

**THE PROVINCE
OF MANITOBA**

**WABANONG
NAKAYGUM
OKIMAWIN COUNCIL
OF CHIEFS**

**WABANONG NAKAYGUM OKIMAWIN
COUNCIL OF CHIEFS ACCORD**

BETWEEN

**THE SIGNATORY FIRST NATIONS
LOCATED WITHIN THE EAST SIDE
PLANNING AREA OF THE FIRST PART**

AND

**HER MAJESTY THE QUEEN IN RIGHT OF THE
PROVINCE OF MANITOBA AS REPRESENTED
BY THE PREMIER OF MANITOBA**

(Hereinafter Referred to as "THE PROVINCE")

OF THE SECOND PART

WHEREAS

this Accord has been developed to confirm that the Wabanong Nakaygum Okimawin First Nation Governments and their citizens and the Government of Manitoba have agreed to develop a new government-to-government relationship including consultation, principles of land and resource co-management and benefit sharing in accordance with this Accord.

WHEREAS

it is the objective of Wabanong Nakaygum Okimawin planning process to bring together local communities, First Nations, industry and environmental organizations to develop a vision for land and resource use in the area that respects both the value of the boreal forest and the needs of the local communities;

WHEREAS

the parties agree to work together to advance land planning on the east side of Lake Winnipeg as well as implementation of recommendations arising out of the “Promises to Keep” Status report submitted to the province in 2004. The Accord will serve as a foundation for First Nations communities within the east side to be involved in decisions that will affect their communities and traditional territories;

WHEREAS

in July 2000, the Province announced its acceptance of the *Consultation On Sustainable Development Implementation (COSDI) Report* which recommended, among other things, that the implementation of sustainable development include the creation of broad area plans in the province;

WHEREAS

it is recognized that the east side of Lake Winnipeg is a unique region of Manitoba containing a largely intact boreal forest eco-system and a population that is comprised of 97% First Nations people. It is further recognized that the boreal forest eco-system and communities in the region will face unique challenges associated with the impacts of climate change.

WHEREAS

it is recognized that the east side region presents an opportunity for the Province and First Nations to work together to both sustain the boreal forest and to promote economic development opportunities that will provide direct benefits to First Nations communities.

WHEREAS

as a first step, the Province has worked with First Nations in the east side region to develop principles for broad area planning and is further committed to supporting detailed land planning in traditional areas.

WHEREAS

the Final Report of Phase 1 and the “Promises to Keep” Status Report of the East Side of Lake Winnipeg Broad Area Planning Initiative recommends that the east side plan recognize, affirm and be in compliance with treaty obligations and aboriginal rights and be consistent with the consultation/protocol guideline recommendations of the *COSDI REPORT* respecting First Nation and Aboriginal peoples;

WHEREAS

the Wabanong Nakaygum Okimawin Council of Chiefs was established to continue First Nations participation in the planning process;

WHEREAS

the planning area is within Treaty 1, 3, 5 and First Nations traditional territories;

WHEREAS

the members of the Wabanong Nakaygum Okimawin Council of Chiefs have approved Terms of Reference to guide their participation;

WHEREAS

the Province desires the First Nations to participate in the planning process;

THEREFORE

the parties agree to work together in a spirit of mutual recognition, respect and reconciliation to achieve the objectives and goals of the East Side Broad Area Land Use Planning Initiative.

1. Principles

The Parties commit to each other to abide by the following principles:

- 1.1 the relationship is on a government-to-government basis;
- 1.2 the First Nations peoples are the original inhabitants of the area;

- 1.3 the planning area is within Treaty 1, Treaty 3 and Treaty 5; therefore the Province is bound by the terms of those Treaties and principles of treaty interpretation as enunciated by the courts;
- 1.4 in addition to their treaty rights, the First Nations peoples living within the planning area have aboriginal rights that are inherent as First Nations peoples and as the original inhabitants of the area;
- 1.5 the First Nations peoples living in the planning area have traditional territories;
- 1.6 treaty and aboriginal rights are protected in s.35 of *The Constitution Act, 1982*;
- 1.7 the First Nations assert that the Province has fiduciary obligations to First Nations peoples within their sphere of jurisdiction according to the Canadian constitutional framework;
- 1.8 based on developing case law relating to s. 35 of *The Constitution Act, 1982*, Manitoba recognizes that it has a duty to consult in a meaningful way with the First Nations peoples. This process does not replace the government's obligation to meaningfully consult with First Nations on any future developments in the East Side Planning Area;
- 1.9 by participating in this process, First Nations do not consent to future developments arising out of the recommendations and that this participation is neither intended nor should it be used to fulfill any legal obligations of the Province now or in the future;
- 1.10 it is recognized that certain First Nations living in the planning area have traditional uses and other interests in land outside the planning area;
- 1.11 the First Nations have acknowledged the shared responsibility of ensuring the integrity of the land in their territory;
- 1.12 both parties acknowledge and recognize the role of elders as carriers of the teachings and traditions of the First Nations;
- 1.13 according to the elders, one cannot separate the people from the land and the land from the people. Sustaining the land and promoting economic development that will benefit local communities will be the guiding principles of decision making.

