



*FNLM/Land Code – A Northern
Perspective (Manitoba)*

Escaping the Indian Act

Introduction

- **Ed Vystrcil
(Spence/Moody)**
- **Nisichawaysihk Cree
Nation (Nelson House)**
- **LABRC - Support Technician
(Manitoba)**
- NCN Resource Management Board
Member
- NCN Environment & Resource Advisor
- Entrepreneur – Inter Tribal Services Inc.
& Inter Tribal Adventures Inc.



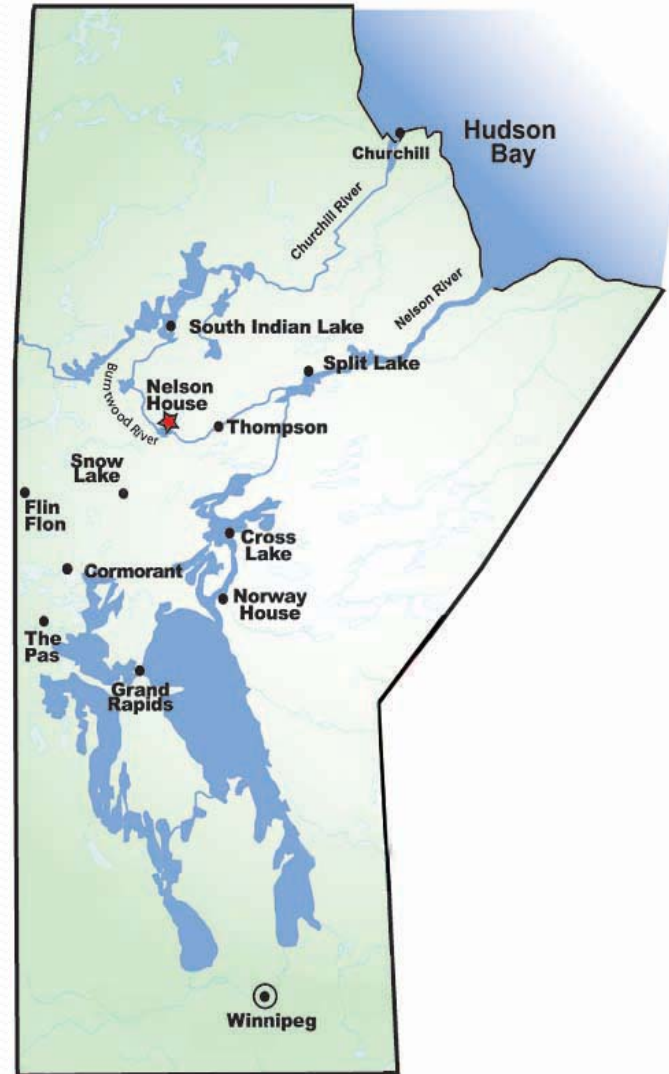
NCN Community Profile

- Located 840 km NW of Winnipeg & 90 km west of the City of Thompson;
- Situated on Rat, Footprint & Burntwood River System; Part of 1977 Churchill River Diversion (CRD) Hyro Project
- Main community has 15,000 acres; 65,000 acres Flood Settlement lands, 63,000 acres Land Claim lands (“TLE”)
- Footprint Lake & Three Point Lake
- Population 5,000+ (On & Off reserve)

