

Working Groups

Table of Contents:

Treaty and Aboriginal Rights
Aboriginal and Community Development
Protected Areas
Consultations on Land and Resource Allocations
Forest Resources
Transportation Issues
Tourism and Recreation
Hydro Issues
Mining Issues
Research Needs
Other Issues

Treaty and Aboriginal Rights:

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 Nation and Aboriginal peoples.

Southern Working Group Recommendations:

Protocols

- That a Protocol of Understanding be developed between the government of Manitoba and all First Nation communities of the East Side of Lake Winnipeg and that the agreement will become an integral part of the broad area plan and guide the implementation of the broad area plan. (Consider off reserve First Nation individuals, Bill C31.)
- That a Protocol of Understanding be developed between the Métis Nation of Manitoba resident on the east side of Lake Winnipeg and the government of Manitoba, the agreement will become a part of the broad area plan and guide the implementation of the broad area plan.

Treaty Land Entitlements

- The Manitoba Government should make a good faith effort to finalize outstanding Treaty Land Entitlement process for First Nation communities on the East Side of Lake Winnipeg.

Resource Sharing

- That the Government of Manitoba shall develop a resource-sharing framework for the East side of Lake Winnipeg . The framework requires two levels: an umbrella agreement between Governments and principals to guide 2nd level agreements for specific land use decisions. Core elements would include but would not be limited to access, revenue sharing, procurement, capacity building, shared stewardship, and environmental management.
- That the Government of Manitoba investigates co-management agreements for the managements of various natural resources.
- A resource-sharing framework is required in advance of land use decisions.

(table of contents)

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.

Northern Working Group Recommendations:

- Communities to identify traditional resource territories and common/overlapping traditional resource areas.
- Government must provide more human capacity building initiatives and programs to realize and participate in the full potential of resource activity in regions and territories.
- Governments must enhance and support more effective skills training programs as part of overall community economic development strategy.
- Governments, industry, crown corporations must recognize, respect, and honour local agreements between First Nations respecting development within First Nations traditional, cultural, and resource territories, as this is imperative to creating greater control and participation for local communities.
- Governments need to support joint ventures / partnerships / local ownership that create the means for communities to gain benefits from initiatives and activities within communities and territories.

Southern Working Group Recommendations:

- All communities in the East Side Planning Area are provided resources & money (from Federal, Provincial and other sources) to develop land use plans within community boundaries.
- All communities in the East Side Planning Area are provided resources & money (from Federal, Provincial and other sources) to develop current and traditional land use studies, and occupancy studies.
- All communities in the East Side Planning Area should be provided resources & money (from Federal, Provincial and other sources) to develop and produce community land use plans, traditional land use studies, and occupancy studies; before significant development

expansion, new developments, or new licenses are undertaken in the geographic area potentially affected. (Wordsmith)

· The Government of Manitoba should provide sufficient resources for the Northern Flood Agreement Resource Management Boards, so that they can function properly.

(table of contents)

Protected Areas:

Mandate:

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

Northern Working Group Recommendations:

Community-based land use planning will be completed prior to any development activities, including the establishment of protected areas and the commencement of large-scale resource development within the East Side planning area.

Community-based land use planning should guide the identification and development of resource-based opportunities, including protected areas and infrastructure development in the East Side planning area.

Central Working Group Recommendations:

Parks and Protected Areas

The mandate in the ToR says: “Commitments to Protected Areas should be honoured through the established process”

The group wanted to step back from the established process and look at the issue more broadly;

There was agreement that there need not stick to an arbitrary percentage of land area, like 12%.

The group wanted to discuss the option of “inverting the process”, by regarding the whole planning area as protected, instead of fragments of protection within it.

To do this we needed to listen to Ed’s story of the purpose behind the Poplar-Nanowin “Park Reserve”. The reserve is using the existing process to prevent decisions that co-opt the First Nation, to give the First Nation time to do their own planning. In the end, they do not want a park there. In the interim, they don’t want land use decisions by others while they plan their own land uses within the Park Reserve.

Nancy said that in Berens, they are setting up their own governance structure and by-laws for the traditional use area. They are not in favour of the provincial government’s definition of the term “Protected Area”.

The Chair said that when Atikaki and Bloodvein Heritage River were designated, there was no consultation with Bloodvein first nation. They are not allowed to practice traditional uses in those parks, because of the definition of wilderness under the Park Act.

