

PROPOSAL TO DESIGNATE THE ASATIWIPIE AKI TRADITIONAL USE PLANNING AREA AND APPROVE THE ASATIWIPIE AKI MANAGEMENT PLAN

REPORT ON CONSULTATION

OVERVIEW

Poplar River First Nation requested the designation of a planning area and proposed the Asatiwisiye Aki Management Plan for approval under *The East Side Traditional Lands Planning and Special Protected Areas Act* (“the Act”) on September 24, 2009 and February 1, 2010, respectively.

Manitoba Conservation is responsible for administration of the Act and receives requests from First Nations and aboriginal communities to designate planning areas by regulation and approve management plans by order in council under the Act.

Under the Act, at least 90 days before an area is designated as a planning area by regulation, and before an order is made approving a proposed management plan, an opportunity must be provided to First Nations, aboriginal communities and other users of the area to review and comment on the proposal.

Public notice of the proposal under *The East Side Traditional Lands Planning and Special Protected Areas Act* was provided on January 22, 2011. The advertisement of the Proposal read as follows:

“The Poplar River First Nation has asked the Manitoba government to designate an area of provincial Crown land, located approximately 400 kilometres north of Winnipeg, as a traditional land use planning area. This proposed designation would be made through a new regulation under *The East Side Traditional Lands Planning and Special Protected Areas Act*.

Traditional area planning is part of the Manitoba government’s commitment to protect and preserve the cultural and natural values of the area east of Lake Winnipeg. It is a process in which First Nations play a significant role in developing and implementing strategies for the use, management and sustainable development of their traditional lands.

The proposed Asatiwisiye Aki Traditional Use Planning Area regulation describes the boundaries of the proposed planning area and the proposed management plan that would apply to that area.

Make Yourself Heard

An open house is being held to review the proposed planning area regulation and management plan. You are encouraged to attend and meet representatives of the Manitoba government and Poplar River First Nation.

The meeting will be:
February 4, 2011
10:00 a.m. to 6:00 p.m.
Southeast Resource Development Council
360 Broadway, Winnipeg, MB (Main floor boardroom)

Comment Sheets Available Online

If you are unable to attend the meeting, the proposed regulation, management plan and a comment sheet are available at: www.manitoba.ca/conservation, or call Manitoba Conservation and Water Stewardship at 204-945-6784 or (toll free) 1-800-214-6497. You can also mail, e-mail or fax your comments:

Asatiwisiye Aki Planning Area Proposal

Manitoba Conservation and Water Stewardship, Lands
Box 38, 200 Saulteaux Crescent
Winnipeg, MB R3J 3W3

E-mail: eastsideplancomments@gov.mb.ca

Fax: 204-945-4552

All comments must be received no later than March 23, 2011.”

The proposal was advertised in the Winnipeg Free Press on Saturday, January 22, 2011, the Beausejour Clipper Weekly on Monday, January 24, 2011, the Pinawa Paper on Tuesday, January 25, 2011, the Winnipeg River Echo on Wednesday, January 26, 2011 the Lac du Bonnet Leader on Thursday, January 27, 2011 and Grassroots News on Tuesday, February 1, 2011.

An electronic public registry is established on the Manitoba Conservation and Water Stewardship Lands website:

http://www.gov.mb.ca/conservation/lands_branch/public_registry.html, also accessible via a link from the Manitoba Conservation and Water Stewardship main website: www.manitoba.ca/conservation). The following was provided in the registry for this proposal:

East Side Traditional Lands Planning and Special Protected Areas Act

[English](#) (html); [Oji-Cree](#) (pdf, 34 kb); [Cree](#) (pdf, 46 kb); [Ojibwe](#) (pdf, 38 kb); [Regulation](#) (pdf, 38kb); [Boundary Map](#) (pdf, 1.4 mb)]

Traditional Use Planning Area Proposals:

1. Asatiwisiye Aki: [Traditional Use Planning Area Proposed Regulation](#) (pdf, 23 kb) [[French](#) (pdf, 27kb); [Boundary Map](#) (pdf, 510 kb)] (updated January 21, 2011)