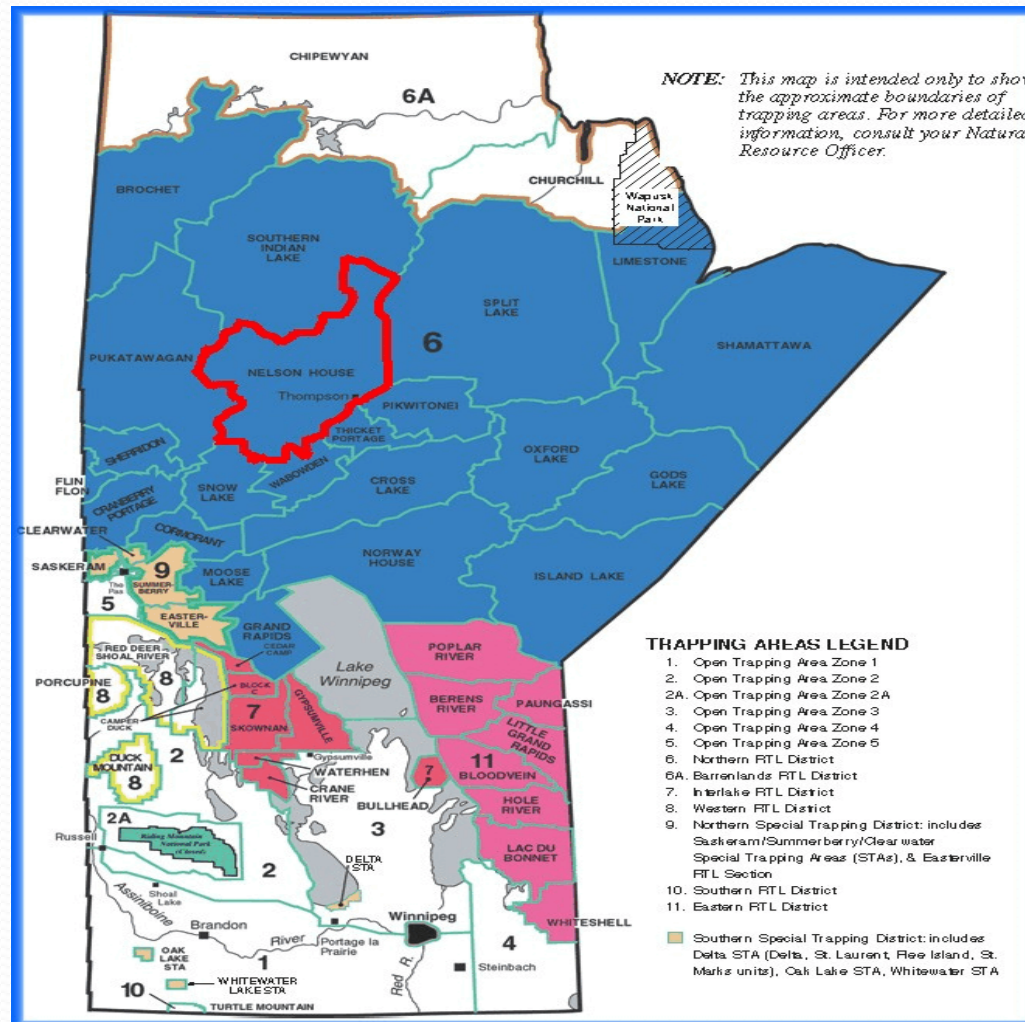


Thompson Region

- Established in 1950's from existing Nickel Mine – pop 16,000
- Northerners majority First Nation (65,000)
- “Hub of the North” – economy heavily dependent on FN consumers
- Portion of mine closing summer 2018 – 500 job losses; looking to diversify local economy



