

Third Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Ms. Sharon Blady
Constituency of Kirkfield Park

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS**

Monday, June 8, 2009

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Sharon Blady (Kirkfield Park)

VICE-CHAIRPERSON – Mr. Doug Martindale (Burrows)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Robinson, Struthers

Ms. Blady, Hon. Mr. Blaikie, Messrs. Caldwell, Graydon, Maguire, Martindale, Pedersen, Mrs. Rowat, Mr. Saran

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

WITNESSES:

Mr. David Harper, Garden Hill Nation

Mr. Gilbert Andrews, God's Lake First Nation, Bunibonibee Cree Nation and Manto Sipi Cree Nation

Mr. Michael Anderson, Manitoba Keewatinowi Okimakanak Inc.

Mr. Moses Okimaw, Private Citizen

Mr. Vivek Voora, International Institute for Sustainable Development

Mr. Stephan Barg, International Institute for Sustainable Development

Ms. Gaile Whelan Enns, Manitoba Wildlands

MATTERS UNDER CONSIDERATION:

Bill 6–The East Side Traditional Lands Planning and Special Protected Areas Act

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Madam Chairperson: Good evening. Will the Standing Committee on Legislative Affairs please come to order. Our first item of business is the

election of a Vice-Chairperson. Are there any nominations? Mr. Caldwell.

Mr. Drew Caldwell (Brandon East): I would nominate my colleague the member from Burrows.

Madam Chairperson: Mr. Martindale has been nominated. Are there any other nominations? Hearing no other nominations, Mr. Martindale is elected Vice-Chairperson.

This meeting has been called to consider Bill 6, The East Side Traditional Lands Planning and Special Protected Areas Act. For the information of the committee, it was requested to have a letter received from Chief Marcel Balfour of Norway House Cree Nation distributed to the committee members.

We have a number of presenters registered to speak this evening as noted on the list before you. Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with the staff at the entrance of the room. Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members. Also in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

On the topic of determining the order of public presentations, I will note that we do have an out-of-province as well as out-of-town presenters in attendance, marked with an asterisk on the list. With this consideration in mind, in what order does the committee wish to hear the presentations?

Mr. Doug Martindale (Burrows): Madam Chairperson, I think we should follow the normal procedure here, which would be to hear out-of-town presenters first, which are all of them except the first one.

Madam Chairperson: Okay. Does the—we have only one in-town presentation and the rest are all out-of-town presenters. Is it agreed that we will go in the normal order, as we tend to do, with going out of—out-of-town presenters going first?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. Okay. I would like to inform all in attendance of some provisions regarding the hour of adjournment and the consideration of our business tonight.

In accordance with the sessional order adopt in the—adopted in the House, as we currently have less than 20 presenters registered, if this committee has not completed clause-by-clause consideration of these bills by midnight a number of rules will apply, including: (1) sitting past midnight to hear presentations, (2) if they are not already finished concluding presentations at 1 a.m., and (3) interrupting proceedings to conclude clause by clause on all bills at 3 a.m.

Prior to proceeding with public presentations I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verva—verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the *Hansard* recorder to turn the mikes on and off.

Thank you for your patience, and we will now proceed with public presentations.

Bill 6—The East Side Traditional Lands Planning and Special Protected Areas Act

Madam Chairperson: Our first presenter was to be Moses Okimaw, who has requested that he would like to speak following the chief's presentation.

What is the will of the committee? To honour that request?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. Okay. I will now call on Chief David McDougall. Chief David McDougall, St. Theresa Point First Nation? *[interjection]*

Okay. This name will now be dropped to the bottom of the list and we will proceed to Chief Jerry Knott, Wasagamack First Nation. Chief Jerry Knott?

Not being present, we will proceed to the next name on the list, Chief David Harper. Chief David Harper, Garden Hill First Nation?

Do you have any written materials for distribution to the committee?

Floor Comment: Yes, I do.

Madam Chairperson: Okay, and they're being distributed.

You may please proceed with your presentation.

Mr. David Harper (Garden Hill First Nation): Yes, good afternoon, members. My name is Chief David Harper, I'm from Garden Hill First Nation. Unfortunately, Chief McDougall is unable to be present and also Chief Jerry Knott, and I'll be presenting on behalf of the Island Lake First Nations, namely, Wasagamack, St. Theresa Point and Garden Hill First Nation.

The Island Lake First Nations have carefully reviewed Bill 6, an East Side Traditional Lands Planning and Special Protected Areas Act, that Mr. Struthers introduced and gave as first reading to the Manitoba Legislative Assembly on December 1st, 2008. The Island Lake First Nations have also review—reviewed the letters to the minister on January 19, 2009, and January 22nd, 2009, from the God's Lake First Nation and MKO as well as the minister's March 24th, 2009 response to the, to these letters.

The Island Lake First Nations have been working towards full im—implementation of the April 3rd, 2007, WNO Council of Chiefs Accord and have looked forward to the Manitoba's implementation of letter, spirit and intent of the accord. However, the Island Lake First Nations agrees with the position of God's Lake First Nations with the observation of MKO that the provisions of Bill 6 were not jointly—were not jointly developed on government-to-government basis under article 1.1 of the accord nor the First Nations governments' participation and approval under article 3.8.

* (18:10)

Firstly, the provision of Bill 6 was developed completely in isolation from the WNO First Nations and contrary to the provisions of article 1.1 and article 3.8 of the accord. There were no joint

technical working sessions to explore the principles and the processes that implement the accord's objectives of exercising joint land-use planning and resource management between the WNO First Nations and Manitoba.

There were no joint legal working sessions to review the existing legislation's framework in accordance to article 3.8. to see how your joint management relationship could be achieved. There were no workshops to the leadership to explore findings of joint technical and legal working groups. Manitoba has unilaterally determined that no current act was suitable for what the WNO First Nation was requesting of government and has acted in isolation from the WNO First Nations to develop new legislation.

Secondly, the Island Lake First Nations do not accept the suggestions presented in the minister's letters to Chief Andrews and Grand Chief Garrioch, and, in the minister's letter, February 12, 2009, comments during the MKO forum that single discussions of Bill 6 that took place in February 2008 satisfies either the WNO Accord and represents meaningful consultations between—in—on Bill 6 between Manitoba and the WNO First Nations.

Providing the WNO leadership a single, brief glance at the proposed legislation's framework that was developed by Manitoba in isolation from WNO First Nations cannot justify any recognized standard for government-to-government relations. Similarly, the single discussion of Bill 6 in February 2008, followed by Manitoba's recoverage in the meeting of all copies of Manitoba's presentation, cannot meet any standard that measures the participation of approval of First Nations.

As well, Bill 6 is, is not consistent with Manitoba's duty to consult, justify and accommodate. As an example, 22 of Bill 6 effectively establishes a prerequisite that the participating First Nation must accept all existing licences, permits within the First Nations traditional territory, whether or not these authorizations may be unlawful due to Manitoba's failure to have previously engaged in First Nations'-Crown consultation process.

The Island Lake First Nations share the concerns that the God's Lake First Nation and MKO, that Bill 6 will modify the principle established between First Nation and Manitoba, that land-use and resource-management planning relationship over First Nation traditional territory could be founded in

a co-decision authority that is jointly exercised between the chief and council and Manitoba.

