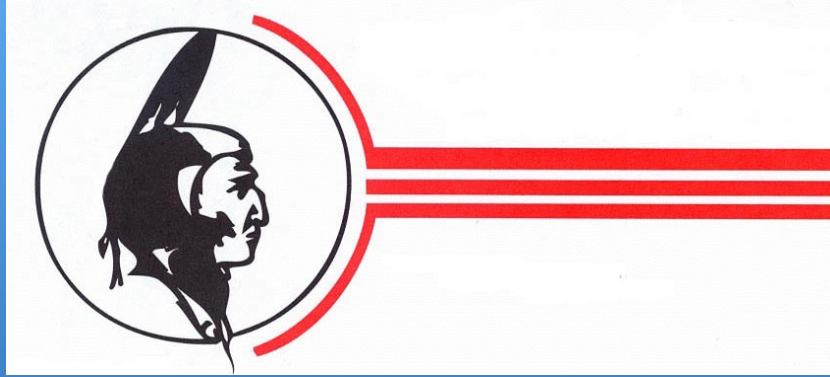


Integrating Aboriginal People in Natural Resource Management



Developing the *Nisichawayasihk Nehethawuk* Land Use Plan and Resource Management Plan

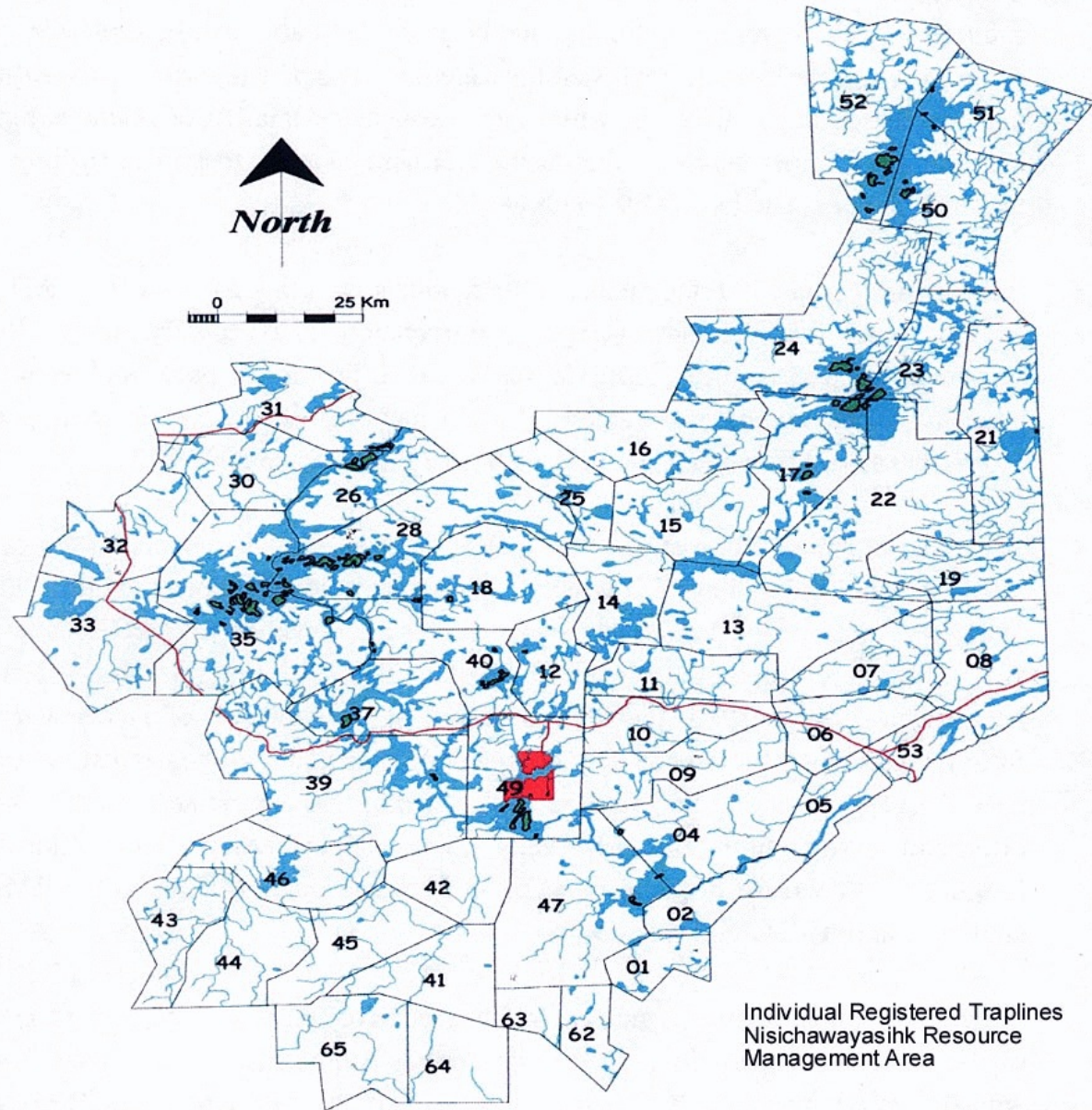
Bill Yetman
Program Coordinator
Resource Management and Treaty Land Entitlement