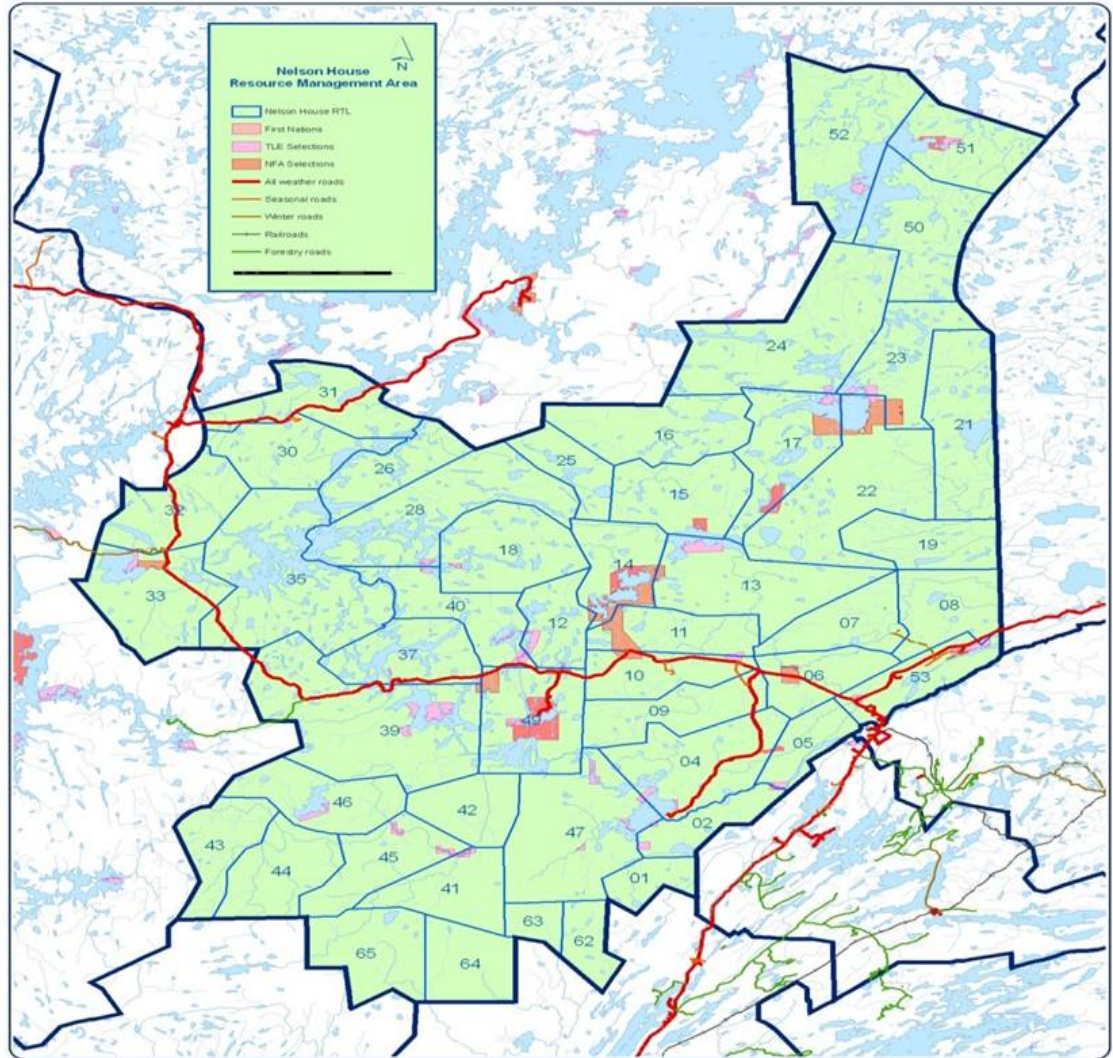
NCN Resource Management Area (RMA)



