



Broad Area Planning

East Side Planning Initiative

Room 405 - 326 Broadway
Winnipeg, Manitoba R3C 0S5
204-945-8114 or 1-800-214-6497
204-948-2948 Fax
espi@gov.mb.ca

August 10, 2004

Dear Members of the Round Table and the First Nations Council,

Attached are the more important final changes to the recommendations, which I promised I would send to you for final comment. Also re-attached for your review is the final chapter (7.0) of the report on the conclusions and path forward. Please forward your comments to me by **no later than August 17**. I will then re-incorporate minor variations but check with all of you again if a major change that alters the meaning of the text is proposed. If there are no changes, we will go to final edit and print!

Congratulations to all of you who worked so hard to develop this consensus. Your secretariat is as proud as punch to have served you in this process!

Cheers,

Peter André Globensky
Executive Coordinator



Draft Status Report

Final Changes to Recommendations & Chapter 7.0

The changes brought in the recommendations are highlighted in bold

5.1.3

That the Minister of Conservation actively explore the possibility of creating a **resources partnership** with other provincial departments, the federal government, East Side First Nations, the private sector, public agencies and environmental non-governmental organizations **in order to generate a pool of funds and other resources** to permit the on-going development of a comprehensive Broad Area Plan.

5.1.5

That the East Side First Nations Council be provided with a renewed mandate:

- To continue to facilitate and support negotiations and consultations on Protocols of Agreement with the First Nations governments.
- To continue to facilitate and support negotiations and consultations on a Protocol of Agreement with the Métis Nation resident on the East Side of Lake Winnipeg.
- To continue to provide and collect information, consider and analyze community and individual submissions, engage in discussions and prepare the final recommendations for the Broad Area Plan for the East Side of Lake Winnipeg pursuant to the mandate initially provided by the Minister;

- To assume planning authority for land use and development within the territory of the broad area plan in providing the Government of Manitoba with **direction** and advice on major, large-scale land use developments or initiatives.

Until such time as the Broad Area Plan and the Protocols of Agreement have been concluded, the East Side First Nations Council shall assume planning authority for lands in the planning area at the earliest possible opportunity.

5.1.8

With respect to the composition of the East Side First Nations Council (ESFNC),

- **That the ESFNC be presided over by an independent Chair whose appointment is subject to the mutual agreement of the ESFNC and the Government of Manitoba;**
- **That the ESFNC will consist of the twenty-one (21) members – sixteen (16) East Side First Nation Chiefs or their designates, one (1) representative from the Métis Nation government, or their designate, and four (4) representatives recommended by the East Side Round Table.**
- **That the ESFNC will be assisted by an East Side Advisory Committee, the members of which shall be agreed upon by the ESFNC and the Government of Manitoba.**

5.2.7

Community-based land use planning must be completed prior to any development activities within their traditional lands. It should guide the identification and development of resource-based opportunities, including protected areas and infrastructure development in the east

side planning area. As has been indicated elsewhere in this report it is of paramount importance that adequate resources be made available to assist **First Nation and Metis Governments and Northern Affairs** communities in land use planning.

5.2.8

That all future discussions, consultations and negotiations between the public and private sectors, and **First Nations and Metis 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

That 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 Metis Governments** Respecting the Broad Area Plan for the East Side of Lake Winnipeg.

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 Metis 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 a **recognition for 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 Metis 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.**

NEW

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, that 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.

6.2.2

Future development **must** be contingent on the establishment of processes and policies that ensure community involvement, training and employment and that resource allocation decisions involve local communities.

6.3.1

To ensure sustainable forestry practices are maintained on the east side of Lake Winnipeg, that all commercial forestry activities **are encouraged to** operate according to standards and procedures

established or recommended by management and forest certification systems.

NEW

6.3.10

Any permitted or licensed forestry development or activity must investigate, identify and mitigate impacts on other licensed or permitted activities such as trapping, wild rice propagation, lodges and outfitters, and others. The Government of Manitoba shall work with the East Side First Nations Council to establish a process to ensure sufficient communications between license holders and provide a mechanism to resolve any conflict or disputes that may arise due to competing licensed interests. Conflict Resolution by a third party mediator could be a consideration.

(((Please Note: This phrase is repeated for each of the resource categories in Chapter 6.)))

7 Conclusion

The Path Forward: Challenges & Opportunities . . .

Despite having prepared a narrative analysis and 95 recommendations for consideration by east side of Lake Winnipeg communities and the Government of Manitoba, this status report, as its title suggests, is a long way from completion. Negotiations and discussions on many of the planning, protection and development issues identified in the original mandate for the broad area plan have not been completed, nor has there been adequate opportunity for east side residents to prepare their input to this planning process. As information - sharing sessions with communities started but a scant 10 months ago, this is not surprising. It is to the credit of the Government of Manitoba and its commitment to this exercise that it will likely extend the period for community input thereby ensuring a broad area plan that both protects the environment and responds to the economic and social needs of the residents of the east side of Lake Winnipeg.