1996 Comprehensive Implementation Agreement

- Article 6:
 - ▶ establishes Resource Management Board comprised of 4 Members appointed by NCN and 4 appointed by Manitoba
 - ▶ identifies “Nelson House Registered Trapline District” as the Resource Management Area
 - ▶ provides for management of 6.3 million acres of lands, waters and natural resources
 - includes 120,000 acres of existing and future reserve lands

1996 Comprehensive Implementation Agreement

- Article 6:
 - ▶ provides for the development, approval and implementation of a:
 - Land Use Plan
 - Resource Management Plan



Individual Registered Traplines
Nisichawayasihk Resource
Management Area

Implementation of Land Use Plan and Resource Management Plan

"... each (of the NCN Chief & Council and Manitoba) shall promptly take all appropriate steps within their respective jurisdictions to give the plan full effect."

Basic Approach to Plan Development

Plan Elements

- NCN Customary Laws, Beliefs, Values and Aspirations
- Principles
- Policies
- Priorities
- Objectives
- “Section 35 Process”

“Fiduciary Consultation” Process, Results and Decisions

In practical terms, the application of the “Section 35 Process” will result in a four-stepped process.

- ▶ **Step One:** Initiate consultation with the affected Aboriginal group to assess whether an infringement is likely
- ▶ **Step Two:** Consider the specific impacts of the action or decision on Aboriginal interests and determine the scope of any infringement of Aboriginal rights
- ▶ **Step Three:** Consider whether any infringement of Aboriginal rights could be justified
- ▶ **Step Four a):** In the event an infringement can be justified, address and/or reach a workable accommodation of the Aboriginal interests being infringed
- ▶ **Step Four b):** In the event an infringement cannot be justified and a negotiated resolution cannot be arrived at, re-evaluate the decision and/or seek legal advice before proceeding

Basic Approach to Plan Development

Basic Planning Statement Principles

- Balance & Harmony
- Respect
- Protection & Conservation
- Enhanced Opportunities
- Understanding & Acceptance
- Cooperation
- Consultation

Nisichawayasihk *Nehetho* Principles

Kihche'othasowewin

- The *Nisichawayasi Nehethowuk* traditionally live by reference to *Kihche'othasowewin* (the Great Law of the Creator), which is underpinned by spiritual and philosophical beliefs, values, principles and goals.
- *Nisichawayasi Nehethowuk* customary law is the sum total of these beliefs, values and norms.
- All combined to guide and direct the conduct of *ithiniwuk* (individuals), *ka'esi minisichek* (the family), *ka'esi anisko'wakometochek* (the extended family), *mamawe'minisichek* (the clan) and *ka'esi'pisketuskan'nesichik* (the nation).
- In this way social order was maintained by doctrines that reflect *Kihche'othasowewin*. It is this Great Law that determined and still determines *Nisichawayasi Nehethowuk* Customary Law.

N'tuskenan

- To *Nisichawayasi Nehethowuk* (the people of where the three rivers meet), *n'tuskenan* (our land) has been entrusted to us by *Kihche'manitou* (the Creator) for our children *michimahch'ohchi* (since time immemorial).

Aski Kanache Pumenikiwin

- The development of the *Aski Apachi'chikewi Othaschikewin* (Land Use Plan) and the *Pematchi'owi Puminikewin Othaschikewin* (Resource Management Plan) to guide the activities and conduct of all persons while within *n'tuskenan* will be based on *Aski Kanache Pumenikiwin* (the sacred duty and responsibility to protect *n'tuskenan*).