NCN Resource Management Area – RTL's

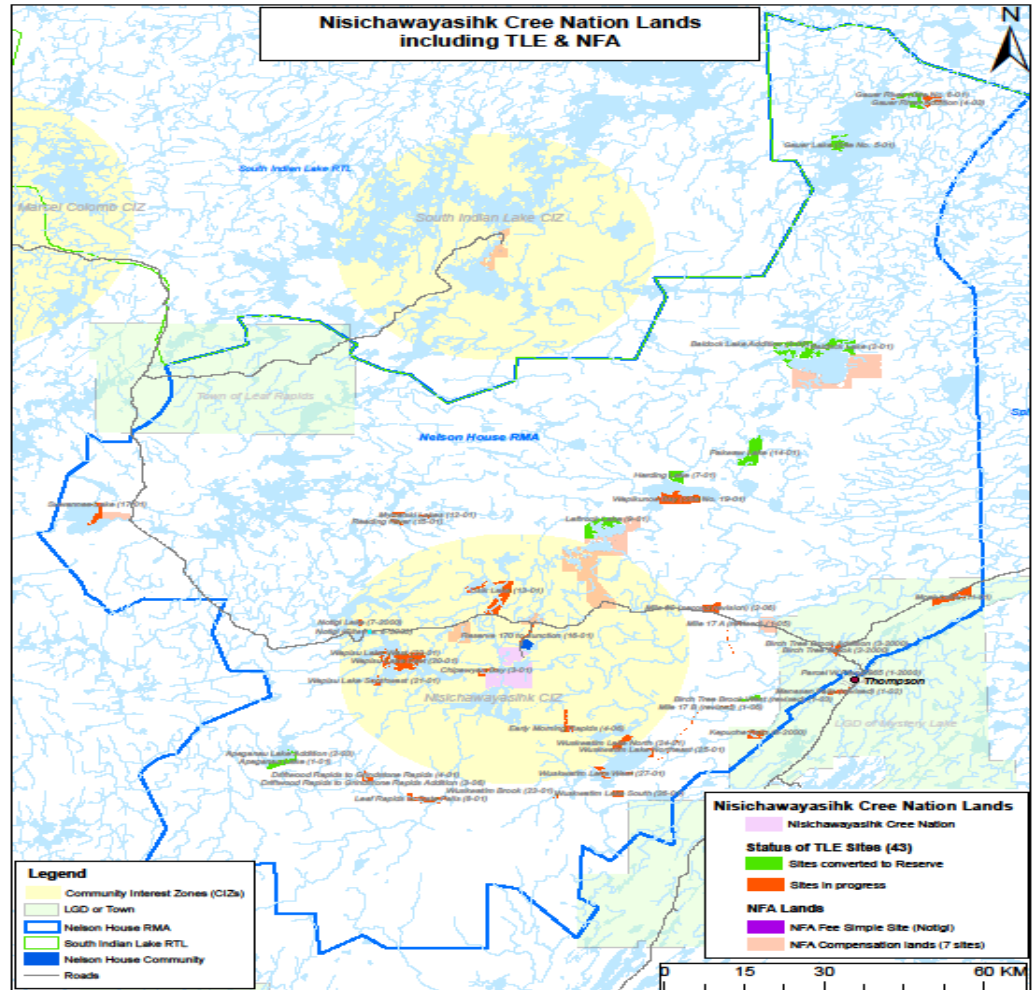
NCN RMA:

- 48 Registered Trap Lines's (RTL)
- 5.6 Million Acres
- 22,000+ Sq kms
- Traditionally family based trapping system
- RTL boundary defined from 1996 flood settlement agreement



NCN “Reserve Lands” within the RMA – 18 Reserves

- Existing reserve IR 170 A,B,C: 15,000 acres
- Flood Settlement agreement lands: 65,000 acres
- Treaty Land Entitlement (TLE): 62,000 acres
- Mystery Lake Property (Thompson): 4.2 acres
- Total = 140,000+ acres
- Management system?



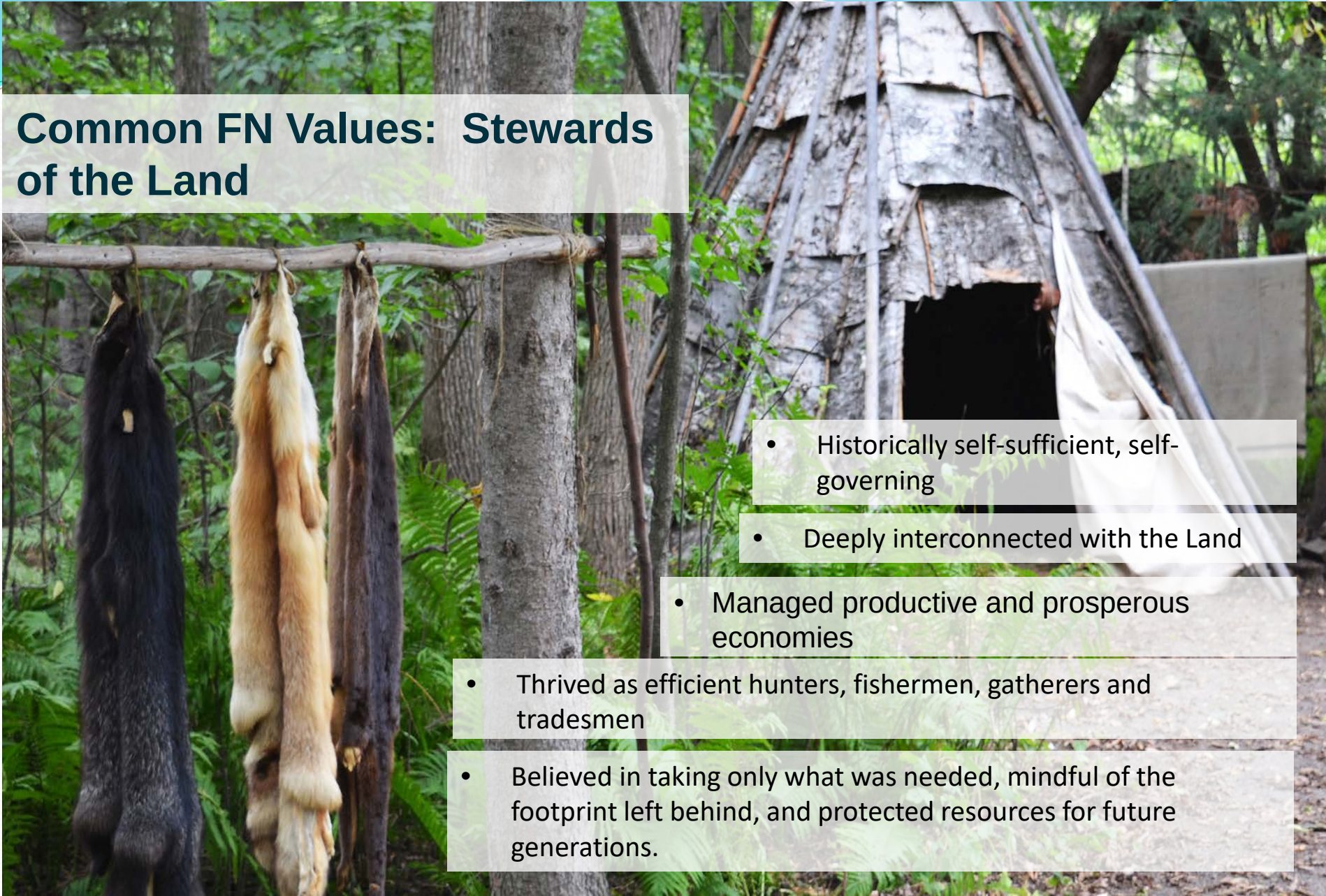
NCN History



- Nisichawayasihk – “Where three rivers meet”
- Archeological evidence our ancestors were in our territory for 10,000+ years
- Adhesion to Treaty 5 – July 1908
- Traditionally hunting, trapping & fishing – family based traplines (Hudson Bay Fur Trade)
- Impacted by 1930 Natural Resource Transfer Agreement – federal govt transferred natural resources to provinces (MB)
- 1940’s registered trapline system
- Mine development 1950’s – INCO 1956 (Thompson)
 - Ruttan Mine 1970’s (Leaf Rapids)
- Hydro Development destroyed waterways in 1970’s

NCN Story

- **Hydro Flood settlement agreement in 1996 – additional lands 65,000 acres, \$65 million, trust funds, longer term planning for territory (LUP)**
- **Land Claim Agreement in July 1998 – additional 63,000 acres (Treaty shortfall – Treaty Land Entitlement)**
- **Partnered in small 200 MW Hydro dam in early 2000's**
 - **Project completion – 2012 (33% equity partner)**
- **Land Code August 2017**
- **Constitution November 2017**
- **Long standing history of various impacts from Industry and Government Social injustices (rez school, sanitoriums, the Indian Act etc)**



Common FN Values: Stewards of the Land

- Historically self-sufficient, self-governing
- Deeply interconnected with the Land
- Managed productive and prosperous economies
- Thrived as efficient hunters, fishermen, gatherers and tradesmen
- Believed in taking only what was needed, mindful of the footprint left behind, and protected resources for future generations.

NCN Values - Traditional Knowledge (*Ethinisewin*)



What is traditional knowledge?

- A body of knowledge about creation and the interconnectedness of everything, based on oral history passed down from generation to generation includes all living and non living things, connection to places or an area, non tangible, spiritual realm – our stories, customs, traditions, principles, beliefs.
- *Ethinesewin*, which means traditional knowledge, including the influence of moons and seasons on climate, weather, animals, plants and *Ethiniwuk* (individuals) as well as seasonal.
- Our special gift as Nehetho people involves understanding the complex relationships between the four orders of creation and all the things that exist within them.