It is also the position of the Island Lake First Nations that provincial legislation affecting the planning and management of the traditional territory of the Island Lake First Nations that be jointly developed and must be, at a minimum, based on the principle of co-decision authority. So such establishment under the Northern Flood Agreement, the Island Lake First Nations agrees with the minister's comments that Bill 6 is incomplete and, at a minimum, should, should be further amended. In the minister's letter to Chief Andrews and Chief Garrioch, Grand Chief Garrioch, the minister stated that minister remains committed to engaging the WNO First Nation to complete Bill 6. In the minister's letter to Chief Andrews, the minister also confirms that the minister is considering including a non-derogation clause that is explicitly clear that Bill 6 will not affect Aboriginal treaty rights and have directed departmental staff to review implementation and recommendations.

The Island Lake First Nations request that Manitoba defer or withdraw Bill 6 in order to provide opportunity for concerns of the WNO First Nations, and to be addressed either through new legislation or through amendments that are developed through government-to-government process, that results in full participation and approval of WNO First Nations and consistent with Manitoba's commitment under the WNO act upholds Manitoba's duty to consult, justify and accommodate.

Now, and further to this, I've just talked to, recently talked to Chief Knott and Chief McDougall, that if this should proceed, Chair and the committee, that Island Lake First Nations, namely Garden Hill, St. Theresa Point, Wasagamack First Nations withdraw, be withdrawn from this Bill 6 from our territory. We don't want it. If it proceeds we don't want it. We don't want to be included. Thank you very much.

Madam Chairperson: Thank your for your presentation. Do members of the committee have questions for the presenter? Okay, our first name up, Dr. Gerrard.

Hon. Jon Gerrard (River Heights): Thank you, Chief Harper.

You know I'm shocked in, in what I hear that there was so little consultation when, in fact, there were commitments to so much consultation and, you

know, it's a particularly troubling time for, at least for St. Theresa Point with the flu epidemic there and I would like to give you an opportunity to comment in just a brief way.

I mean the analysis that is appended here, the analysis which is prepared for the chief and council of Wasagamack First Nation really outlines an extensive number of concerns with the bill. So it's not as if it's just a matter of not consulting. It's a matter of the fact that there are some very significant concerns with the bill as it's written as well and maybe you would just take a moment to, you know, comment on the extent of these concerns just so that the members of the committee will be aware.

Mr. Harper: Yes, thank you again.

The concern that the First Nations have had from, from, from the beginning of this Bill 6—not only Bill 6 but WNO itself—it does not, the committee or the people have not had the full discussion in the communities. There is an issue of language. Most of our members still speak in the original language and we still have not and they still have not seen or heard of such, of such a bill.

Although we, we personally have addressed this particular bill to our community members and they have strong indication that they're, they're concerned that we shall not move into this, into, into this, we should not accept this bill at the moment because there's some certain areas that, that need approval by the First Nations and that's why I've been told that if any, if this moves, that Garden Hill and now getting the authorization from St. Theresa Point and Wasagamack, that we'd be withdrawn, withdrawn from any discussions regarding Bill 6.

Mrs. Leanne Rowat (Minnedosa): Thank you, Chief Harper, for presenting tonight and thank you for representing two other communities in your, in your region, in your area. I know that you are going through a difficult time with some health issues in your community and I, I want to thank you for, for taking the time to make committee tonight.

A couple of things that you spoke to in your presentation was with regard to consultation and, and the need to ensure that provincial legislation, which affects the planning and management of traditional territories, is done in, in, in a respectful way including the duty to consult and, and justify and accommodate your communities.

I want to know what your thoughts are with regard to this legislation and what the government

could do to address the concerns that you've clearly outlined and have some very serious concerns with? What can be done from this point 'cause I'm—I would like to know what your thoughts are in, in proceeding forward because we are almost through session and this bill is obviously at a, at a very critical stage in the process. And also wanting to ask you, just specifically, to comment on the consultation that has occurred, or the lack thereof, based on your comment, and also to speak to, maybe, an example where consultation has been successful in the government and, and with First Nations and where the government can be looking at that as a model.

I—I've asked several questions, but I think you—you'll be fine with.

*(18:20)

Mr. Harper: Again, regarding consultation. For us, consultation is where government comes to our community and presents the bill, which has not been done. Any consultation that may have taken place—take, taken place could have been either through the WNO meetings, which I have not participated and I refuse to participate because I do not—I was warned from the, from the beginning by my elders to watch what's been developing. And from the beginning, I was going to withdraw my community from participating in WNO, but I have to work with other First Nations. I haven't been attending personally, but my council have. So therefore, for us—I've, I've talked to Minister Struthers, Minister Robinson—that they come to my community prior, prior to this bill being passed so that the people will hear exactly what is presented.

And again, the concern, the concerns of, of my people is that this particular bill does not rest upon First Nation, it rests on government. So there, again, we have concern. At the bottom line, it says that the authority of the final decision of this bill—of, of, of any—rests upon the minister, not on the First Nation. Again, Minister Struthers, I've stated that it is protocol that, that this line has to be present, be present in order for government to proceed on, on such—on a such act. So, therefore, that's why, again, I must conclude that I don't want to be included.

If this bill passes without proper accommodation, just to, to—just come to my community, a community of over 13,000 within the region. We need this hearing to take place at least in one First Nations community. Have that been, have that been done? I don't think so. Will that be done? Again, I don't think so. We've been excluded too many times

in my region. The most untouched region in all of Manitoba has been the northeast section. Thank you.

Madam Chairperson: Thank you, Chief Harper. We've exceeded our time for questions. Would the committee request additional time from—an additional minute or two, or shall we proceed, proceed on to the next presenter?

Okay. Well, is there agreement for an additional two minutes for questions? Okay. The minister was next up on the list.

Hon. Stan Struthers (Minister of Conservation): Thank you very much, Chief Harper, for your presentation this evening. I, I, I want you to know that, that I have enjoyed the meetings that I've had with you, whether it be on this Bill 6 or other issues that we've, that we have worked on over the, the course of several years. I also am reminded of a meeting that we had right in this very room with yourself and Chief McDougall and chief, Chief Knott—I suppose about a month ago—where we were talking about Bill 6 and you had members of your council and some elders. I thought that was a very good meeting and I, and I, I see that the advice we got about—at that meeting, that we received from your, your council and, and elders, centred around the, the accord, which your communities and the others are signatory to.

I think maybe the one, the one part of, of Mrs. Rowat's question that, that didn't get answered was wh—is an example out there of, of something that got a good consultation and a good process that we could use as a model for other, for other consultations that take place. I'm wondering if you see the accord in that, in that light. Is, is that—you're a signatory to that. Your community, I believe, supports that. Is, is that a better—from your, what you remember, was that a better kind of a process than what you feel has happened here?

Mr. Harper: There's a process that we, we require. Because of the traditional territories that we—we have a large span of traditional territory within our region. And there's certain areas of lands that, that need protection, not only protection, but these are the original traditional areas that we've lived on, and, and there's a concern in a certain area, but it has to do with third-party, third-party arrangements.

One of our traditional areas consists of a, of an airport, and that is the original land base that was, that our—a certain family had years ago, and they cannot claim that today. And then we've asked what

can be done through Bill 6 for us to claim back that land. There's no way. We were told there's absolutely—

Madam Chairperson: I'm sorry, Chief Harper. The time for additional questions has expired, but thank you for your presentation.

