

As has been indicated elsewhere in this report it is of paramount importance that adequate resources be made available to assist First Nation and Métis Governments and Northern Affairs communities in land use planning. Community-based land use planning must be given priority attention by all governments engaged or impacted by this process.

5.2.8

All future discussions, consultations and negotiations between the public and private sectors, and First Nations and Métis 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

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 Métis 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 East Side 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 hydroelectric 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 kilometres. 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 hydroelectric 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 in a sustainable manner.

All the issues addressed within the Broad Area Plan, including transportation, mining, forestry, tourism, hydroelectric 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 database must include local and traditional ecological knowledge.

“The northern boreal ecoregion accounts for about one third of this planet’s total forest area. It is comprised of a broad circumpolar band which runs through most of Canada, Russia, Scandinavia and parts of Northern Scotland. Compared to much of the world, this ecoregion enjoys a sparse population and thus one would think, few threats to its immense and majestic beauty. However the reality is quite different.”

- Sierra Club





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 18 natural regions and sub-regions in Manitoba. On the east side, 14 per cent 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 (Atikaki², etc.) in 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 per cent 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 Poplar/Nanowin Rivers Park Reserve covers over 7,400 square kilometres 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 the traditional territory of the Pikangikum First Nation on

² Atikaki – From the Ojibway words "Atik" meaning "caribou" and "Aki" meaning "land".

the Ontario side. Together, the five First Nations have agreed to co-operate 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 to make 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. Furthermore, 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 or 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 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 per cent 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; by applying leading-edge sustainable development practices on the remaining landscape; and by ensuring 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 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

“Development would upset natural process. Any development should be properly planned and proceed with caution.”

(East Side Resident)





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, that land uses and local stewardship are permitted, and that the land is passed undamaged to subsequent generations. Both notions need to apply within the plan area.

In Section 3 of this report, the vision for the plan area set by the Round Table included the need to protect the land, and the 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 is envisioned 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 Atikaki and Woodland Caribou Provincial Parks.

5.3.3

The Government of Manitoba request the East Side First Nations Council to identify 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 Métis Nation resident on the east side who have been denied traditional uses of designated protected areas within established parks, such as Atikaki, 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 Métis 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 Métis 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 recognition of 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 Métis 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, 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.