NCN - Priorities

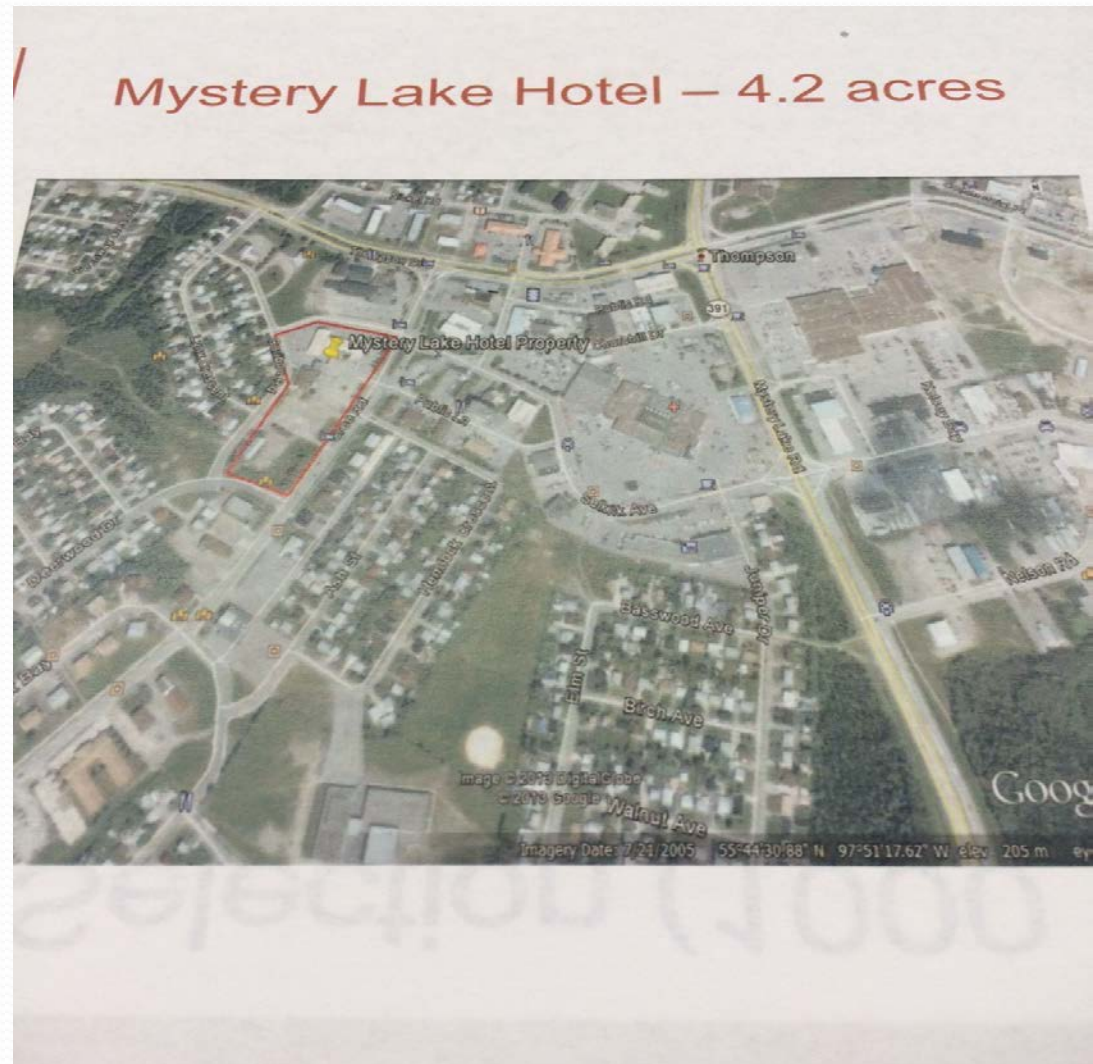
- **Priority #1: Managing and Monitoring Our Lands and Water**
- **Priority #2: Teaching Our Way of Life**
- **Priority #3: Protection and Preservation of Our Land**
- **Priority #4: Major economic player in our Territory/Region**

NCN – Land Initiatives

“To exercise Sovereignty that sustains a prosperous socio economic future”



- Mystery Lake Hotel Property – Thompson, Manitoba



Mystery Lake Hotel – Urban Acquisition

- Purchased March 1998 - \$4 million
- BCR submitted September 1998 – “Urban Reserve” Proposal
- Strictly business venture and intended to maximize revenues only from the existing operation (hotel, tavern and VLT’s)
- Province of Manitoba coincidentally awarded 5 casino licenses in 2000, NCN was granted one
- Derailed the land transaction, or ATR, from actual development of the land
- Documentation shows the urban reserve/ATR proposal was clearly distinct from the development of the land or any casino plans
- Proposal was “surface only” – mines & minerals privately owned by INCO, now Vale by way of caveats