[Management Plan](#) (pdf, 6.8 mb) [[Summary](#) (pdf, 931 kb)] (updated January 21, 2011)

[Comment Sheet](#) (pdf, 50kb)

[Public Meeting Notice](#) (pdf, 50 kb)

On December 16, 2010, letters were sent to First Nations in the vicinity of the proposed planning area informing them of the proposal and inviting them to comment. Recipients of the letters are:

1. Berens River
2. Black River
3. Bloodvein
4. Bunibonibee
5. Garden Hill
6. God's Lake
7. Hollow Water
8. Little Grand Rapids
9. Manto Sipi
10. Norway House
11. Pauingassi
12. Red Sucker Lake
13. St. Theresa Point
14. Wasagamack
15. Pikangikum (Ontario)

The Southeast Resource Development Council, Island Lake Tribal Council, Keewatin Tribal Council, Wabanong Nakaygum Okimawin Council and the Poplar River First Nation are copied on the December 16, 2010 letters.

On January 20, 2011, letters were sent to a targeted group of communities and associations with interests in the Crown land and resources within the proposed planning area:

1. Manitoba Métis Federation
2. Manitoba Lodges and Outfitters Association
3. Manitoba Model Forest Inc.
4. Manitoba Wildlife Federation
5. Manitoba Cottagers Association
6. Manitoba Trappers Association
7. Mining Association of Manitoba Inc.
8. Manitoba Prospectors and Developers Association Inc.
9. Berens River Community
10. Island Lake Community
11. Manigotagon Community
12. Matheson Island Community
13. Incorporated Community of Seymourville
14. Aghaming Community
15. Loon Straits Community
16. Princess Harbour Community

The Poplar River First Nation is copied on the January 20, 2011 letters.

A public meeting was held on February 4, 2011 in Winnipeg. About 40 people attended including representatives of the Poplar River First Nation, the Berens River First Nation, Norway House Cree Nation, the East Side Road Authority, Manitoba Prospectors and Developers Association, Southeast Child and Family Services, Southeast Resource Development Council, the Canadian Parks and Wilderness Society (Manitoba Chapter), and Women in Mining (Manitoba Chapter).

The closing date for comments was March 23, 2011.

SUMMARY OF COMMENTS AND RESPONSES

Robert Uchtmann (January 22, 2011)

Objects to the proposal, stating that it is his understanding that “the whole package setting up planning areas for the east side of Lake Winnipeg is that they ultimate control and management of resources to First Nations” which in his opinion is “absolutely wrong”.

Disposition:

The Government of Manitoba retains ultimate responsibility for the control and management of Crown land and resources within the proposed planning area.

Manitoba Conservation has entered into an agreement with the Poplar River First Nation to establish the Asatiwisiipe Aki Ma Ma Wichitown (a board) with equal representation of Poplar River and Manitoba in order to provide advice and recommendations to Manitoba in making decisions on land use and resource management in the proposed planning area.

Terry Zdan (February 4, 2011)

Expressed support for the proposal and suggested that “corridors” be included in the list of restricted activities.

Disposition:

This comment is addressed in the proposed regulation and zoning plan.

Chief George Kemp and Councillor Stanford Boulanger, Berens River First Nation (February 4, 2011)

Expressed support for the proposal in principle, stating that “Berens has no issue with what Poplar is doing”; however, disputed the inclusion of the Charron Lake area within the proposed Asatiwisiipe Aki Traditional Use Planning Area as this is an area traditionally used and occupied by the Berens River First Nation. Recommended that the review process for the Asatiwisiipe Aki Traditional Use Planning Area and Management Plan be put on hold until Berens River First Nation has completed a land management plan for the area used and occupied by the Berens River First Nation.

Disposition:

The resolution of shared / overlapping First Nations’ traditional use areas is primarily a matter to be addressed by First Nations. Charron Lake is within the Pauingassi Registered Trapline Section and not within the proposed Asatiwisiipe Aki Traditional Use Planning Area. Berens River First Nation is encouraged to resolve this issue on overlapping traditional land use areas with the Pauingassi First Nation.