O'chenewin

- The specific terms, conditions, protocols, guidelines, recommendations and best practice incorporated into the *Aski Apachi'chikewi Othaschikewin* (Land Use Plan) and the *Pematchi'owi Puminikewin Othaschikewin* (Resource Management Plan) will apply the belief in *o'chenewin* (what you do to nature comes back to you).

Nehetho Tipithimisowin

- *Kihche'othasowewin* will be integrated into the *Aski Apachi'chikewi Othaschikewin* (Land Use Plan) and the *Pematchi'owi Puminikewin Othaschikewin* (Resource Management Plan)
- the *Aski Apachi'chikewi Othaschikewin* (Land Use Plan) and the *Pematchi'owi Puminikewin Othaschikewin* (Resource Management Plan) will be consistent with and will reflect decision-making roles in accord with *Nehetho Tipithimisowin* (the exercise of *Nehetho* sovereignty).

Ethinesewin

- The development and implementation of the *Aski Apachi'chikewi Othaschikewin* (Land Use Plan) and the *Pematchi'owi Puminikewin Othaschikewin* (Resource Management Plan) will incorporate and apply the *Ethinesewin* (wisdom and traditional knowledge) of *Nisichawayasi Nehethowuk*.

Nisichawayasihk Roles, Responsibilities, Relationships and Authorities

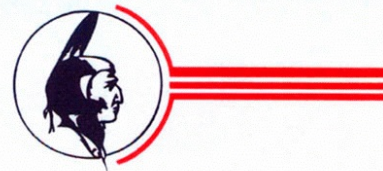
- The *Nisichawayasihk* representatives to the Resource Management Board are responsible for:
 - ▶ ensuring that *Kihche'othasowewin* and *Nehetho Tipithimisowin* are reflected in addressing any environmental concerns, as well in addressing the discovery of human remains or artifacts and assisting in the conduct of ceremonies.
 - ▶ ensuring the *Ethinesewin* of *Nisichawayasi Nehethowuk* is applied to any decisions and activities further to the *Aski Apachi'chikewi Othaschikewin* (Land Use Plan) and the *Pematchi'owi Puminikewin Othaschikewin* (Resource Management Plan)

Other *Nisichawayasihk* Planning Principles

- Specific provisions of the *Aski Apachi'chikewi Othaschekewin* (Land Use Plan) and the *Pematchi'owi Puminikewin Othaschekewin* (Resource Management Plan):
 - ▶ will reflect *Nehetho Tipithimisowin* by clearly defining the roles, responsibilities, relationships and authorities of *Nisichawayasi Nehethowuk*
 - ▶ will also be expressed in terms and language relevant and meaningful to *Nisichawayasi Nehethowuk*.
 - ▶ will be guided by *Nisichawayasi Ethinesewin* including:
 - the influence of moons and seasons on climate, weather, animals, plants and *ithiniwuk*
 - seasonal harvesting cycles and practices

NCN-Manitoba Heritage Resources Agreement

The *Aski Apachi'chikewi Othaschikewin* (Land Use Plan) and any *Pematchi'owi Puminikewin Othaschikewin* (Resource Management Plan) will reflect clear *Nisichawayasihk* roles, responsibilities, relationships and authorities regarding the protection of non-forensic Aboriginal human remains and artifacts consistent with *Kihche'othasowewin*.



**AGREEMENT IN PRINCIPLE
to develop a
MEMORANDUM OF UNDERSTANDING
on a
HERITAGE RESOURCES AGREEMENT
between
THE NISICHAWAYASIIHK CREE NATION
and the
MINISTER OF CULTURE, HERITAGE AND TOURISM
and on the renewal of the
CHURCHILL RIVER DIVERSION ARCHAEOLOGICAL PROJECT**

Guided by our commitment to honour and to respect the rich cultural legacy we have inherited and for which we are responsible.

Aware of our stewardship and obligations to past and future generations.

Consistent with our mutual interest in the protection of heritage resources.