Mr. Harper: Thank you so much.

Madam Chairperson: I will now call on Chief Gilbert Andrews. Chief Gilbert Andrews, God's Lake First Nation.

Chief Andrews, do you have any written materials for distribution to the committee?

Mr. Gilbert Andrews (God's Lake First Nation): Yes, I do.

Madam Chairperson: Okay. I see it's being distributed. Please proceed with your presentation.

Mr. Andrews: Thank you, Madam Chair. Good evening, committee members. My name is Gilbert Andrews. I'm the Chief of the God's Lake First Nation.

Our First Nation is working hard on the traditional land-use plan. We support the objective of achieving legislation recognizing 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 God'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 Cabinet may unilaterally amend our traditional land-use plan without the consent of the citizens of 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 this bill.

Contrary to the April 3rd, 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 government's participation and approval under article 3.8 of the accord. 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 northern, 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.

* (18:30)

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 1990-91 Grand Rapids, Forebay agreements.

The God's Lake First Nation wants to ensure that land-use and resource management planning relationship 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 would 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, legislative drafting process between Manitoba and the God's Lake First Nation, and it must be, at a minimum, based on the principle of a co-decision authority, similar to that established under, 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, licences, licences 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 is—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 a 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—and 3.10 reads: 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 on 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 an 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. Mani-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 Nation asks the Province of Manitoba and this committee that further consideration of Bill 6 is at least deferred until the fall to provide for the process of joint legislative development that is called for by the WNO Accord. Thank you, Madam Chair.

Madam Chairperson: Thank you, Chief Andrews. Do members of the committee have questions for the presenter?

Mr. Gerrard: Thank you for your presentation, Chief Andrew. I note in your presentation that early on you talked about the God's Lake First Nation being opposed to the principles and the processes of the land-use planning framework as set out in Bill 6, and then you deal with one of the major problems, that it needs to be founded on a co-decision authority. And I just want to give you one more opportunity to talk a little bit more about the kinds of changes that you think are needed to Bill 6 in order to make it a more workable bill.

Mr. Andrews: Yes, I'd like to refer to the WNO Accord. My hopes and indeed, my community's hopes were given a boost when we signed the accord based on a government-to-government relationship. It was our hope that any future developments would involve us, be it legislation, be it licences or applications for permits. We thought we would be involved, but then this process, the way Bill 6 came about sort of, contradicts—well, it did contradict the WNO Accord.

We are not against legislation, but we want to be a part of drafting the legislation that will forever affect my people, my land, and the future generations to come, and we want to, for the record, make sure that everything is done right, especially for the future generations. What we want to see is that the bill be taken back and we be at the table, jointly drafting this piece of legislation. And we think that the, that the consultation should have been on the principles and on the processes that will become law, not after the law is made.

Madam Chairperson: Thank you, Chief Andrews.

Mrs. Rowat: Thank you, Chief, for attending today. I'm going through your presentation plus your correspondence that you've been so kind to share with us, and you've raised the concerns over and over again for a period of time with regard to concerns with regard to your wish to have a government-to-government discussion and, and the legislation to be developed in a co-decision-making process.

At any time did you feel that that was, that that process was going to be listened to, that you were going to be listened to, to ensure that this type of process would—was there any assurances at some point through your communications that, that your concerns were going to be addressed and that you

were going to be treated in a fair way through the discussions and consultation? What went off the rails?

Mr. Andrews: I always had that hope that we would be involved, but when the bill was, when we were told the bill was coming up for introduction, then my hopes went out the door.

Mrs. Rowat: Thank you, Chief. So based on what you presented today, you're wanting the government to, to, to go, to take a step back and to work with, with the communities on the east side. Just to be clear, this legislation is, is important if it's developed in the proper way to the east side, and can you speak to the importance of having something in place that would address the land-use planning on the east side?

How do you see, if it was proper legislation and done in the proper way, what benefits do you see for your communities from this?

Madam Chairperson: Chief Andrews, we have about 37 seconds.

Mr. Andrews: I guess, first and foremost, I hear talks from all levels of government, be it our gov—Native governments, or provincial, or federal. We're all talking about getting rid of poverty on First Nations, and my hope was the resource sharing and co-decision of resources.

* (18:40)

That was my hope. This is a step in the right direction to getting rid of that poverty, but, as it is now, it doesn't look that way with this piece of legislation. It's like unilateral powers are given to the minister and the Cabinet. Thank you.

Madam Chairperson: Thank you. That ends the time allotted for questions. I will now—thank you for your presentation, Chief Andrews.

I will now call upon Chief Oliver Okemow. Chief Oliver Okemow, Manto Sipi Cree Nation? Okay, his name will be dropped to the bottom of the list.

I will now call upon Chief Bailey Colon. Chief Bailey Colon? This name will also be dropped to the bottom of the list.

Chief Andrews, are you providing a presentation on behalf of Chief Bailey Colon?

Mr. Gilbert Andrews (Bunibonibee Cree Nation and Manto Sipi Cree Nation): Yes.

Madam Chairperson: Okay. Is that the, the will of the committee for him—for Chief Andrews to proceed?

Some Honourable Members: Agreed.

Madam Chairperson: Agreed. Please go ahead, Chief Andrews. Please proceed when you're ready, Chief Andrews.

Mr. Andrews: Chief Colon couldn't make it and Chief Okemow couldn't make it, but we, as the three Cree communities of the WNO, work together, and Chief Bailey Colon asked me to make a short presentation on his behalf.

On December 1st, 2008, Bill 6, The East Side Traditional Lands Planning and Special Protected Areas Act was introduced and given first reading in the Manitoba Legislative Assembly. Although Manitoba previously presented the purpose of any new law as implementing the April 3, 2000, WNO Council of Chiefs Accord, there are no references in Bill 6 to the WNO or to the WNO Accord or to the WNO planning process. Similarly, the December 1, 2008, Manitoba government press release highlights how Bill 6 will facilitate the designation of the proposed UNESCO World Heritage Site, instead of how Bill 6 is intended to implement the WNO Accord.

The three Cree First Nations in the northern WNO planning area of the Bunibonibee Cree Nation—Oxford House—the Manto Sipi Cree Nation—God's River—and the God's Lake First Nation are working together to establish a resource management board. All three of the Cree WNO First Nations are also working together to develop a land-use plan for combined traditional territories.

The three Cree WNO First Nations are very concerned that Minister Struthers proceeded to develop the principles and processes of Bill 6 without working jointly with all WNO First Nations. Bill 6 was not developed on a government-to-government basis, promised under article 1.1 of the accord, or our participation under—and approval under article 3.8 of the accord.

The Cree WNO First Nations must reject Bill 6 on the principle that Bill 6 was not jointly de-

veloped between Manitoba and the WNO First Nations.

We are concerned that Manitoba has made a considerable investment in developing its own approach and legislative framework governing east side pla-land-use planning and has invested nothing in the joint regulatory development process called for article 3.8 of the WNO Accord.

The minister has suggested that the opting-in provisions will reme-remedy for Manitoba's failure to jointly develop a legislative framework as called for in the WNO Accord. The government has suggested that better com-communications might help Manitoba to gain acceptance by First Nations of Bill 6, in light of the opting-in provisions.