Five First Nations on the east side of Lake Winnipeg, including Poplar River and Pauingassi entered into a First Nation Resource Stewardship – Cooperative Relationship Accord in 2002 and have resolved to respect the autonomy of First Nations and undertake land use planning in a cooperative and collaborative way with other First Nations.

Manitoba Conservation planners are working with the Berens River First Nation to develop a land management plan for the area traditionally used and occupied by the Berens River First Nation.

**David Busch, Manitoba Prospectors and Developers Association
(February 4, 2011)**

Does not support the proposal, stating that the mineral potential of the proposed Asatiwisiipe Aki Traditional Use Planning Area is insufficiently known to modern standards. Claims that the Mineral Exploration Liaison Committee (MELC) has not been consulted on this proposal. The Manitoba Prospectors and Developers Association is represented on MELC.

Disposition:

The province's Protected Areas Initiative met with the Minerals Sector Consultation Steering Committee on June 18, 2009 and the broader Mineral Exploration Liaison Committee (MELC) on June 29, 2009 in respect of the draft Asatiwisiipe Aki Management Plan.

In accordance with section 10 of *The East Side Traditional Lands Planning and Special Protected Areas Act*, the following have been considered in developing the proposed management plan: the natural resources of the planning area, the economic development needs of First Nations and aboriginal communities that have traditionally used land in the planning area as well as residents of the surrounding region and the province as a whole (among other considerations).

Land management plans are the mechanism for potential mineral exploration and development to be considered by Manitoba and First Nations, and information provided to the Poplar River First Nation and Manitoba by the mineral sector and the Manitoba Geological Survey has been considered in the development of the proposed management plan.

Strategic land use direction for the proposed Asatiwisiipe Aki Traditional Use Planning Area is reflected in the existing Poplar / Nanowin Rivers Park Reserve designation: most of the area has been withdrawn from claim staking since 1999. The mineral sector was consulted prior to designation of the park reserve.

Mona Ladouceur, Matheson Island Community Council (February 8, 2011)

Requested information in addition to the information provided in the Ministerial letter dated January 20, 2011.

Disposition:

Provided the requested information.

Caitrin Pilkington (February 13, 2011)

Expressed support for the proposal, stating that "the fresh water found in the boreal forest is invaluable" and "numerous studies have proven that proximity to forests improve respiratory illness, mental illness and heart disease".

Mike Klassen (February 15, 2011)

Expressed support for the proposal, stating that "protecting this area would be in the best interest of Manitobans and for future generations to enjoy".

East Side Road Authority (March 3, 2011)

Requested that the proposed all season road alignment and access corridor area as approved by the Poplar River First Nation be included in the proposal under review.

Disposition:

The Poplar River First Nation and East Side Road Authority have been negotiating - and have reached agreement - on the location of an all season road alignment and access corridor since public notice of the proposal was given. The proposal has been revised to include the proposed all season road alignment and access corridor area. The proposed corridor extends 1.6 kilometres on each side of the proposed road centre line.

Eric Buist (March 4, 2011)

Expressed support for the proposal in the context of the Pimachiowin Aki World Heritage Project, stating that the initiative “would offer protection to threatened species such as the Woodland Caribou and ensure that a large tract of the legendary boreal forest is protected and undisturbed”, “would allow hundreds of visitors to enjoy beautiful, pristine wilderness” and “would put Manitoba on the map as an area of environmental and cultural significance”.

Helios Hernandez (March 22, 2011)

Expressed support for the establishment of the proposed Asatiwisiipe Aki Traditional Land Use Planning Area in general. Suggested that the proposed zoning plan “does an excellent job of making permanent the interim protection that has been in place over much of this land since 1999 when the Poplar / Nanowin Rivers Park Reserve was established at the request of Poplar River First Nation”.