Strong differences emerged within the group in the definition and thinking about what a “protected” area is.

Government, NGOs, the “public” tend to think of it as legally established and formally designated, with specifically defined prohibitions of use. The First Nations tend to see it as a landscape that they have decision-making and stewardship over, and which they can both protect and use.

It was agreed that much more discussion needs to be had over the differences in this perception, so that there can be mutual understanding. The First Nations’ view of a protected landscape may never fit the present narrow legal definition.

There may be a need to re-examine allowing traditional uses in designated wilderness areas, provided that they do not erode the wilderness character.

There was agreement that the whole planning area be seen as “protected”, but that a new stewardship and oversight arrangement was necessary for protecting and using it, led by First Nations.

A closer look at the Poplar-Nanowin management structure model is warranted.

Don’t lose sight of the 2002 Accord to link protected areas by four First Nations, and their proposal to have it designated a World Heritage Site. The thinking about what “protection” means in that Accord is an important illustration of the differences in how “protection” is perceived.

Southern Working Group Recommendations:

Protected Areas Establishment

- Manitoba Government updates its Protected Areas Initiative plan including goals, objectives and timelines by September 2004.

- Manitoba Government completes the network of protected areas in Manitoba , under the Protected Areas Initiative.
- Manitoba Government provides the resources to complete the network of protected areas under the Protected Areas Initiative in the next 2 years, inside the East Side Planning Area.
- Manitoba Government extends and follows the First Nations Protected Areas MOU.
- Manitoba government considers and promotes the First Nation Accord World Heritage Site nomination now on the Canada World Heritage Site list.
- Support extending Poplar / Nanowin River park reserve's interim protection for an additional five years. This allows for the community driven lands management plan, which includes scientific and traditional Ecological Knowledge studies, to be completed.
- Develop a system to protect First Nations sacred sites, historical sites and burial sites without disclosing the exact location. This is to protect the sites from damage and impacts.
- The activities of hunting, trapping, fishing and gathering are accommodated in any new protected area designations.
- No First Nations or aboriginal rights can be abrogated by protected area decisions.
- Consider developing and defining a new land use category under the Parks Act for First Nation Traditional Land .

(table of contents)

Consultations on Land and Resource Allocations:

Mandate:

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.

Northern Working Group Recommendations:

- Co-management/Protocol government-to government agreements in communities must be concluded on all resource uses within each First Nation traditional territory prior to implementation of recommendations of the Broad Area Plan.
- Government must enhance and support capacity development for communities to acquire information and the resources necessary for effective land use planning and development planning in their traditional territories.
- First Nation governments must have full participation in any planning that affects their traditional territories in order for communities to benefit.
- First Nations must have equal participation on government boards to gain more information with respect to planning and development issues that have an impact their traditional territories.

A process must be developed to continue the discussions with individuals, communities and the leadership of the East Side of Lake Winnipeg that ensures they have sufficient time to effectively contribute to the broad area plan.

Community-based land use planning will be completed prior to any development activities, including the establishment of protected areas and the commencement of large-scale resource development within the East Side planning area.

Community-based land use planning should guide the identification and development of resource-based opportunities, including protected areas and infrastructure development in the East Side planning area. (table of contents)

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.

Central Working Group Recommendations:

The group recognized there are forest values throughout the planning area. Tembec's license for FML #1 is in need of renewal, pending recommendations of the

BAP. Meanwhile, Tembec's activities are being permitted on a year to year basis. The moratorium on new forest harvesting is noted. The group made the following recommendations with respect to forestry:

- More local control over forest harvesting is needed. The key is developing a mechanism for joint governance and decision-making. The forthcoming protocol needs to address this need.
- Local decision-making and joint governance provisions need to be a condition of the renewal of the FML #1 license. There must be local decision-making when Tembec operates outside the FML #1 area.
- Models such as the Whitefeather example in Ontario should be used in developing forest plans for each FN and local community.
- Provisions are required for monitoring and enforcement of existing permits.
- Each FN and local community should rank and assess forest values in their territory according to the following:
 - o Cultural Aesthetic values;
 - o Ecological values (the non- monetary products and services the forest provides);
 - o Economic values (lumber, pulp, firewood, etc)
- Provisions are needed for royalty, revenue sharing or other benefits with FN's for timber removed from traditional lands. This also needs to be addressed by the protocol being developed.
- The development of local enterprise and ownership should be encouraged, in addition to ensuring that there is local benefit, training and employment when outside companies are operating within the planning area. There may be alternatives to selling timber within a local market, such as barter, trading, etc, that should be explored.
- The group suggests that alternatives to conventional forest uses be explored and developed, such as using the forest for carbon storage, biodiversity services, and other non-forestry uses.
- The group cautions against the use of genetically modified or otherwise "improved" trees in the planning area. The concern is over the eventual decrease in genetic diversity that can result.
- The group emphasized the need to decommission graded forest roads once they are no longer needed.