The Cree WNO First Nations take the position that the opting-in provisions of Bill 6 do not remedy that Manitoba signed the accord and then immediately proceeded to develop its own model for the planning and management of WNO First Nations' lands in isolation from the WNO First Nations.

The accord was signed on April 3, 2007, and the minister briefly showed us the outline of Bill 6, 11 months later, on Feb 22, 2008. Given the time frames typically associated with legislative development, it is likely that Bill 6 was under development by Manitoba in isolation from the WNO First Nations at the same time as the accord was being finalized for signature and as of the date of signing.

The three Cree First Nations ask the government and this committee to ensure that further, further consideration of Bill 6 is, is at least deferred until fall, to provide for the process of joint legislative development that is called for by the WNO accord.

Thank you, Madam Chair.

Madam Chairperson: Thank you for your presentation. Do members of the committee have questions for the presenter?

Mrs. Rowat: Thank you, Madam Chair. Thank you, again, Chief Andrews, for the presentation on behalf of the three Cree, Cree communities.

The last-second last paragraph, your statement saying that it, it's your belief that, that Bill 6 was under development by Manitoba at the same time as the accord was being finalized for signature, and as of the date of signing. That's a pretty strong statement. Can you, can you just expand on that for me, please, the reasons why you have that feeling?

Mr. Andrews: Yes, I can—I cannot really expand on Chief Colon's—I'm just reading a statement that he gave me to read.

Mrs. Rowat: I appreciate that, and I'll have to have a conversation with chief, Chief Colon to expand on that.

But I want to thank you for the presentation and thank you for sharing your views today, and I believe that east-side traditional land planning and special protected areas act is a sidnifinite—is a significant step forward, but it has to be done in a co-decision-making process, so we look forward to your continued input, and, and expectations that government will do what is necessary to make this work for you.

Mr. Gerrard: Thank you for substituting for Chief Bailey Colon.

And maybe let me try something that, I mean, you're a participant, I think, of the group of three Cree WNO First Nations. Maybe you can tell us something about the planning process that you're involved with jointly and how things are working and what you've been doing.

Mr. Andrews: When it comes to land-use planning, we, we have a committee of between 10 to 16 members that includes youth, elders, community leaders, resource people and the, these committee—land-use planning committees, they develop the processes of how they want their land to be managed within their traditional areas. Now, all three communities use the same consultant, and he's from within my, from my First Nation, and he's fully aware of all the traditional land that is within the three Cree communities, traditional territories.

Then, in respect to the resource management board, we, we have committee members that we appoint from the chief and council to that resource management board. And they develop jointly with the Province the agreement—is still in process, and, together with the knowledge of the elders, the youth, the leadership, the resource people, we try and make an effective land-use plan. Incorporating the values of our people, the culture and traditional ways, as long—in line, it's in line with the public, public interest. We do not forget that. We, we—our people have always been strong in this part of sharing land. We do not own the land. The land does not own us either. We, we belong to the land. That is tradition, traditional way of our people, and, with that, with that knowledge in, in hand, our people try to develop

a land-use plan that will, that will benefit our people, as well as the other people of Manitoba. And that's all we ask, that we share together with Manitoba and our people.

* (18:50)

Madam Chairperson: Thank you. Are there any further questions?

Okay, we'll now proceed. Thank you for your presentation, Chief Andrews.

I now call Michael Anderson. Is there leave of the committee for Michael Anderson to speak a second time to the committee and provide documentation?

Some Honourable Members: Leave.

Madam Chairperson: Leave is granted. Michael Anderson. Mr. Anderson, yes, I see you have written materials for distribution to the committee.

Mr. Michael Anderson (Manitoba Keewatinowi Okimakanak Inc.): Yes, Madam Chair. I had wanted to bring some materials that were intended to be part of the presentation that we presented on June 4th, and also, though, I had wanted to bring to the committee's attention one map that clarifies the submission Chief Balfour had made, but I also had wanted to file with the committee for their information the minister's June 8th letter to Grand Chief Garrioch in direct response to my submission on June 4th. That would bring the committee up to date with the correspondence that MKO has available.

So, if I might, first, the minister's June 8th letter to MKO, to Grand Chief Garrioch, in response to the submission that I made on behalf of MKO on the 4th of June for the committee. And the one brief commentary that I would make that segues into the map that I'm about to present is that on the third physical page of the document there's a bullet item No. 5 respecting rates into the Norway House NFA Master Implementation Agreement, which the minister discussed with Chief Balfour as part of his submission. And we had looked at the package that Chief Balfour had submitted and noted that we had a somewhat better map to circulate to the committee for their information on the area that would be affected by Chief Balfour's request and the principle that the minister has established in this attachment to the letter to Grand Chief Garrioch.

So, with that, we'll circulate that letter, and, if I might, just as a bit of description, you'll note on the

upper left, the northwest corner of the planning area, there is a red polygon that surrounds the eastern boundary of the Norway House resource management area. So it is that area that would be excluded from application in Bill 6. My recollection is that the information in Chief Balfour's map appeared to—and I'm not sure whether it was just a printing matter—identify what is known as the community interest zone for Treaty Land Entitlement First Nation, of which Norway House is.

The third package of documents, Madam Chair, is—begins with a letter that Grand Chief Garrioch had written to the three House leaders on the 5th of June following our presentation, and then there's a similar package to that that has been handed out by Chief Harper and Chief Andrews in respect of the chain of correspondence between MKO and the minister on Bill 6.

I had—my intention is to deliver these documents, Madam Chair. If any members of the committees had any questions regarding any of the material, then, of course, I'm prepared to provide what information the committee may require. Thank you.

Madam Chairperson: Thank you, Mr. Anderson. Do members of the committee have questions for the presenter? No? Okay, well, again, thank you for your appearance here and submission of these documents.

As was previously agreed to, Moses Okimaw had deferred till all chiefs had presented. I now call on Moses Okimaw to come forward.

Do you have any written materials for distribution to the committee?

Mr. Moses Okimaw (Private Citizen): Can I get my water first?

Madam Chairperson: I'll let you get your water first. No worries.

Mr. Okimaw: Thank you, Madam Chair. I don't have a written submission. I'll be reading it, but I do, I want to be referring to a press release that was put out by Premier Doer, I believe, during the last election. It's dated May 11, 2007. I don't remember the last election, so I made copies of it. Somebody can come and, come and distribute it. I don't know how many copies there are here. Thank you.

I'm here as a private citizen or, as some people would say, as an ordinary citizen of Manto Sipi Cree Nation. My name is Moses Okimaw, and, like I said, I'm a citizen of Manto Sipi Cree Nation. Chief Oliver

Okemow is my younger brother, and he hasn't asked me for my advice on this, but I think he's going to ask me and what I'm going to say is that will be part of my advice whenever he asks me—whenever I see him next. Yeah.

I'm glad to see Mr. Bill Blaikie here. I haven't seen him for a long time. We've known each other since 1979. I remember that we, we took issue with each other on a certain issue there—since 1979. But we've been, I think, from my side anyways, we've been friends ever since.