Strongly objects to the inclusion of Little George Island Ecological Reserve within the proposed Planning Area. Recognizes that Poplar River First Nation should have direct involvement in the management of the ecological reserve, but suggests that this be done through the mechanisms laid out in *The Ecological Reserves Act*. Does not support dual designation of the ecological reserve under *The Ecological Reserves Act* and *The East Side Traditional Lands Planning and Special Protected Areas Act*. Observes that section 7 of the proposed regulation attempts to address this, but is concerned that this would still result in two agencies having responsibility for the same site, and that conflicts can arise where different agencies and/or departments administer a designated site. Currently both the *Ecological Reserves Act* and *The East Side Traditional Lands Planning and Special Protected Areas Act* are under the same Minister, but this may not always be the case as governments regularly reorganize portfolios and responsibilities.

Disposition:

The proposed management plan and regulation recognize the Little George Island Ecological Reserve as an area to which *The Ecological Reserves Act* applies. Traditional use of the land and resources in the Ecological Reserve would continue and would be managed in accordance with guidelines established by the Asatiwisiipe Aki Ma Ma Wichitowin Board.

Parks and Natural Areas Branch reviewed the proposed management plan and assisted in drafting the regulation proposal. The Asatiwisiipe Aki Ma Ma Wichitowin Board is committed to provide Parks and Natural Area Branch with the opportunity to review permitted use guidelines that the Board may establish in respect of the Ecological Reserve, to ensure consistency with the ecological reserves program and protection of nesting populations on the island, including Caspian and Common Terns and Greater Scaup.

Larry Innes, Canadian Boreal Initiative (March 23, 2011)

Expressed support for the proposal, stating that the proposed management plan would, *inter alia*, contribute to realizing “a vision of sustaining an intact Boreal ecosystem and the ecosystem services it provides”. Encourages the Poplar River First Nation and the Government of Manitoba “to negotiate a carbon benefit sharing agreement-in-principle” stating that this would be seen as “a leadership step by Manitoba” that “could help build support for the emergence of carbon stewardship financing mechanisms”.

John Bennett, Sierra Club Canada (March 23, 2011)

Expressed support for the proposal and for “planning for the future of Canada’s boreal forest regions”. Requested clarification, as follows:

1. Does *The East Side Traditional Lands Planning and Special Protected Areas Act* supersede other provincial legislation such as *The Mines and Minerals Act*, *The Forest Act*, *The Transportation Act* and *The Provincial Parks Act*?
2. Why is the language in the proposal regarding protection of lands and waters different from the language in Manitoba’s protected areas policy; that is, why is there no prohibition on “any activity that significantly or adversely affects habitat” in the proposed regulation?

Disposition:

1. A management plan that is approved and implemented under *The East Side Traditional Lands Planning and Special Protected Areas Act* must be taken into account when a decision on a proposed development or allocation, disposition or use of Crown land or Crown resources is being contemplated under other provincial legislation.
2. The proposed Asatiwisipe Aki Management Plan describes a prohibition on development and/or human activities that may disturb or significantly alter habitat, landscape or water systems as a policy that will be further refined during plan implementation. Implementation of an approved management plan will be guided by the Asatiwisipe Aki Ma Ma Wichitowin, a board established with an equal number of representatives of the Poplar River First Nation and the Government of Manitoba. Any proposed development or activity that may significantly or adversely affect habitat would be reviewed by the board, could be subject to an environmental assessment and licensing process and must be consistent with an approved management plan and regulation.

The same protection standards that apply to a provincial park may, or may not, apply to a planning area, depending on the direction set out in an approved management plan and regulation for that area. A planning area established under *The East Side Traditional Lands Planning and Special Protected Areas Act* is an option available to a First Nation that is seeking designation of a traditional land use area other than as a provincial park, wildlife management area or ecological reserve.

RECOMMENDATION

All comments received on the proposal have been addressed. It is recommended that the proposal to designate the Asatiwisipe Aki Traditional Use Planning Area by regulation and approve the Asatiwisipe Aki Management Plan by order under *The East Side Traditional Lands Planning and Special Protected Areas Act* be approved.