Southern Working Group Recommendations:

- Due to the vast size of the East Side Lake Winnipeg Broad Area Plan and the fact that the planning process is mandated to address specific concerns and issues and their interaction and implications on affected peoples, it is important to identify and quantify the values contained within the forests themselves in order to guide the decision making process. The use of “ High Conservation Value Forest ” (HCVF) assessments is being adopted by numerous agencies and systems (Example 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. It is recommended that the Province facilitate a HCVF assessment of environmental, social and cultural values for the 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.
- The government should update the Forest Resource Inventory (FRI) for the entire planning area East Side of Lake Winnipeg, before any expansion in forestry takes place beyond existing allocations.
- That a new and comprehensive Forest Resource Inventory (FRI) be completed to guide the review of: development expansion, new developments, or new licenses proposals within the planning area.
- FRI to include multiple forest values – must address environmental, social, health, Aboriginal and Treaty rights, cultural, and economic layers.

(table of contents)

Transportation Issues:

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.

Northern Working Group Recommendations:

Work on the all weather road will be not be at the expense of necessary maintenance upgrades and/or new airports.

Central Working Group Recommendations:

Rice River Road Extension

Move Bloodvein crossing so Longbody Creek isn't crossed (subsequent presentation with provincial transportation officials indicated that the bridge will go where the current road is.)

Moving road west may lose opportunity for a fork to Little Grand Rapids

landscape and muskeg may cause road to be located farther east (including Longbody)

Put the drivable portion of road R/W within the 100 year flood plain of Lake Winnipeg , to keep the road out of wilderness areas to the East.

Write Highways to determine why 2 crossings are proposed (UMA Study) (Note: this has been clarified as per point 1 above)

All-Weather Road Network

The group was generally in favour of an all-weather road system but recognizes that concerns exist. The consensus was that its time for action. The economics are favorable, the road is needed, more “study” is not needed, but impact mitigation must be done. The road needs to recognize the benefits to people.

In planning the road system, the group advised that the following constraints apply:

environmental

historical/cultural sites

ensure local benefits from improved access

opportunities to local communities during construction/maintenance

Transportation Broad Area Planning Issues

Water protection with road building

Concerns about the environmental impact additional access

Some lodge owners may want to remain “remote” and don’t want a road nearby

Social concerns with gangs and youth when road access is open to Winnipeg 24/7

Minimize effects on wildlife, particularly caribou, in the design phase

The road will require “social preparation”; people need to be ready with business and other proposals, and the overall impact on the community needs to be considered.

The communities require some economic preparation, and an ability to capture local benefits

Risk assessment needed on exotics and invasive species

It was agreed that the existing business relationships are between the east side communities and west side businesses in Riverton and Gimli; no such relationship exists with businesses at the south end of the planning area (Lac du Bonnet, etc)

Urgent concern expressed about loss of barge service to Berens River and Poplar River . This is a key issue of timing and community dependency. It is imperative that the communities not lose ferry/barge services to Bloodvein, Berens and Polar before alternative road is in-place.

A road from Bloodvein to Berens and Poplar is a priority - go as close as possible to the lakeshore

Proposed routings should not conflict with resources (ie caribou, etc.)

Verify a report that road R/W clearing already taking place northeast of Molson Lake (still not verified as of May 10)

A gravel road exists north and east of Berens to logging area - get more details from Tembec

The RT needs to keep pressure on Feds/Province to provide \$'s to complete road planning study, and then the roads. Ideas from the group include:

Explore opportunities for Federal \$'s because: Throne speech called for more help to aboriginal communities

Infrastructure programs may be a source for road building

Gas tax rebate

Other examples of Federal assistance

The Central group expressed concerns about Air Service to ES communities:

An all weather road does not remove government's responsibilities for good air service and airport facilities. This is still required to ensure medical emergency services.