Anyways, I am familiar with the genesis of this bill. I was—in this legislation—I worked as a co-ordinator of the East Side Planning Initiative. It was called the East Side Planning Initiative then. The initials were ESPI, and I also, and it got changed to the WNO. I then became chief, and I agreed to participate and I supported the idea of a broad area planning within that side of the lake, and I supported it and I still support it whenever the planning can get started. And, like I said, I became chief and I sat on committees of the ESPI, now WNO. I think I may have even chaired a council of chiefs when I was chief. I did help draft the original draft of the WNO Accord, along with Edward and Jane Gray. I believe some of you know Ms. Gray. I don't where she is now.

So what you see now, that's the W—WNO Accord. It's not the original accord. It got changed after I—after an election intervened, I should say. Okay, so it was called a protocol then, and then it became the, the accord. I suppose it got changed so many times, and I believe it was stalled and I did help un-stall it, okay, and then. But the accord—and you've heard so many references to it. The chiefs have made reference to it, and some of the chiefs supported it that you've heard from here. And the chiefs that signed it and that helped draft it placed so much faith in that accord, especially with the principles that were there. They placed so much faith in any document that is the product of joint effort by the government and First Nations peoples, because they have hope that something will come out of working with governments, with any government, be it the NDP, Conservative or maybe Liberal, next election.

* (19:00)

But it is with great hope that First Nations get into joint efforts with government. I wish to state that, and that's why you had many references to that—to the accord tonight. Chiefs felt encouraged that this

accord—that the government and First Nations signed it with all the principles. I remember seeing—hearing an elder when it was accepted by the chiefs, that an elder said, everything is in there, that should determine and guide the First Nations-Crown relations. He saw that everything was there. All the principles that you see in there, he thought that everything in there that you ever hoped that the government would agree to. So he was encouraged.

And I'll just refer to some of the principles that he—this is only 10 minutes, so I had a difficult time trying to get everything into 10 minutes today. Somebody told me that it's easier to draft a 30-minute presentation and more difficult to do in 10 minutes, and I now know what he means.

Okay, the first principle is that relationship is on a government-to-government basis. And the chiefs refer to that principle. It's very, very important to them that we are government who are nations, and nations made governments. And that it's important today, again, that, that the Canadian governments, Canadian jurisdictions recognize First Nations peoples as nations, as having their own governments with their own jurisdictions and their own areas. So that's a very, very important principle that the government agreed to at that time.

Each government is to respect the other. The intent was to prevent a government acting on its own. The government has breached this principle by proceeding with this legislation, by acting on its own unilaterally. New legislation was not contemplated, certainly not this legislation, certainly not the contents of this legislation.

A second principle that, that I point out is that the First Nations peoples are the original inhabitants of the area. There is something to the word original inhabitants. We were there first before anybody else, certainly, before, before the, what we call, the, the Canada. As Aboriginal inhabitants, we still have Aboriginal rights in addition to treaty rights. One of those Aboriginal rights is the inherent right to govern ourselves within that area, as our ancestors have always done. This bill will infringe on that right, it; it entrenches the concept of provincial jurisdiction over our land and natural resources, certainly, over our traditional territories.

Elders say that this is our land. When they talk about land, there is no such thing as Crown land. I sit on the land-use planning committee in my comm—in my community, albeit as an elder, and I was trying to explain one day, in one of our meetings, Crown land

because the elders couldn't understand. Although they know of the Queen, although they know that the treaties were signed with the Queen, they could not understand in their mind the very idea that a queen owns their land. So how can somebody own—somebody else own their land? So they could not understand, and still don't understand, and they certainly won't accept legislation that entrenches that idea over their traditional lands.

So that's one thing. So the bill also takes away the right to say what our traditional lands are. It leaves it with the minister to de-designate the extent of our traditional lands. When a request is made, the legislation says that the land may be designated to the extent of the request or not. So—

Madam Chairperson: Mr. Okimaw, you have about a minute left, just to let you know.

Mr. Okimaw: Holy, I'm only halfway. Anyways, okay, all right, I'll go to consultation, and so that I can introduce and table the, the release by the Premier (Mr. Doer) during the elections, April 7th. It says here: Our current legislation does not fit the needs of First Nations communities who are eager to move forward with land-land-use plans. And, and he, he announces legislation, but he says, the new legislation will be drafted in consultation with First Nations. Well, that hasn't happened. You've heard the chiefs here say that the legislation was proceeded with and drafted in isolation of First Nations peoples.

So the Premier—and my, my recommendation is, like I said, is that the—and I agree with Chief Andrews when he says that the government should take, take back the legislation and start over again.

Madam Chairperson: We have hit the 10-minute mark.

Mr. Doug Martindale (Burrows): Madam Chairperson, I've been enjoying Mr. Okimaw's presentation. I wonder if the committee would give leave to extend him for another five minutes.

Madam Chairperson: Is leave granted?

An Honourable Member: Leave.

Madam Chairperson: Leave. Please continue, Mr. Okimaw.

Mr. Okimaw: Yeah. Okay. The treaties. So the reason why I was talking about Aboriginal rights is that in the letter that was written to the chiefs by the honourable Minister Eric Robinson, he says that

there will be no impingement of Aboriginal rights. Of course, there is. Of course, it will be, so that there is a need to constitution—constitutional-ity to consult First Nations peoples.

Okay, the amendments, and I disagree with people that say that we should try to amend, amend a bill, because it is my understanding that—and I don't know; you people know, committee members know better than I do—is that when a government presents a bill and when there's amendments made, that the amendments cannot change the scope or the nature of the bill itself. Am I correct? Okay.

So that's the reason why I'm saying that there's been so much opposition, so much disagreement over the scope, the nature of the, of the bill, that even if we say, I think we should be careful—when we First Nations say that we should amend a bill, we should, you know, you know, make—be clear about, about agreeing to make amendments to the bill. Okay.

I did say something about consultation, so—I'll leave it at that, just to say that the Premier promised that the bill, the legislation would be drafted with consultation First Nations people, and that hasn't happened. I'll, I'll finish.

Madam Chairperson: Thank you for your presentation, Mr. Okimaw.

We have questions from the committee.

Mr. Struthers: Yeah, thank you very much, Moses. As long as I've known you, you've always given good advice. I appreciate that again tonight.

But I want you to be, want you to help me and be very clear as—in your presentation, you just said that there, there would—there is this—Bill 6 is an infringement on treaty rights. And the very next sentence you said it, it may be something that occurs down the road.

Which one, which one would it be? Are you, are you speculating that there could be an infringement, or could you actually point to an infringement?

Mr. Okimaw: Yes. It, it will be a, an infringement on treaty rights, 'cause land—the treaties, the courts have said that, that the treaties provide a framework for land-use planning. You see, the government, the governments have a treaty right, according to the text of the treaties, that, that take up land and when, when they take up land, they should be careful to do so, so that the taking up of the land and the use of that land does not render the treaty rights meaningless.

And the courts have said that in Mikišew; one reads Mikišew, which I did.

So land-use plans, and the exercise of those land-use plans may impinge on treaty rights, depends on the use.

Mr. Struthers: So that's more the implementation of Bill 6 down the road, not, not so much Bill 6 itself here.

Floor Comment: Well, it enables the government—

Madam Chairperson: Mr. Okimaw.

Mr. Okimaw: Yes.

Mr. Struthers: Okay, I think that answers—

Madam Chairperson: Okay.

