**

**3. Items for Discussion with Ministers – Ed Wood**

**3.1 Government to Government Relationship**

- ESFNC was briefed on the "Government-to-Government" issue that was raised at the last Council of Chiefs meeting on Feb 11, 2005.
- The Province was contacting the Tribal Councils instead of each First Nations government including the chief and council.
- It was felt that the Province is not acting in a true government to government relationship.

### 3.2 MB Government Response to Recommendations

- ESFNC also has to think about what we would like to see in terms of the final permitting authority.
- Some members expressed the need to be part of the decision making process now and should be given the authority to do so.

### 3.3 Budget

- ESFNC was briefed on the context and background in relation to the overall proposed budget of approximately 3.5 million/year that is needed rather than the \$400,000/yr allocated by the province.
- It was suggested that ESFNC should think about transferring any provincial contribution to an independent group.

## 4. Discussion with Ministers and ESFNC -Timed Item at 10:00 am

### Minister Struthers

- Acknowledges the work done as valuable.
- Need to ensure that our government and ESFNC are working together.
- Working Groups-see the Working Groups and our departments as key to next steps as critical and will assign departmental people to the working groups that would become the mechanism to ensure that there is a sharing of information and expertise.
- The Working Groups would not replace the ESFNC; working groups would report to ESFNC.
- Community Land Use Planning – recognize that communities are at different levels and want to ensure that communities can move forward.
- Budget - Have received the proposed budget from ESFNC.
- Wants to identify someone from our group to meet to discuss ESFNC's budgetary needs.
- Appreciate the fact that ESFNC was not asking the province for the whole 3.5 million.
- Need to create a plan to extract money from sources of funding outside provincial and federal government with a focus on Community Land Use Planning.
- UNESCO - communities involved have been brought together and met.
- Interim Protection – discussion for Pauingassi and Little Grand Rapids.
- Protocol Agreement – meetings are underway.
- Burial Site Protection.
- River Stewards Program.
- Trapping Regulations – are being reviewed and wants input from the local Trappers Associations.
- Mining – working on changing the guidelines.
- Community Meetings – these meetings will take on greater and greater importance because people locally really want to be a part of this and want to be involved in decision-making.
- Resource Management Boards is a tool that would help us on the community planning issue.

- **Next Meeting** – If we agree to work directly together through Working Groups, we should come back together for a full-day in June to report to us on the progress they've made.

### **Minister Chomiak**

- Economic Development must become the cornerstone on which the entire process is made.
- Hydro –department is working with Hydro with specific East Side hydro initiatives that deal with long-term jobs.
- Have had preliminary talks with Phil Fontaine.
- Intend to put together a very aggressive package that will manifest in weeks and months, not years.
- Hydro is looking at alternatives to Bi-Pole III.
- Hydro & TCN negotiated an agreement and money has been funded to the First Nations to undertake the consultation process and this has turned into a political issue.
- Media forgets to mention the fact that we're trying to work with First Nation communities and respect their autonomy and governance models.
- This process has also created close to 200 pre-training jobs.
- Process – our success will depend on our ability to respect the processes that we have developed and we intend to respect the government-to-government relationship that we've created.
- Three hydro developments – none of this can happen unless we include legitimate agreements with First Nations Governments because we want to do it differently
- We've asked hydro to look at alternatives to Bi-Pole III as a transmission line is not economic development;
- Our preference is alternatives looking at Retro-fitting, alternative uses of energy – federal government Green First Nations Energy Strategy. Bi-Pole III not on table from our point of view;
- We will discuss some specifics with you and Hydro will be talking to you directly and this will result in real jobs.
- It has not been Hydro policy to transfer ownership and will not likely change.

## **5. Approval of Agenda**

That the agenda be adopted as presented M/S/C.

### **5.1 Response to Meeting with Ministers**

- Present funding inadequate.
- Need to give Minister a deadline on arriving at additional funding.
- Need to also beware that we are giving an ultimatum as such.

### **2005-04-11-001**

That Chief Okimaw accompanied by two people, present the East Side First Nations Council's position that the Province is responsible for the entire \$3.5 million and that they must come up with that amount in two months as representative of the provincial contribution or we, the First Nations Governments, will pull out of the process. In the

event that the province agrees to fund the entire budget, a separate body would have to be incorporated representing the 16 First Nations Governments.

Chief A. Everett/Chief I. Bushie Recorded Vote: 10 in favor, 1 against, 7 abstain  
18/21 voted.