Concerns were expressed over the cost of an airplane ticket to Winnipeg – very high.

Agreement to these points as input to the PCI discussion on transportation

Southern Working Group Recommendations:

Rice River

· UMA to provide their engineering study to the ESPI secretariat for distribution and consideration by the Round Table, First Nations Council and working groups.

· That the upgrading and extension of the existing Rice River road to the community of Bloodvein is recommended subject to Manitoba Transportation and Government Services (TGS) conducting a thorough review of routes in collaboration with directly affected First Nation, Métis, NACC and non-aboriginal communities.

It is also recommended that the final route selection follow from results of an independent environmental assessment of alternatives. The environmental impact assessment to include multiplier effect* projection.

It is further recommended that Transportation and Government Services apply for an environmental license for the Rice River road to Bloodvein and the Minister of Conservation present the final road alternative to the Clean Environmental Commission.

All Weather Road System

· That the area north and east of Bloodvein is roadless throughout most of the year, potential development of an all-weather road into the vast territory will have positive and negative, social, environmental and economic consequences. It is recommended that TGS facilitate independent research that leads to comprehensive understanding of these consequences and in particular, the cumulative affects of a fully developed all-weather road system on the East Side . Cumulative effects research to include multiplier effect* component. It is further recommended that these researches include an examination of alternatives and proceed in advance of all-weather road development proposals beyond the Rice River road.

(table of contents)

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.

Central Working Group Recommendations:

Central group agreed that there was a high potential for tourism and recreation in the planning area. In order to more fully develop these, several recommendations were proposed for consideration in the BAP:

- Decisions on development of tourism facilities need to 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.
- The group agreed that there is a need for a better decision-making mechanism for approval of tourism facilities, and that it must be based on joint governance arrangements* between First Nations, local communities and the province.
- The group questioned the basis for decisions about tourism capacity. What are the yardsticks used for making judgments about approving new tourism facilities? The group recommends that the criteria for making these judgements need to be clear, and proper explanations given to applicants for permits and licenses.
- The group encourages 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.
- The group recommends that hiring and training of local people is considered in future tourism development, and this issue be uppermost in future decision-making on new developments. Provision for hiring and training people from the local community must be a condition of licenses and permits in future tourism facilities.
- First Nation and local communities need access to better information and training in tourism development and entrepreneurship.
- The group cautions that expanded tourism not lead to pressures for additional cottage developments, and if there are new cottage developments they must be negotiated as part of the joint governance mechanism*.
- The group supports the intent of the Aboriginal Tourism Strategy.

* to be elaborated in the protocol between First Nations and Province of Manitoba

(table of contents)

Hydro Issues:

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.

Central Working Group Recommendations:

The Central group noted that in the "What You Said" documentation, there were no positive comments about Manitoba Hydro. In the experience of some group members, Hydro has made compensation promises in the past, yet never fulfilled them. The Bipole III transmission line on the East Side is not supported by the group, unless there are clear benefits, such as some form of revenue sharing or right of way rental, etc. Additional recommendations include:

- Activities of Hydro need to be monitored in some way to ensure that the company does what it promises. It is suggested that it needs to be answerable to the governance arrangement developed in the protocol.
- The group had concerns about the effects of magnetic fields, and more independent information about this issue is needed.
- The group does not want the use of herbicides along Hydro right of ways, rather, the use of local labour is recommended.

· It was observed that there is some inconsistency between designating the area as a world heritage site and proposing a major transmission line through it.

(table of contents)

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.

Southern Working Group Recommendations:

· Any new mining development or mining exploration should investigate, identify and mitigate impacts on trap lines.

(Other impacts from mining activity? For discussion.)

· 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 standard for guiding relationships between the minerals industry and communities on the East Side of Lake Winnipeg.

(table of contents)

Research Needs:

Northern Working Group Recommendations:

- Communities must have the capacity and take ownership of research and land use studies and especially in the application of local cultural and Traditional Ecological Knowledge.

(table of contents)

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.