Mr. Gerrard: Thank you. I remember coming to visit Manto Sipi First Nation and—back in, I think it was 2005, and you took me to the grocery store and there was milk, which was outrageously priced and—

* (19:10)

Floor Comment: Yeah. It's \$12 now for a litre of—

Mr. Gerrard: We've been, we've been trying to get a bill through the Legislature to get a single price for milk all over the province, but we haven't been successful in getting the NDP to see the wisdom of doing this. We'll still work on it.

Floor Comment: Well, run for the NDP—

Madam Chairperson: Mr. Okimaw.

Mr. Okimaw: —you might be a minister in the government then.

Mr. Gerrard: They, they, they seem determined to oppose that kind of a measure.

Anyway, what I wanted to ask you in particular in terms of the—the WNO was really the framework for how a lot of the planning should proceed on the east side, and it was a surprise that there wasn't, you know, built into the bill in its early stages, in consultation and working in a co-decision framework the starting point being the WNO Accord.

Mr. Okimaw: What was the question? What is the question, then?

Mr. Gerrard: Well, why—how can you explain that the WNO Accord wasn't explicitly discussed in the bill?

Mr. Okimaw: How can I complain?

Mr. Gerrard: Explain.

Mr. Okimaw: Explain? Well, the principals, like the chiefs were saying, it's on a government-to-government basis. It's not government to government. It's all provincial jurisdiction; it's Crown land.

As I explained, there's no such thing as Crown land. It entrenches provincial jurisdiction over our land, traditional areas and, and resources, so it, it's one-sided. It doesn't recognize our traditional lands. It doesn't recognize our jurisdiction over our lands, so it's very, very one-sided, and that goes against the principles and the spirit and intent of the accord.

Hon. Eric Robison (Acting Minister of Aboriginal and Northern Affairs): I have a series of questions, Mr. Okimaw, and perhaps you'd be kind enough to respond to them and just take note of them, because I know the nature of how we do committee work here is such that we can't have a, a discussion that Dr. Gerrard was trying to have with you.

For example, based on my letter that I, that I sent off to every of the—every one of the First Nations on my understanding about Bill No. 6—maybe you could just take note of these questions. In what way do you see that there is an infringement or an abrogation of treaty and Aboriginal rights on the part of this government?

Secondly, it could be argued that this bill could be considered as an accommodation measure that would enable First Nations to, to opt into it or to have a voice or say through the established RMAs—RMBs, rather—that are contemplated under the current bill. And, also, would you not agree that Bill 6 is a vehicle that enables First Nations to have a say or a voice over matters that occur in their traditional territories that could be also considered to be government to government?

And, finally, I want to ask you a question—because you're a learned man, being a long-time leader, a Chief and a Grand Chief in the province of Manitoba—if any First Nation in northern Manitoba, both the Cree communities, the Oji-Cree communities, have given consideration under the federal government's Land Management Act. Have any First Nations considered protection under that particular federal act?

Madam Chairperson: Before you proceed with your answer, Mr. Okimaw, we have actually exceeded the amount of time.

Mr. Martindale: I'd ask the committee if they would give leave to allow Mr. Okimaw to answer the questions.

Madam Chairperson: Is leave granted?

Mr. Okimaw: I didn't take note of all your questions, but—

Madam Chairperson: Agreed?

Mr. Okimaw, please proceed.

Mr. Okimaw: If I could have a, you know—review the transcript later, I could provide a written answer to you—

Mr. Robison: Yeah, Madam Chair, if Mr. Okimaw would be just kind enough to answer one question.

To his knowledge, as a learned man, as a legal counsel and also former Chief and former Grand Chief here in the province of Manitoba, is he aware of any First Nation in the region that he and I are most familiar with—have they applied to the federal government, under the Land Management Act, for measures in the protection of traditional territories in that area?

Mr. Okimaw: Yeah, you're referring to the First Nations Land Management Act, and I don't think, certainly not in my First Nation that—they have not applied to be covered under that legislation.

And I don't know for sure that any of the First Nations in that area, northeastern area, Island Lake and God's Lake and Oxford House and God's River, I don't think any of those First Nations have applied to come under that legislation.

Madam Chairperson: Thank you, Mr. Okimaw. Thank you for your presentation.

And I will now, in accordance with our rules, call out the next name which is Vivek Voora, International Institute for Sustainable Development.

Floor Comment: Have some materials to distribute.

Madam Chairperson: Thank you, and once they're distributed, would you please proceed with your presentation.

Mr. Vivek Voora (International Institute for Sustainable Development): I'd like to start my presentation by—if you can hear me—by thanking you for inviting the International Institute for Sustainable Development to present our work on valuing the ecosystem services of the Pimachiowin

Aki, the World Heritage project area on the east side of Lake Winnipeg.

I was going to quickly, first, ask permission from the committee to have my colleague Steph Barg come up and assist me in answering some of your potential questions at the end of my presentation.

An Honourable Member: Agreed.

Madam Chairperson: Agreed?

An Honourable Member: Agreed.

Mr. Voora: Thank you. Okay. So, my presentation, which is, which I've handed out there, will essentially consist of a quick introduction to IISD and the ecosystem service concept. I'll then jump into the, the essential part of the presentation which is the research objective, the approach and the results of our study and conclude with some key messages and the relevance of this type of work to sustainable development.

So the International Institute for Sustainable Development is a policy think tank based out of Winnipeg. We have offices in Geneva, Ottawa and New York. We were established in 1990 and we are now a mid-size NGO with about 59 full-time staff. Our role is essentially to facilitate—to promote and facilitate sustainable development within society at large. We have a number of different program areas. I work in the sustainable natural resource management program which was tasked with conducting this study, but we have expertise in a number of different areas. And so we cover quite a bit of ground with respect to all things related to sustainable development.

So ecosystem services: What is an ecosystem service? It's essentially the benefits we receive from natural—healthy, natural, functioning environments, and the ecosystem services have been, I guess, categorized by the Millennium Ecosystem Service Assessment into four categories, which consist of supporting, provisioning, regulating and cultural services. Some examples of ecosystem services include flood protection, waste-water treatment, food provision, and the Millennium Ecosystem Assessment also made some very clear links between the benefits we receive from natural environments and our, our well-being.

So the Pimachi–Pimachiowin Aki World Heritage project area consists of—it's located the east side of Lake Winnipeg—consists of four First Nation traditional lands and two provincial parks. It covers

about 40,000 square kilometres, and it has been proposed as a potential World Heritage Site, and studies are currently under way to compile a nomination document that will be submitted to UNESCO in 2011.

So why do we carry out an ecosystem service assessment of the Pimachiowin Aki World Heritage planning area? Well, it was to, essentially, support the nomination document with, specifically, with respect to coming up with a management plan for the area. So a management plan needs to be developed to, essentially, show to UNESCO that the natural attributes of the Pimachiowin Aki site will be preserved in perpetuity. And this study was essential because it provided us with a building block upon which we could potentially look at payments for compensating the people that live within the site that would be responsible for stewarding and maintaining these natural attributes.

* (19:20)

So, essentially, an ecosystem service evaluation study is a precursor to potentially establishing payments for these ecosystem services that would help with managing the site. It also provides, these types of studies also provide, provides us with the means to show that healthy, intact, natural environments are valuable, even if they're non-market-traded.