*Note:*

Quorum for the East Side First Nations Council:

**2004-12-13-001 Quorum**

**Motion:** Moved that a minimum of twelve (12) members present for quorum;  
Nine (9) of the twelve (12) must be First Nation representatives  
M/S/C.

## 6. Review and Adoption of Minutes – Co-Chair Ed Wood

**2005-04-11-002** The ESFNC Minutes dated Feb 10 and 11, 2005 were approved as presented.

J. Campbell/J. Ticknor M/S/C.

## 7. Business Arising from the Minutes – Co-Chair Ed Wood

**7.1 Transportation Working Group** – No representatives from Garden Hill or Berens River yet. A. Chadha has been appointed to represent the province.

**7.2 Community Land Planning Working Group** – V. Mitchell for Poplar River, R. Barker for Hollow Water; K.Vipond has been appointed on behalf of the province.

**7.3 Communication Working Group** – Sagkeeng and Black River have not yet made appointments. Rick Ratte is representing the province.

**Action Item:** ESPI to follow up on working group appointees.

## 8. ESFNC Updates

### 8.1 Co-Chair Ed Wood

- Role of Co-Chair;
  - Not a provincial employee.
  - To chair meetings and to discuss the upcoming plans.
  - Represent only the decision of the ESFNC.
  - Do not give advice to the provincial government.
  - Clarify ESFNC decisions if required.
- Appointed to Co-Chair with Chairperson Phil Fontaine, jointly by the ESFNC and the province with sole accountability to the ESFNC.
- Need to establish or approved a strategic plan on the overall process.
  - Short term, medium term and long term goals as benchmarks for our progress.
  - Include community and provincial responses to all the recommendations on the Status Report.
  - What will we have that will solidify our plans and agreements when that happens?

### **2005-04-11-003 Motion**

To accept the report presented by Co-Chair Ed Wood as presented  
J. Ticknor/ H. Moneas MS/C.

**8.2 Planning and Coordinating Committee (PCC) – Joan Jack**

## a. List of Recommendations:

## PCC 2005-03-17-012 ESPI Newsletter

Since the Communications Working Group is not up and running yet, the PCC recommends:

1. That a section of the newsletter be created called “The Peoples Voice”; and that Rick Ratte interview someone from the communities;
2. That Chiefs’ comments be encouraged and included;
3. The provincial bi-line and logo be removed;
4. That the newsletter be titled “The East Side”  
Harper/Moneas M/S/C.

*Discussion*

- To be distributed directly to all East Side communities by Canada Post.
- On Web Page for general public, facilitated by brief newspaper ad.
- ESAC Contact List will also receive direct mail-out.
- PCC will review final copy prior to distribution.
- Name Change – Roy Mason is talking to Oji-Cree Elders.
- Should the name just reflect the newsletter or the whole process? We need a name for the whole process.
- ESFNC will support a name chosen by the COC.
- We need consistency so we don’t confuse people in our communities.

**2005-04-11-004 Motion**

Since the Communications Working Group is not up and running yet, the PCC recommends:

5. That a section of the newsletter be created called “The Peoples Voice”; and that Rick Ratte interview someone from the communities;
6. That Chiefs’ comments be encouraged and included;
7. The provincial bi-line and logo be removed;
8. That the newsletter be titled “The East Side”  
M/S/C.

## PCC Recommendation 2005-03-17-013 East Side Advisory Committee

That PCC recommends the following options:

*Option 1* - That the ESFNC ensure broader public consultation by drawing upon the experience of the former ESAC by convening meetings of the entire ESAC at periodic milestones and also including the general public through ESAC by drawing upon the membership where appropriate in relation to specific working groups.

*Option 2* - That the ESFNC ensure inclusion of the general public by inviting specific submissions from membership of the ESAC in relation to their area(s) of interest.

Miller/ Jack M/S/C.

*Discussion*

- The former ESAC involved 50 members.
- The former ESAC members have received the Status report Executive Summary but have not received any information since; CD is pending.
- Combine Option 1 & 2 to create Option 3 and make it clear that there are not regularly scheduled meetings of the ESAC.
- ESAC should be invited to comment on the Status Report.

**2005-04-11-005 Motion East Side Advisory Committee**

That the former ESAC members be seen as a valuable resource pool and to that end individual members will be invited by the ESFNC to participate within Working Groups dependant upon their specific expertise, and; that there will not be a meeting of the entire ESAC group unless a majority of the ESFNC votes in favor of such a meeting and that costs associated any meetings of the entire group would be covered from outside East Side funding.