We agree to enter into an Agreement in Principle (AIP) to develop an NCN-Manitoba Heritage Resources Agreement that will address heritage protection within *Nisichawayasihk N'tuskenan* and the Resource Management Area of the Nisichawayasihk Cree Nation, consistent with the 1996 Comprehensive Implementation Agreement;

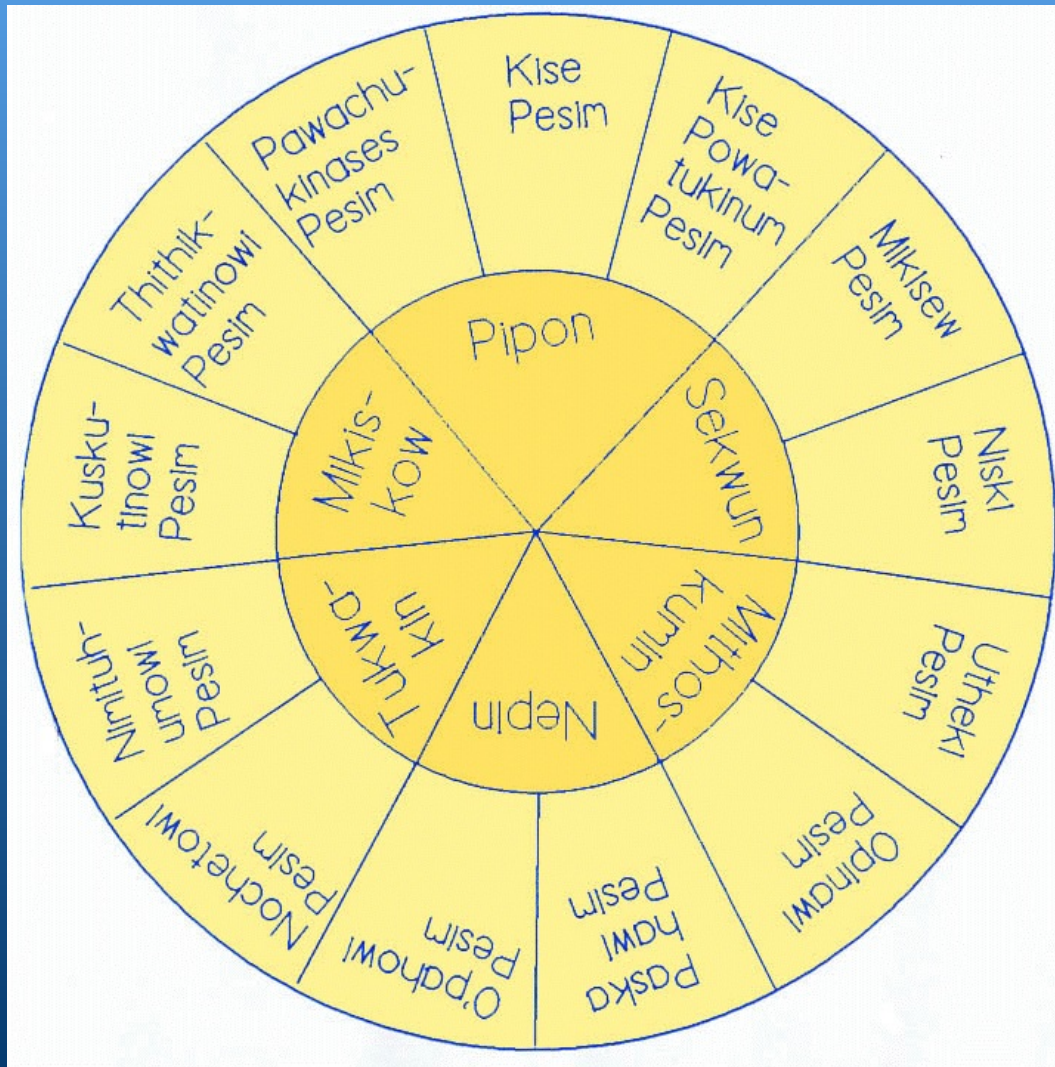
NCN-Manitoba Agreement in Principle To Develop A Heritage Resources Agreement

- Consistent with Article 6, the *NCN-Manitoba Agreement in Principle To Develop A Heritage Resources Agreement* provides for the immediate negotiation and development of several agreements affecting the protection of heritage resources related to the proposed Wuskwatim project:
 - ▶ *Protocol for the Protection of Heritage Resources related to the Wuskwatim Project* prior to April 1, 2006.
 - ▶ an *NCN-Manitoba Heritage Resources Agreement* that addresses heritage resource protection within Nisichawayasihk N'tuskenan and the Resource Management Area
 - ▶ the renewal of the Churchill River Diversion Archeological Project to be effective April 1, 2006, which agreement will include Manitoba Hydro