So what was our approach in conducting the study? Well, the first thing we did was we compiled a land cover map for the area, and we did this by using 2000 Landsat imagery. The second thing we did is we identified 21 ecosystem services that are provided by this, by the world—by the Pimachiowin Aki site. And, lastly, what we did is we tried to estimate what these—or quantify and value, I guess—these, what, what these ecosystem service values are worth in monetary terms by using existing studies that, that—relevant existing studies—that we could then use to transfer those, those estimates on—to essentially make estimates for the site in question.

And we were very lucky in the sense that we extracted a lot of that information from the Eco-Region 90 studies which were conducted by Manitoba Conservation in the late '90s. So we got a lot of really excellent information from those studies to complete our evaluation assessment.

I should also mention that, although we looked at 21 ecosystem services, we did not try and monetarily quantify the cultural services that are

provided by the site because, in essence, it's, that is—putting a monetary value on those services are, is very subjective, so we stayed away from that.

So the results of the study were essentially that—what we ended up with, or estimating, was that the Pimachiowin Aki site provides approximately 120 to 130 million dollars a year in ecosystem service benefits. The majority of this value comes from fishing, water treatment, hydro power and carbon sequestration. And the data we collected also enabled us to make a distinction between the services that benefit residents and non-residents directly and also the services that are shared between the residents and non-residents.

So the results we obtain, we basically were very conservative in our estimates because of, well, due to lack of, of information, and inaccuracies in transferring some of these valuation estimates onto—from one context, from a different context, to the Pimachiowin Aki site. So we essentially tried to be very conservative in our estimates so to compensate for these inaccuracies in our study.

So ecosystem valuation studies are very important because they enable us to initiate discussion on the benefits we receive from nature. So, they enable the comparative analysis to similar studies; they highlight the value of non-market-based services we receive from natural environments; they provide us with valuable information for developing natural resource management policies; and, finally, provide a rationale for spending to maintain and restore these natural environments.

So, some key messages. Just to reiterate: natural environments provide us with essential, absolutely essential and valuable ecosystem services for our well-being. Ecosystem services can be valued monetarily to better manage our natural environments. The people who are, who are involved in stewarding these natural environments could be compensated through payments for ecosystem services. And finally, Bill 6 provides us with new tools for maintaining, protecting essential natural environments for public well-being.

So, to conclude, the, the ecosystem service valuation studies is a very important tool for sustainable development because it allows us to make that important link between the economic and environmental aspects of sustainable development.

Madam Chairperson: Thank you for your presentation.

Is there leave of the committee for Mr. Voora's colleague to come up and respond to the questions?

Some Honourable Members: Leave.

Madam Chairperson: Leave?

Please state your name for the record, sir.

Mr. Stephan Barg (International Institute for Sustainable Development): My name is Stephan Barg.

Madam Chairperson: Barg. Thank you, Mr. Barg.

Do members of the committee have questions for the presenter?

Mr. Gerrard: I think, just in terms of the analysis that you've done—let me start there—quite a number of millions of dollars from fishing, things like trapping and hunting are close to it, whereas, for example, ecotourism which is, at least, put forward as having huge potential in this area.

Mr. Voora: Yes, we did look at—we did look at the recreational value of the site, so the tourism, the potential for tourism, and then we also looked at hunting and trapping. They're also included in the assessment.

But, as far as the, the, I guess the ecosystem service that contributed the majority of the value, fishing—it was fishing, hydro, water treatment, and carbon sequestration came out as the services that provided the most value. But we also looked at hunting, trapping, and recreational values.

Madam Chairperson: Are there any further questions from the committee?

Seeing none, thank you for your presentation.

In accordance with our rules, I will now call out the names of those previously called and dropped to the bottom of the list.

Chief David McDougall? Chief David McDougall? His name will be dropped from the list.

Chief Jerry Knott? Chief Jerry Knott's name will be dropped from the list.

That concludes the list of presenters I have before me. Are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes public presentations.

Oh, hello—oh, yes, we do have a public presenter?

Floor Comment: A question, if I may. Tell me if it's appropriate to ask a question.

Madam Chairperson: Excuse me. We just need to get your name on the record.

Floor Comment: Sorry. Gaile Whelan Enns, Manitoba Wildlands.

Madam Chairperson: Does the committee grant leave for Ms. Whelan Enns to ask a question?

An Honourable Member: Leave.

Madam Chairperson: Leave? Okay. Please proceed.

Ms. Gaile Whelan Enns (Manitoba Wildlands): I've heard this question among presenters, both last week Thursday and this evening, so the question is basically to, to hear an affirmation that all of the materials tabled regarding Bill 6 in the hearing last Thursday and tonight will be public in the same way that the transcript will be?

Madam Chairperson: To confirm, yes, the—anything that is submitted to the committee is considered public documentation and is made available upon request.

Floor Comment: Thank you. It has been a concern at past committee hearings, so I thought it was worth voicing. Thank you very much.

Madam Chairperson: Thank you for your question.

During the consideration of a bill, the table of contents, the enacting clauses and the titles are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, I will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed?

An Honourable Member: Agreed.

Madam Chairperson: We will now proceed to clause-by-clause consideration of the bill.

Does the minister responsible for Bill 6 have an opening statement?

* (19:30)

Mr. Struthers: I'm—I very much wanted to express our thanks to all those folks who came out either Thursday evening or tonight and presented to us. I also want to thank the chiefs of all of the 16 First Nations along the east side for the dozens and dozens of meetings that we have held in, in preparation for Bill 6, for the introduction of this bill back in December, and for their participation in the WNO process. Moses Okimaw mentioned that he was there for—when the East Side Planning Initiative was launched a while ago and I think it, it was a good process to start then and I think it's a good one to see through, through to the end and, and remain committed to those principles that we laid out—actually, that the late Oscar Lathlin laid out on behalf of our government a number of years ago.

I, I want to, I want to say that the advice that we've got is good advice. In particular, what we heard Thursday night, I think, was, was good advice for all of us around this table and, and for—in particular for me as minister. I think that's a normal part of our process is having people come forward, especially, especially chiefs who, who are the, who are the head of a, of a government and I think too often we forget that they are nations, not just stakeholders in this whole process.

So, with that in mind, I want to make a, a few—just a, a few comments. First of all, a number of commitments that I made as minister on our—on behalf of our government as we have worked towards the introduction of Bill 6. One was that we would translate the bill and any amendments into the languages of the people who, who live and have lived on the east side for, for generations. As a result, this bill will be tr—has been and the amendments that, that I'm going to propose to put forward, will be translated. This is a bill that will appear on the record in five languages: English, French, Cree, Oji-Cree and Ojibway. So we've—that's one commitment that we've, we have come through on.

I will be announcing—I will be amending in two places the bill that we have before us. As I indicated on Thursday night, I will be bringing forward a non-derogation clause. This is coming from not just the advice we got last Thursday, but a commitment that we made a couple of months ago to Chief Andrews who we heard from earlier this evening, who, I think, quite rightly, as a chief, was—is concerned that, that he protect the treaty rights of his people, which, I think, is a reasonable request. I, I

want to point out that the non-derogation clause that we will bring forward is in addition to the protections that are already there through the interpretations act in Manitoba, which, which governs all legislation that we, as legislators, attempt to bring forward.