Furthermore, the ESFNC takes it upon itself to ensure that there will be significant opportunities for members of the public to hear about the planning process and respond to what is being proposed.

D. Markham/J. Campbell M/S/C.

PCC Recommendation 5.3 Terms of Reference (TOR) Section 9.0 Meetings  
ToR 9.3 Observers.

- Any observers invited by a ESFNC member is the responsibility of the ESFNC member.
- Observers who want to speak that are not invited by an ESFNC member must submit a written request to the PCC for discussion and approval prior to their presentation to ESFNC.

**Action Item:** PCC is instructed to create a section that deals specifically with the inclusion of Elders and remember non-First Nation Elders too.

PCC 2005-03-17-015 Northern Association of Community Councils

That PCC recommends the following options:

*Option 1* - That the ESFNC clearly identify that the seats not occupied by First Nation Governments or the Métis Nation representatives be increased to five (5) seats to include representation and participation from the general public including the Northern Association of Community Councils, Mining, Tourism, Forestry, and Environmental communities and the PCC recommends that these 22 seats be the only seats at the decision-making table.

*Option 2* - That the ESFNC clearly identify that the seats not occupied by First Nation Governments or the Métis Nation representatives are four (4) in total and exist to represent participation from the general public, including the Northern Association of Community Councils, Mining, Tourism, Forestry, and Environmental communities.

Harper/Campbell M/S/C.

*Discussion:*

- The NACC communities are right in the affected area – fairness factor.
- NACC communities are represented by the province already.

**2005-04-11-006 Motion Northern Association of Community Councils**

That the number of East Side First Nations Council seats remain at 21.

Chief Okimaw/J. Cromarty Recorded Vote: Favor 14/Against 1/Abstention 4.

**Action Item:** ESPI to prepare letter to NACC for Co-chair Ed Wood's signature.

**2005-04-11-007 Motion NACC and Working Groups**

That a representative of the NACC communities who live within the planning area be invited to participate in the Working Groups as their communities are directly affected.

P. Miller/J. Ticknor Recorded Vote: Favor 16/Abstentions 2.

**Action Item:** ESFNC is instructed to clarify that the Public Consultation Process must deal with the public participation and public representation ASAP. Rick Ratte is expedite.

PCC 2005-03-17-016 Hiring of Executive Coordinator.

That in accordance with the Status Report Recommendation 5.1.11, the PCC recommends that the position of ESFNC Executive Coordinator be posted and that a joint committee with representatives from the ESFNC and the Government of Manitoba fulfill this responsibility.

Miller/Jack M/S/C.

*Discussion:*

- Bernie Wood is Project Coordinator and his contract has presumably been extended for six months.
- The hiring of the Executive Coordinator takes place at the Senior Management Level; this motion has been carried forward.
- Applications should be made to the ESFNC Secretariat.

**2005-04-11-008 Motion Hiring of Executive Coordinator**

That our ESFNC Co-Chair Ed Wood and ESFNC member Charlie Black be appointed to meet with counter-parts within the provincial government to implement the hiring of an Executive Coordinator as recommended in the Status Report section 5.1.11 and that this be done before the next ESFNC meeting.

M/S/C.

PCC 2005-03-17-017 Hiring of Clerical Staff.

That the PCC recommends the vacant ESPI Clerical position be awarded to a qualified Aboriginal person.

Miller/Jack M/S/C.

**2005-04-11-009 Hiring of Clerical Staff**

- Recommendation to hire an Aboriginal person for Administrative Assistant should be followed through within 30 days.  
M. Okimaw/D. Markham Passed by Consensus.

PCC 2005-03-31-018 Appointment of Co-Chairs

That the ESFNC should approve the appointment of co-chairs of the Planning and Coordinating Committee and any working groups chairs.  
Harper/Campbell M/S/C.

**2005-04-11-010 Motion Appointment of Co-Chairs**

To ratify Co-Chair Ed Woods appointment of Joan Jack as PCC Co-Chair  
P. Miller/J. Campbell Passed by Consensus.

PCC 2005-03-31-019 Recognition of Co-Chairs of Council of Chiefs and Protocol Negotiating Team.

That in the event a co-chair is appointed to the Council of Chiefs and the Protocol Negotiating Team, the ESFNC shall recognize the appointments.  
Harper/Campbell M/S/C.