Also encouraging is the "leap of faith" taken to date by 13 of the 16 First Nations communities on the east side of Lake Winnipeg in signing an important *Memorandum of Understanding*. The Memorandum commits these First Nations governments and the Government of Manitoba to a process of negotiations and consultations which may lead to a *Protocol of Agreement* that will be the centerpiece of the broad area plan itself. As suggested in an earlier chapter, if the broad area plan defines *what* issues and proposals are to be subjected to a planning regime (transportation, protected spaces, mining, etc.), the Protocols of Agreement will determine *how* those issues come into play on the east side of Lake Winnipeg. Consistent with the recommendations in COSDI, the Government of Manitoba is strongly encouraged to commit to a separate process of protocol negotiations with the Metis Nation Government of the east side of Lake Winnipeg.

Final changes to Selected Recommendations

With the justifiable excitement and focus on the promise held by the negotiations and consultations on *Protocols of Agreement*, it is essential to the overall success of the East Side Planning Initiative to remember that the broad area planning and protocol processes are inextricably intertwined. One cannot proceed without the other.

Another major facet of the implementation of the broad area plan is the creation of a governance mechanism that will ensure adherence to the broad area plan and *Protocols of Agreement*. The necessary authority will have to be vested in such a mechanism in order to guarantee local community input while adhering to the principles of sustainable development and protection of the environment which are the foundations of the broad area plan. It is not too soon to begin thinking of the possibility of legislative action to enshrine both the broad area plan and the *Protocols of Agreement* which will be essential to its survival and implementation.

If undertaken, with respect for the necessary complexity of the process, a measure of good faith and patience, and appropriate attention to detail, the Broad Area Plan for the East Side of Lake Winnipeg will represent a watershed in the evolving relationship between government and Aboriginal communities in Canada. In terms of both the geographic area encompassed within the planning area and the complexity of the issues at stake, this is a most ambitious undertaking – one, that if successfully completed, will change the social and economic relationships between the Government of Manitoba and First Nations governments on the east side of Lake Winnipeg, and that will alter for the foreseeable future how land use planning is carried out in Manitoba.

There are numerous and daunting challenges to this enterprise: The constant challenge of ensuring that information and data is adequately shared with the population of the east side; the requirement to continuously engage the leadership and members of east side communities in building the broad area

Final changes to Selected Recommendations

plan; the need for vigilance and persistence in "following through" with all components of the planning exercise; ensuring that IADD (institutional attention deficit disorder) does not permit the initiative to slowly slip below the horizon of possibility and imagination; the essential requirement for improved horizontal communications among provincial government departments thereby reducing "stovepipe bureaucracy" and increasing the likelihood of a more coordinated and timely response to community needs; the challenges of using adaptive management techniques to allow the necessary flexibility to alter approaches and outcomes to the broad area plan. . . . endless as the list of challenges may appear, the potential rewards far surpass the fears which may be associated with this process.

First and foremost, should the Protocol negotiations succeed and become the centerpiece of the broad area plan not only will it represent a landmark in government-to-Aboriginal government negotiations, it will represent the first time in modern Canadian history that the process was initiated in its entirety by a non-Aboriginal government. The Government of Manitoba can enjoy a measure of pride in undertaking this risk-filled venture and committing itself to staying the course. The successful completion of both the *Protocols* and the broad area plan will contribute immeasurably to re-defining relationships that have been marked historically by mistrust and bitterness. Should the Protocols succeed in allowing Aboriginal communities to play the predominant role in charting their own futures with the access to the resources to do so, all Manitobans will benefit.

Another opportunity realized with the adoption of the broad area plan for the east side of Lake Winnipeg is an unprecedented measure of protection for a significant and contiguous boreal environment. Faced with the seemingly relentless pressures of population expansion and development, the broad area plan will redefine development in terms of its sustainability. Finally, the intrinsic value of the forest environment in "just being there" will be weighted equally with

Final changes to Selected Recommendations

the values our society places upon turning the forest into commodities of necessity and convenience.

This *Status Report* is but a benchmark along the way, and the path ahead does finally offer a glimpse of what a fully functional broad area plan may look like. The fragile coalition of interests which have contributed to the preparation of this report and support its objectives must now rely on the good faith and good will of the government which commissioned this initiative. Let us hope that this faith and this will has not been misplaced so that "*Promises to Keep*" will become promises kept.