

As of July 22, 2004

Manitoba Environmental Organizations – Recommendations for ESPI Status Report

Note: We note that to date, no records of the work and decision process of the Round Table, First Nation Council or the 'implementation committee' regarding the interim ESPI report are available. Nor is there a clear ability to track recommendations from the activity of the 4 months' meetings of the working groups. Working groups did not receive or review the set of recommendations (i.e. other Working Groups' recommendations), so effectively, there is no consensus mechanism for recommendations in the draft interim report as of July 5, 2004 version. The fact that the July 5, 2004 draft report does not provide any indication of whether or not the recommendations contained within it are the result of consensus is disturbing. In particular, the source of each of the recommendations in that version of the ESPI report is NOT identifiable, and some recommendations are not from working group records as provided. Various contents in the introduction to each 'chapter' are contradictory. Other recommendations or assumptions in the draft ESPI report as of July 5, 2004 appear to be based on individual opinions voiced in working group meetings. Certain of these and other assumptions and recommendations are in clear contradiction of ESPI goals, terms of reference and mandate. Others are based on clear errors of fact, or ignore existing Manitoba public policy, and regulatory framework.

We recommend a review of ESPI and Land Use Planning documents, chronology, terms of reference etc at www.manitobawildlands.org. Environmental Non-government Organizations Elements for a valid land use planning process 1000 are also posted.

A. Overarching Recommendations – ESPI Goals, Principles, Terms of Reference

- Confirm and fulfill original mandate, goals, and terms of reference for ESPI to create a land use plan for the East Side of Lake Winnipeg that will be the basis for any further steps regarding ESPI, or following ESPI.
- Re-orient ESPI process and next steps such that “A clear mission or goal statement . . . states that *the most important outcome* of the East Side Planning Initiative is a land use plan that ensures the ecological integrity of the East Side ecosystems is preserved”. (ENGO Elements for a valid land use planning process 2000)
- All parties (Round Table, ESAC, First Nations Council and Working Group members) to acknowledge and agree to mission statement.

B. Re-Structuring the ESPI Process (Steps required before a plan is developed and implemented)

- Engage an independent, professional facilitator experienced in facilitating cross-cultural planning processes, for the next phase of ESPI.
- Address gaps in Round Table membership – non-timber forest product values, fishers/ commercial fishers, conservation and labour, independent scientists, elders, and traditional knowledge experts – for next phase of ESPI.
- Timeline for future land use planning must be generous and flexible, as to date no planning has occurred.
- An independent Science/Conservation Panel should be appointed to review information base, oversee ESPI, address information gaps, and assist in fulfillment of ecological mandate. This panel would advise any future entity, and work with traditional knowledge practitioners to assure inclusion and respect for traditional knowledge.
- Minutes of meetings should be improved – e.g. reflect dissenting opinions, and be in a consistent template, with all decisions and actions assigned, with accountability and report back part of all meeting records. This should include then a record for sub-committee meetings, new committees, IWG, etc.
- Re-orient ESPI process and next steps such that “A clear mission or goal statement . . . states that *the most important outcome* of the East Side Planning Initiative is a land use plan that ensures the ecological integrity of the East Side ecosystems is preserved”. (*ENGO Elements for a valid land use planning process* 2000)
- All parties (Round Table, ESAC, First Nations Council and Working Group members) to acknowledge and agree to mission statement.

C. Recommendations for Minister of Conservation and Cabinet

- The Minister of Conservation will make a formal commitment stating that the original mandate of the ESPI to create a land use plan for the East Side of Lake Winnipeg will be fulfilled.
- The Minister of Conservation must formally state that development planning is not land use planning.
- The Minister of Conservation will formally acknowledge that to date there is no Plan for the ESPI, and that planning steps are outstanding, and needed before any development decisions are made.

- The Manitoba Government will formally provide confirmation that all commitments, public policy, and existing mechanisms regarding protected areas establishment will be honoured by the ESPI.
- A Ministerial directive will situate the ESPI firmly within the context of Manitoba's existing public policies and legislation. (see Recommendations under Section E below as to how to accomplish this)
- Minister of Conservation will confirm that all future steps regarding land use planning on the East Side of Manitoba will continue to be public, with access to information for the public and all participants assured, including through use of the public registry and other information tools.
- The Minister of Conservation will acknowledge that any planning body established as part of the ESPI will not make any decisions regarding land use or allocation prior to the approval of a land use plan. Further, the Minister of Conservation must indicate that decisions made by any entity regarding land use and allocation prior to the approval of a land use plan for the ESPI planning area contradicts the original mandate, terms of reference and intent of the ESPI.
- Confirm Manitoba government's consultation guidelines for First Nation and Aboriginal communities, including in respect to all land uses, not just resource or industrial allocations. Make these available publicly, and to all ESPI participants, all affected communities.
- ESPI will be allocated significant resources to support the Executive Coordinator, Secretariat and independent facilitator, support independent research to fill knowledge gaps, support the independent science/conservation panel, and support traditional use / planning exercises by East Side communities.
- Clarification from Manitoba government whether the CBI Framework is policy of the government of Manitoba will be provided.
- The Manitoba government will arrive at clear climate change policy in respect to forest regions in Manitoba, with principles that clearly state the objectives regarding these forest regions, and that these principles must guide the functioning of the ESPI.
- There will be no net loss of carbon, and no net increase of emissions as a result of any activity within the ESPI planning area.