And, and just ahead of that, in section 1, I will be bringing forward an amendment. I think what you heard over and over tonight and on Thursday night was a, was a request that we, that we tie the accord into this legislation and I, I will be doing that with a, with a amendment at—in section 1, an amendment that will make it very clear that the principles, the principles of the accord—which so many people put a lot of work into, not the least of which were the chiefs and representatives from our, our government, whether it was the—whatever number of iterations of the protocol which eventually was evolved into the, into the accord. Those are, I think, very important principles that, that give a level of security to, to chiefs on the east side of Lake Winnipeg. And I think was very good advice that we've received at this committee, that I, that I wish to honour tonight with, with an amendment.

The only—the last thing I want to mention is the letter that—what was actually distributed earlier this evening by Michael Anderson of MKO. I've sent a letter and a statement of principles surrounding Bill 6. This letter has gone to all the chiefs and MKO. It sets out in writing, and signed by myself, a list of eight principles, the first of which makes it very clear that this is a voluntary bill that will only apply to First Nations who request—who welcome it.

The second principle is that will be reflected in the non-derogation clause that I'm bringing forward. The—we, we want to make sure that all Aboriginal rights are respected, that any Crown decisions that originate from this act respect treaty and, and constitutional rights.

The third principle would be the—to make it consistent with the WNO accord, which I've already mentioned.

The fourth principle, we need to underscore, we need to respect the government-to-government relationship that we're, that we're working to build with First Nations. The—we want to make it clear that the act will enable the Province to approve a plan only if it has been approved by the First Nation. I think that's a very important statement that we need to, that we need to identify, only if it has been approved by a First Nation.

No. 5, respecting the rights of Norway House. As I mentioned in the House today, on, in *Hansard*, we, we, the Premier (Mr. Doer), the Minister of Aboriginal and Northern Affairs and myself have been on record that the, that the Norway House Northern Flood Agreement and the master implementation is a modern-day treaty, and that, this, this legislation, in no way, supersedes that Northern Flood Agreement.

No. 6, in terms of existing uses, I want this principle to be very clear, that no First Nation is going to be asked to accept any existing uses.

The seventh principle that I've laid out, it was very much a concern of Island Lake First Nations that if they don't opt into Bill 6, if they don't request the benefits of Bill 6, will they still be allowed to go ahead and do community land-use planning? And we want to be very clear that the answer to that question is yes, that they certainly can move forward with community land-use planning.

The last principle that I outlined in the letter that I've sent to the chiefs is the public interest and consultation. I want to be clear that the Province could not amend the plan. If the Lieutenant-Governor has determined that the amendment is in the public interest, we can't do that without the full and meaningful consultation with any affected First Nation prior to that decision being made. We want to be very clear that Bill 6 doesn't supersede the Northern Flood Agreement, it doesn't supersede or take away from this government or any other government's duty, obligation to meaningfully consult and accommodate as per section 35 of the, of the Constitution.

So I, I wanted to make sure that those, those undertakings, whether they be the amendments I've talked about or this letter very clearly setting out those principles, have—are on the table and can provide some type of assurance for chiefs. And, and in, in terms of moving forward with this, with this Bill 6, but also I think it's important that we recognize that we've been through a process here in the committee. Chiefs came great distances, and MKO, as well, to make their presentations, and I think there was some good sense in those presentations that I want to reflect in these principles.

So, with those words, thank you very much, Madam Chairperson.

Madam Chairperson: We thank the minister. Does the critic from the official opposition have an

opening statement? No? Okay, we thank the member. Okay, we shall proceed.

Shall clause 1 pass?

An Honourable Member: Pass.

Madam Chairperson: The clause 1 is accordingly passed.

Mr. Struthers: Yes, I move that the bill be amended by adding the following after clause 1: Objectives, 1.1 The objectives of this act include (a) developing a new government-to-government relationship between the—between the Wabanong Nakaygum Okimawin, East Side, First Nations and the government arising out of the East Side Planning Initiative, and (b) implementing the goals and objectives of the Wabanong Nakaygum Okimawin Council of Chiefs Accord, dated April 3, 2007, in accordance with the principles set out in that accord.

* (19:40)

Madam Chairperson: It has been moved by the Honourable Mr. Struthers, that the bill be amended by adding the following after clause 1—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Is—the amendment is in order. The floor is open for questions. Seeing none, is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows: That the bill be amended by adding the following after clause 1—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Shall the amendment pass?

Some Honourable Members: Pass.

Madam Chairperson: The amendment is accordingly passed.

Shall clause 1.1 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 1.1 is accordingly passed.

Shall clause 2 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 2 is accordingly passed.

Mr. Struthers: I move that bill be amended by adding the following after clause 2: Aboriginal rights protected, 2.1 This act is not to be interpreted so as to abrogate or derogate from the Aboriginal and treaty rights of the Aboriginal peoples of Canada that are recognized and affirmed by section 35 of the Constitution Act, 1982.

Madam Chairperson: It has been moved by the Honourable Mr. Struthers that the bill be amended by adding the following after clause 2: Aboriginal rights protect—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

The amendment is in order. The floor is open for questions.

Is the committee ready for the question?

An Honourable Member: Question.

Madam Chairperson: The question before the committee is as follows: moved by the Honourable Minister Struthers that the bill be amended by adding the following after clause 2—

An Honourable Member: Dispense.

Madam Chairperson: Dispense.

Shall the amend—shall clause 2.2 pass?

Some Honourable Members: Pass.

Madam Chairperson: Shall—clause 2.2 is accordingly passed.

Shall clauses 3 and 4 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 3 and 4 are accordingly passed.

Shall clause 5 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 5 is accordingly passed.

Shall clauses 6 and 7 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 6 and 7 are accordingly passed.

Shall clause 8 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 8 is accordingly passed.

Shall clauses 9 and 10 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 9 and 10 are accordingly passed.

Shall clauses 11 and 12 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 11 and 12 are accordingly passed.

Shall clause 13 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 13 is accordingly passed.

Shall clause 14 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 14 is accordingly passed.

Shall clause 15 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 15 is accordingly passed.

Shall clause 16 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 16 is accordingly passed.

Shall clause 17 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clause 17 is accordingly passed.

Shall clauses 18 through 21 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 18 through 21 are accordingly passed.

Shall clauses 22 through 24 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 22 through 24 are accordingly passed.

Shall clauses 25 through 27 pass?

Some Honourable Members: Pass.

Madam Chairperson: Clauses 25 through 27 are accordingly passed.

Shall the table of contents pass?

Some Honourable Members: Pass.

Madam Chairperson: The table of contents is accordingly passed.

Shall the enacting clause pass?

Some Honourable Members: Pass.

Madam Chairperson: The enacting clause is accordingly passed.

Shall the title pass?

Some Honourable Members: Pass.

Madam Chairperson: The title is accordingly passed.

Shall the bill be reported?

Some Honourable Members: Agreed.

Madam Chairperson: The bill shall be reported. *[interjection]* As amended. The bill shall be reported as amended.

The hour being 7:44, what is the will of the committee? *[interjection]*

The hour being 7:44, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: Committee rise.

COMMITTEE ROSE AT: 7:44 p.m.

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