2. Objective

- 2.1 The parties agree to work together throughout the land use planning process and the implementation of recommendations arising out of the 2004 “Promises to Keep” Status Report. The Wabanong Nakaygum Okimawin Accord will serve as a foundation for Wabanong Nakaygum Okimawin First Nation communities and the Province of Manitoba to ensure the First Nations within the east side are involved in decisions that will affect their communities and traditional territories.

3. Process

The Parties agree that:

- 3.1 The Wabanong Nakaygum Okimawin Accord will serve as the foundation for the 16 First Nations and the Province of Manitoba to work together on a government-to-government basis. The principles of this Accord will frame the land use plans developed for Wabanong Nakaygum Okimawin traditional areas. Activities over the next five years will include, but are not limited to:
- 3.2 The Wabanong Nakaygum Okimawin Council of Chiefs Inc. and the Province of Manitoba will be responsible for the traditional area land use planning activities within the Wabanong Nakaygum Okimawin study area. The Province of Manitoba will contribute \$500,000.00 annually, but not limited to, to support this activity in addition to continued resources for technical and secretariat support.
- 3.3 The Wabanong Nakaygum Okimawin First Nations and the Province of Manitoba will enter into negotiations to establish four Regional Resource Management Boards to ensure First Nations community involvement in decision making throughout the land use planning process.
- 3.4 Work will begin this year to address the transportation needs of remote communities. These projects include the Rice River Road, which is the first leg of an all weather road serving communities on the east side of Lake Winnipeg. New roads will also be built to provide the communities of St. Theresa Point and Wasagamack with a reliable link to their new airport. The province will also work with the communities of Pauingassi, Poplar River and Little Grand Rapids to develop proposals for new airstrips and to design and construct a new bridge to provide year round access to connect God’s Lake First Nation to the Aboriginal and Northern affairs community on the island that includes the local airport;

- 3.5 The Province will work to enact appropriate protection for Poplar River First Nation's Lands Management Plan.
- 3.6 The Province will continue to work with Poplar River, Pauingassi, Little Grand Rapids and the Bloodvein First Nations on the requirements to achieve World Heritage Site designation.
- 3.7 The Province will pilot a unique retrofit and energy efficiency project in the Island Lake area.
- 3.8 The Province will develop regulations, with First Nations governments' participation and approval, pursuant to existing planning legislation to assist with the implementation of the Wabanong Nakaygum Okimawin Accord, the Regional Resource Management Boards and the Traditional Area Land Use Planning.
- 3.9 The Province of Manitoba and the First Nations will meet to sign the Wabanong Nakaygum Okimawin Accord.
- 3.10 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 of 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.
- 3.11 The Province will make decisions about the applications for an allocation or disposition of Manitoba Crown land or resources for an activity in the Planning Area after consulting with First Nations Governments and accommodating reasonable concerns in accordance with 3.10.
- 3.12 The Province, the First Nations Governments and the Assembly of First Nations will collaborate with the Government of Canada to facilitate and promote partnerships to enhance and benefit the First Nations communities in the planning area.
- 3.13 Both parties recognize the importance of oversight and monitoring and agree to meet on a quarterly basis to discuss progress of all initiatives.

4. Term

- 4.1 The Parties agree that the term of this Accord commences upon the signing date by both Parties and unless terminated sooner, ends when First Nations land use plans including traditional territories are enacted into legislation.

5. Aboriginal and Treaty Rights

- 5.1 This Accord shall not affect any Aboriginal or Treaty Rights of the Wabanong Nakaygum First Nations.

6. Termination

- 6.1 This WNO Accord may be terminated by either Party by giving written notice of ninety (90) calendar days before the effective date of termination.

7. Amendment

- 7.1 This WNO Accord may be amended by written agreement of the Parties.

8. Notice

- 8.1 Any notice given pursuant to this Accord shall be made in writing to:

The Province:
To the Minister, Manitoba Conservation

Wabanong Nakaygum Okimawin Council of Chiefs:
To each signatory of this agreement