Other Cultural Considerations

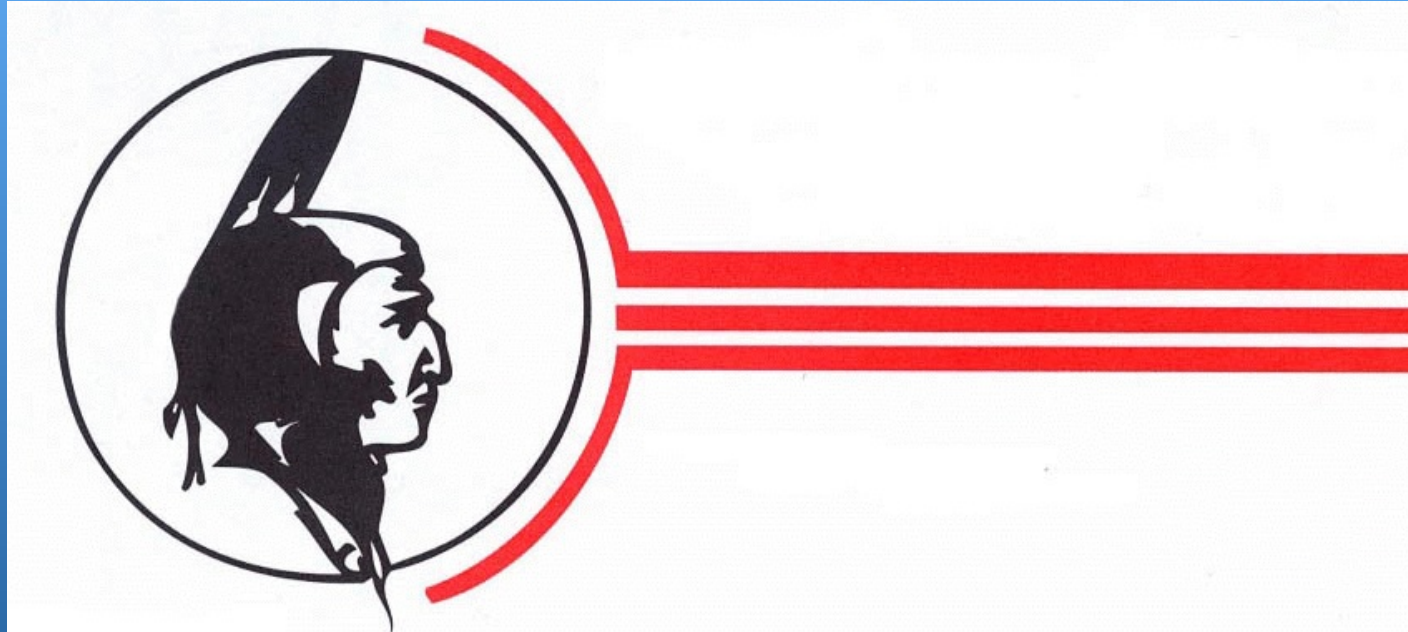
- The *Aski Apachi'chikewi Othaschikewin (Land Use Plan)*, the *Pematchi'owi Puminikewin Othaschikewin (Resource Management Plan)* and any *Aniskowatesewew Ketapahchikewe Othaschikewin (Heritage Resources Protection Plan)* and *Aski Ketapahchikewe Othaschikewin (Environmental Protection Plan)* will reflect *Nisichawayasi ethinesewin* and will take into account cultural considerations that affect the timing and nature of project activities:
 - ▶ Moons
 - ▶ Seasons
 - ▶ Seasonal Harvesting Practices

Moons and Seasons



Nisichawayasihk Nehethawuk Vision

- Any *Aski Apachi'chikewi Othaschikewin* (Land Use Plan) and any *Pematchi'owi Puminikewin Othaschikewin* (Resource Management Plan) will reflect and be consistent with:
 - ▶ *Kihche'othasowewin*
 - ▶ *Nehetho Tipithimisowin* (the exercise of Nehetho sovereignty)
 - ▶ the *Nisichawayasi nehethawuk* vision of *kita kanoskumahk kitipethimisoweninow e'tipustumasoyahk kiwehtusketowi pimachihoweninow neyakanehk isi* (to exercise sovereignty that sustains a prosperous socio-economic future for the Nisichawayasihk Cree Nation).



Ekosani !