**2005-04-11-011 Motion Recognition of Co-Chairs of Council of Chiefs and Protocol Negotiating Team**

That the ESFNC recognize any Chair and/or Co-Chair appointments made by the Council of Chiefs.  
J. Ticknor/R. Mason Passed by Consensus.

**2005-04-11-012 Motion Working Group Chairpersons**

That Working Groups will select their own Chairs subject to ratification by the ESFNC.  
C. Black/P. Miller M/S/C.

**2005-04-11-013 Motion Options for Recommendations to ESFNC**

That the internal decision-making procedure is that all groups created by the ESFNC are hereby instructed to research and prepare options with recommendations for decision by the ESFNC.  
M. Okimaw/C. Black Passed by Consensus.

**Action Item:** UNESCO-The PCC is instructed to ensure linkage between the ESFNC and the UNESCO grouping.

**9. Council of Chiefs (COC)**

**9.1 INAC Project Update**

- E.J. Fontaine and Roy Mason have been hired by KTC to coordinate.
- Orientation to the project is underway.
- Communities will select Community Facilitators (CF) and they will be offered training.
- Community Facilitators were already identified during Phase I and communities will be ask if they would like to keep the same facilitator.

- Develop plans in relation to what the communities would like to see under the East Side planning process.
- Four community meetings: 1<sup>st</sup> with Chief and Council and Community Facilitator; 2<sup>nd</sup> meeting organized by Community Facilitators with approval of Chief and Council to let them know what was heard in the first round – Interim Status Report; 3<sup>rd</sup> to present the draft report; 4<sup>th</sup> to present the final draft report.
- Questionnaire – Community Facilitators would go into households randomly and ask that the questionnaire be filled out.
- July 31<sup>st</sup> will be the end of the project and a report would be created identifying how best the things that communities have identified can be accomplished.

*Discussion:*

- All First Nations communities are included in the project.
- Seeking a response in terms of what each community said and a response to the overall document.
- INAC funding has no impact on the request to the province for \$3.5 million except that there is a plan to apply for more.

## 9.2 Protocol Negotiating Team Report – Chief Moses Okimaw

- The Joint PNT has begun work on a “sample” Protocol and so far have worked on the Whereas clauses.
- FNG Sign-Off Recommendation to Council of Chiefs
  - a) The protocol is between each First Nation and the province,
  - b) We are negotiating an umbrella Protocol Agreement and each community can negotiate issues specific to their own government.
  - c) No one signs until everyone is comfortable with the document so that we don’t repeat what happened in the MOU where three were left out.
  - d) Chiefs and Councils must be substantially involved.
- Provincial Consultation Guidelines have apparently not been released likely because these Protocol Negotiations are going on in their place.
- The MOU will exist until it is replaced by Protocol Agreement(s).
- The Department of Justice is involved on an “as needed” basis.
- During the MOU negotiations, the Justice lawyers rejected ½ of what was being proposed and it is clear that the politicians have a different objective than the lawyers.
- The ESFNC recognizes that the entire ESFNC process depends upon the negotiations of the protocols.
- Legal Opinion – John Olthius who was Legal Counsel for the Innu in their negotiations with Boisey Bay is scheduled to provide and facilitate discussion of the various legal perspectives on the ESFNC process.
- The Legal Duty to consult requires that First Nation Governments have access to independent advice.

**Action Item:** ESFNC that we request MB Justice look at the work done or that there be “approval” after each meeting. Preferably, however, there would be someone involved from MB Justice from day one.

**2005-04-11-014 Motion**

To accept the PCC and PNT reports as presented.  
J.Ticknor/C. Black.

**Tuesday, April 12, 2005****10. Presentations–Timed Item April 12<sup>th</sup>, 2005 at 2:00 pm****10.1 Island Lake Tribal Council Resource Development Project**

- Presentation tabled until the next ESFNC meeting as the ILTC advised they could not make it as planned.

*Background:*

- The ILTC leadership has been active in promoting the development of its Resource within its traditional economic territory since 1975.
- The Island Lake First Nations have a unique opportunity to develop a business strategy to capitalize on economic development opportunities that may arise due to resource development within their traditional economic territories.
- This process is deemed to be a First Nations Initiative for and by its Grassroots members of Island Lake Tribal Council member First Nations.
- The First Nations leadership secured funding from INAC to undertake a round of consultations designed to provide information that can be incorporated into a strategic plan and ultimately the design of a business strategy.
- It is anticipated that this will be the first phase of three designed to eventually implement the business strategy thereby providing opportunities for our communities to start and/or acquire businesses, create jobs for our people and improve our overall standard of living.
- Arising from this process are opportunities for other First Nations to be part of a business strategic development plan within their own traditional economic territories and possibly form business strategies amongst one another with other private corporations.