D. Data / Mapping / Access to Information

- Make all working group recommendations, in advance of the interim ESPI report, available to all working group, ESAC, First Nations Council members. Place all of these documents in the public registry file for the ESPI also.
- ESPI participants must be allowed access to 'public submissions' regarding the July 2004 interim report and the future of the ESPI, including for instance, recommendations from the 'Wabanong Anishinaabe Trappers Association'. Contents of such submissions should be part of discussions surrounding the report to the Minister of Conservation.
- Make all 'public submissions' regarding the ESPI public, and place them in the public registry file as they are received (none in the file as of July 10, 2004), and provide to all ESPI participants before finalization of any interim ESPI report.
- All public submissions regarding the ESPI phase ending July 2004 will be part of the public record, and available to all participants.
- Update and maintain the ESPI public registry file; gap between meeting and filing of materials in public registry should be no more than 30 days.
- All future ESPI evaluation, operational and planning materials will be transparent and public.
- Given that a significant portion of the ESPI planning area is crown lands and waters, all Manitobans will have access to ongoing ESPI information.
- All draft ESPI planning documents, recommendations, etc. will be subject to public review (with adequate time for comments). Public review comments will be kept public through the public registry and other vehicles for access to information. All public review comments must be available to all ESPI participants.
- In the next phase of the ESPI, studies and research regarding alternative and future economies for the communities within the ESPI region should be conducted, and analysis of any assumptions about status quo industrial development intentions should be undertaken.
- An independent and comprehensive study to quantify and describe cumulative environmental impacts from industrial development already occurring within the ESPI natural region scope must be conducted. This should be used for planning purposes, and in advance of any further impacts from development in these boreal forest regions.

- Include a full carbon inventory, carbon loss, and greenhouse gas budget and data with baselines of 1970 and 1990, to be applied to future decisions regarding the ESPI regions.
- Prioritize development of an accounting system that values forests for their ecological services. Apply to decisions regarding the ESPI.
- Publicly release all existing information and data about the ESPI region, including Manitoba Hydro data, and establish a 100-year future monitoring program for weather, species, habitat, ecosystem functions, land values and land use for this boreal forest region as some of the last functioning and intact forest ecosystems in the country.
- All development intentions for the Natural Regions affected by the ESPI should be made public (i.e. all proposed or possible hydro projects, roads, etc.) well before environmental proposals are filed.

E. Manitoba's Existing Public Policies and Legislation for the ESPI

- ESPI activities and reports must be consistent with public policies of the Manitoba Government, including for instance the PAI Action Plan, Water Strategy, Priorities for Sustaining Our Forests, Kyoto and Beyond, Climate Change Task Force Report, Woodland Caribou Strategy. These and other policies, and aspects of the regulatory framework for lands and waters in Manitoba should undergo independent analysis to determine the implications of each for the ESPI. This analysis and public policy information should be provided in a comprehensive package for Round Table members, First Nation Council Working Group and ESAC members that includes access to all policies. (No comprehensive public policy framework in respect to the ESPI mandate, goals, and terms of reference has been provided to participants in the last 2.5 years.)
- A similar undertaking is required regarding Manitoba Legislation that is applicable to the ESPI regions. The above analyses must pay special attention to the implications of each policy and act in terms of Aboriginal and treaty rights.
- Public policy commitment for species protection whose habitat is within Manitoba's East Side must be fulfilled before developments further impact natural regions within planning area. The Manitoba Endangered Species Act needs to include woodland caribou in its listing, as COSEWIC does. Critical woodland caribou areas (wintering, calving, etc.) should be essential criteria in decisions regarding designation of protected areas, and in planning recommendations for the ESPI.

- Manitoba public policy commitments for water quality, and protection of water sources, watershed sources, etc will be fulfilled before developments further impact natural regions and watershed ecological integrity within the planning area.
- Action on recommendations from the ESPI must be consistent with Manitoba public policy, tenure, and regulatory framework for the regions affected by the ESPI geographical scope; the next phase of the ESPI should be the vehicle to follow through on public policy commitments and the ESPI Terms of Reference for the establishment of protected areas in the ESPI Natural Regions, including the First Nation led World Heritage Site.
- The Manitoba government must arrive at clear climate change policy in respect to forest regions in Manitoba, with principles that clearly state the objectives regarding these forest regions, and these principles must guide the functioning of the ESPI.
- There should be no net loss of carbon, and no net increase of emissions as a result of any activity within the ESPI planning area.