Northern Working Group Recommendations:

The First Nation leadership and all communities affected by the Broad Area Plan need more time to discuss the Broad Area Planning process in greater detail, including a work plan for the northern region. (Moses' work plan to be inserted here as a recommendation)

A process must be developed to continue the discussions with individuals, communities, and leadership of the East Side of Lake Winnipeg that ensures that they have sufficient time to effectively contribute to the possible corridors or route for the all weather road. Any plans regarding the all weather road should be reviewed by each northern community for their input.

Central Working Group Recommendations:

The group recommends the development of a “conservation” capacity within the planning area, applied to all FNs. The model suggested was the GLIFWC model that exists in the Great Lakes Region. This capacity should be part of and built into the governance mechanism being developed through the protocol, and could include:
Monitoring capacity

Biological inventory and interpretation

Setting quotas and enforcement

Budget setting for conservation purposes

Southern Working Group Recommendations:

Ongoing Process

East Side Planning Initiative

· Recommend that the government of Manitoba complete the East Side Planning Initiative Broad Area Plan as outlined in the Phase 1 report and executive summary. Continue to provide adequate resources and funding administered by the ESPI to ensure the completion of this process.

Public Policy Commitments

· See Water, Species Protection and Protected Areas Establishment.

Plan

- The plan needs to include a process for identifying whom to consult with about specific land use decisions in the future.
- The plan should include a conflict resolution mechanism to resolve land use decision issues.

Planning Commission

- In considering all interests in recommending the development of an organized process for on-going discussions and negotiations, it is recommended that the broad area plan, when developed for the East Side Lake Winnipeg be on-going with the establishment of a body (board/commission) to review and provide advice on various land use proposals and ensure proper consultations. (Note: wordsmith.)
- The board or commission shall be given a level of legislative authority that would allow for the review of all new land use decisions and resources to provide advice to the Government of Manitoba concerning new land use decisions.
- The board or commission would have independent authority to request information, contract research and direct staff. It would also be responsible for standards of consultation.
- The structure of the board should consist of 9 to 12 members with the majority residents of the planning area.

Consultations

- Community consultation guidelines, process or protocols shall be incorporated into the process for developing a plan for the east side of Lake Winnipeg .

Environmental Issues

Protecting Boreal Environment

- See Protected Areas Establishment.

Water

- That the Manitoba Government fulfills its public policy commitments for water quality and protection to guide the review of: development expansion, new developments, or new licenses proposals within the planning area.

Cumulative Impacts

- That a comprehensive study to quantify and qualify the cumulative impacts already occurring from land uses within the planning area be completed.

Ecosystem Based Management

- That the government of Manitoba develop and utilize adaptive ecosystem based management standards and practices. As an example measures to protect water ways and bank (riparian) features.
- That in developing land use plans, land use decisions will be guided by the ecosystem based management process to protect the boreal environment will directly involve First Nations, Métis, Non-Aboriginal communities, industries and non-government organizations. (Which section?)

Environmental Management Systems

- Today's global economy demands sound management of economic, social and environmental issues. Development of Environmental Management Systems (EMS) and certification to industry specific standards are increasingly being adopted to assess and mitigate their environmental impact. In order to provide an additional level of protection

to the boreal environment when undertaking business developments, it is recommended that all new business ventures, with 25 or more employees, are required 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, Manitoba would have to establish the necessary policy framework to support the recommendation.

- That a program be established for a certified training program for those occupations currently not having certification programs

Species Protection

- That the Manitoba Government fulfills its public policy commitments for species protection to guide the review of: development expansion, new developments, or new licenses proposals within the planning area.

Impact Benefit Agreements

- Consideration should be given to making impact benefit agreements mandatory for development intentions that impact the land use in the planning area.
- The minimum requirements for an impact benefit agreement should be developed so that everyone uses the same system.
- Consider implementing impact benefit agreements on site-specific developments in the East side planning area as mandatory agreement.
- East Side plan develop the framework for impact benefit agreements.

Definitions

NACC – Northern Affairs Community Council

Multiplier effect – a projection of how many km of side roads will result from each kilometre of constructed main stem road. This determination will be the basis for cumulative study addressing environmental, social, health, cultural, Aboriginal and Treaty rights, and economic impacts of road development within the planning area.

Protected areas are those areas protected under legislation in the Province of Manitoba that prohibit mining, forestry, hydro, oil & gas, and other land uses that would negatively impact the area.

Communities – look at definition source national forest strategy, not geographical community, cultural community, does not have to be habitation community or cultural community.

(table of contents)