**10.2 Burial and Sacred Sites-Presentation**

H. Jonnason, Director of Land Branch

D. Dul, Director, Historic Resources Branch

- We know that the sites that exist are known in terms of community knowledge and that there is a need to take special care to be respectful.
- Protect without disclosing exact location – land can be set aside for burial sites, but how would this be done? In order to designate or reserve something from disposition, it has to be identified.
- Have begun a process through NACC communities where they are sending their records and plot plans to be maintained by the province through Aboriginal and Northern Affairs.
- Need to reach agreement on definitions of burial site, burial grounds, etc.
- Little Grand Rapids and Oxford House have been identified as potential pilot communities as communities who have raised concerns about sacred sites – cemeteries are just one area.

- There are no formal legal information sharing agreements; this will have to be addressed in the ESFNC and Protocol negotiations.
- Even within a park, a notation can be made limiting availability of that land. The details as to “why” it is reserved would depend on the community that is reserving the site.
- Accommodation of our interests within an existing provincial designation will be on a case by case basis.
- Present locations have been devised from data provided to date and there is an issue around data sensitivity and data sharing. Archeologists have provided data that can be distorted through GIS data management systems so that each site identified is approximately a 2-kilometer area.
- Development should accommodate the existence of the Sacred Site.
- Community Land Plans will be affected by the gathering and managing of the information.

## 11. Other Business

### 11.1 Youth Representative

Martin Appetagan

- Recognizes that it is a lot of work that is being accomplished and that this work is going to change the future for a lot of First Nations.

### 11.2 Preparation of Minutes

#### 2005-04-11-015 Motion Preparation of Minutes

Recommendation to compensate Joan Jack for providing technical support services in the preparation of minutes until further notice.

P. Miller/J. Ticknor Carried by Consensus.

### 11.3 Meeting with Minister on Budget/Funding

J. Cromarty and Chief F. Abraham to accompany Chief M. Okimaw.

**Action Item:** ESPI to arrange a meeting with Minister Struthers to discuss budget ASAP.

### 11.4 Aboriginal Consultation Conference

#### 2005-04-11-016 Motion Aboriginal Consultation Conference

Recommendation that Chief M. Okimaw and J. Jack attend Aboriginal Consultation Conference in Calgary – May 31 to June 1, 2005.

J. Ticknor/J. Harper M/S/C.

### 11.5 Process

- Must identify the process and reach agreement on the planning and consultation.

**Action Item:** Brian Wilkes is directed to prepare something for review by the PCC next Wednesday, April 20<sup>th</sup>.

## 12. Closing Prayer – O. Turtle

**Summary:****Action Items:**

**Action Item:** ESPI to follow up on working group appointees.

**Action Item:** PCC is instructed to create a section that deals specifically with the inclusion of Elders and remember non-First Nation Elders too.

**Action Item:** ESPI to prepare letter to NACC for Co-chair Ed Wood's signature.

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**Motions:****2005-04-11-012 Budget**

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Chief A. Everett/Chief I. Bushie Recorded Vote: 10 in favor, 1 against, 7 abstain  
18/21 voted.

**2005-04-11-002 Minutes**

The ESFNC Minutes dated Feb 10 and 11, 2005 were approved as presented.

J. Campbell/J. Ticknor M/S/C.

**2005-04-11-003 Motion – Chair's Report**

To accept the report presented by Co-Chair Ed Wood as presented

J. Ticknor/ H. Moneas M/S/C.

**2005-04-11-004 Motion Newsletter**

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PCC recommends:

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M/S/C.

**2005-04-11-009 Motion Hiring of Clerical Staff**

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M. Okimaw/D. Markham Passed by Consensus.

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To ratify Co-Chair Ed Woods appointment of Joan Jack as PCC Co-Chair.

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**2005-04-11-011 Motion Recognition of Co-Chairs of Council of Chiefs and Protocol Negotiating Team**

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J. Ticknor/C. Black.

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Conference in Calgary – May 31 to June 1, 2005.  
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