F. Protected Areas Planning, Consultation, Establishment

- Prior to any decisions regarding recommendations for development intentions within the plan, establishment of protected areas within ESPI planning area and regions impacted by the ESPI must take place. This must occur as per the ESPI terms of reference through existing consultations, technical standards, etc. with the Round Table becoming knowledgeable of existing consultation standards, public policy for protected areas establishment, etc. Round Table to acknowledge and respect First Nations Protected Areas MOU, First Nations Accord and WHS nomination, and all other actions respecting land protection taken by communities.
- Utilize the next phase of the ESPI to follow through on public policy commitments and the ESPI Terms of Reference for the establishment of protected areas in the ESPI Natural Regions, including the First Nation-led World Heritage Site nomination.
- The Manitoba Government will formally provide confirmation that all commitments, public policy, and existing mechanisms regarding protected areas establishment are to be honoured by the ESPI.
- The definition of a protected area, as per the Manitoba public and regulatory framework, should be explicitly included in the July 2004 interim report. References to 'protected areas' which do not meet this definition should be omitted or re-named to avoid confusion.

G. Relationships with Aboriginal Peoples – Protocol and Other Issues

- Protocol for relationship with Aboriginal Peoples to be completed prior to any new ESPI entity being established, including how and when formal consultation will occur, how communities will be funded to do their own occupancy and traditional use studies and subsequent plans, how community visions will be respected, included in planning process, establishment of protected areas, etc.
- Protocol relationship with Aboriginal Peoples must include a mechanism for use and protection of traditional knowledge and community proprietary knowledge.
- Support the preliminary need for Aboriginal communities to conduct occupancy studies and data collection regarding traditional territories.
- Any future road building in the Natural Regions impacted by ESPI will be based on community needs, as opposed to the needs of specific industries, particularly given the current and impending impacts of climate change.
- Community control of access roads, all weather and forestry roads will be considered.
- All off-reserve members of East Side First Nations will have full access to information as part of the ESPI.
- Confirm Manitoba government's consultation guidelines for First Nation and Aboriginal communities, including in respect to all land uses, not just resource or industrial allocations. Make these available publicly, and to all ESPI participants, all affected communities.

H. Resources for the ESPI

- In order to realize credible plans, recommendations and actions, the ESPI must be allocated significant resources to support the Executive Coordinator and Secretariat, support independent research to fill knowledge gaps, support traditional use / planning exercises by East Side communities, ensure community and citizen participation, and ensure an independent and transparent process.
- Resources for next stage of ESPI must come from multiple government departments, and ESPI results, recommendations should be reviewed by an accountable to a Cabinet Committee.
- Adequate funding should be provided to ensure community and citizen participation, and adequate independence and transparency of process to make credible recommendations and plans.

- ESPI must be allocated significant resources to support the Executive Coordinator, Secretariat and independent facilitator, support independent research to fill knowledge gaps, support the independent science/ conservation panel, and support traditional use / planning exercises by East Side communities.

I. Recommendations re: July 5, 2004 report

- Action on recommendations from ESPI must be consistent with Manitoba public policy, tenure, and regulatory framework for the regions affected by the ESPI geographical scope. Source and tracking of each recommendation to be transparent.
- The ESPI secretariat to provide tracking and source for each recommendation in the draft July 5 version of the ESPI report, showing the source of all recommendations and definitions within the document. This tracking also to show when and how working groups responded to the full set of working group recommendations.
- The ESPI secretariat to provide information on the level of support from participants for all recommendations and definitions with the draft ESPI report, as of July 5, 2004.
- ESPI secretariat to provide an evaluation of access to information for all documents regarding the 2.5 years of ESPI meetings. This evaluation to show who had access to which materials, by format, and when. This evaluation should also include an assessment based of terms of reference consistency for the ESPI, since 2002.
- The definition of a protected area, as per the Manitoba public and regulatory framework, should be explicitly included in the July 2004 interim report. References to 'protected areas' which do not meet this definition should be omitted or re-named to avoid confusion.
- Make all working group recommendations, in advance of the interim ESPI report, available to all working group, ESAC, First Nations Council members. Place all of these documents in the public registry file for the ESPI also.

J. Protected Species

- Protection for the critical range areas of threatened woodland caribou (in particular, areas used by the Owl-Flinstone Lakes and Atikaki-Berens herds) should receive priority consideration in the next phase of the ESPI. The range areas for these herds are the most impacted and are at the most immediate risk from human activity within the planning area. Identification of these areas should be based on scientific data (emphasis on Core and Home Ranges, wintering areas, calving areas, rutting areas, and migration routes). Protection for high quality caribou habitat should be a criteria for land use decisions re the ESPI.
- The Manitoba government will provide funding for independent monitoring studies for annual determination of survival rates, movements, home ranges, calving sites, and recruitment for Owl Lake and Atikaki-Berens ranges.
- The Manitoba government will provide immediate funding for independent restoration projects of woodland caribou habitat that result in forests that are as similar as possible to the original forest in terms of structure, species composition, and function.