Mystery Lake Hotel cont'd

- Proposal was set back by public perceived casino development and a subsequent plebiscite vote
- Assessed value \$5.5 million
- Generally very good working relationship with city of Thompson
- Municipal Services Agreement explicitly Prohibits casino development
- Current VLT split with the Province is 80/20 for the province – the formula would reverse upon land becoming reserve 90/10 for NCN
- Reserve Status August 2016 – Celebrated Sept 28! 😊
 - Have a party after you gain reserve status! 😊
- Currently building a fuel station – consider multiplex/conference center in future

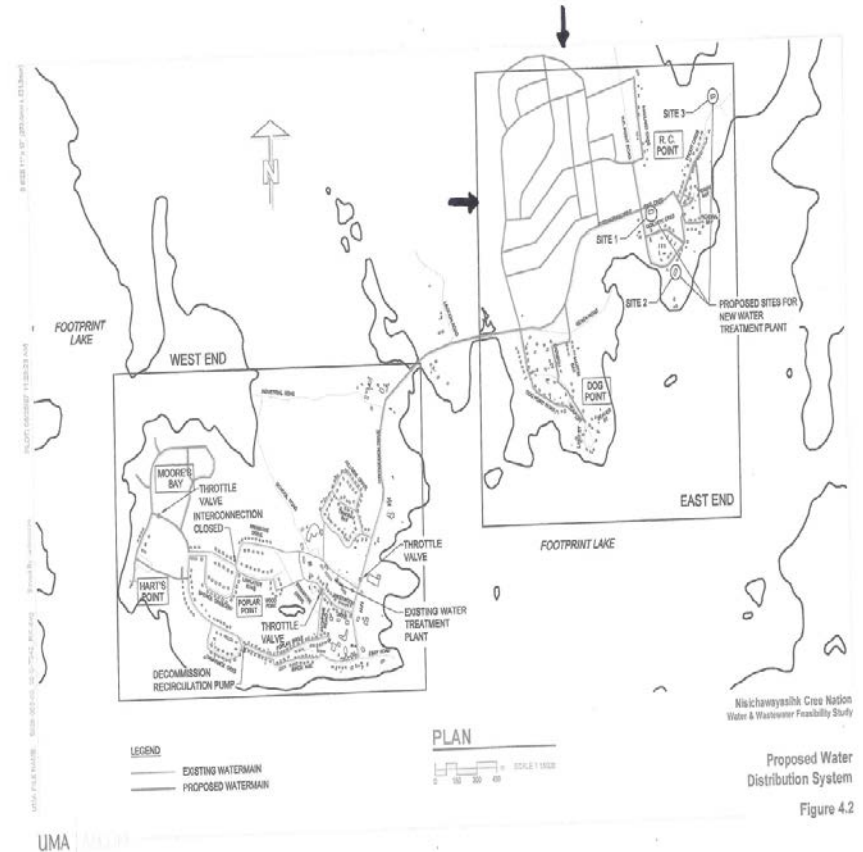
Land Disparity Claim

- Outstanding Land Claim in Disparity of Land Treaty 5 First Nations received at time of signing Treaty – *“Breach of Canada’s fiduciary duty”* when they offered adhesion to Treaty 5
- Treaty 5: 160 acres per family of 5 (32 acres per person)
- Other Treaties: 640 acres per family of 5 (128 acres per person)
- Aboriginal Lawyer has approached NCN to pursue claim and has a funding structure to give NCN a “war-chest” to have level playing field to battle Canada legally – “no win-no pay” policy through a loan facility with bank
- Would be “monetary” \$\$\$ claim only – Claim depends on assessed value of dollar per acre of land – **potentially \$80-\$300 Million**



Land Use Plan (LUP) – IR 170

- Develop Land Use Plan for IR 170
- Will act as model development for new land developments
- Priorities:
 - New sub division – school, 300 housing units, businesses, offices, parks and recreation
 - New Nursing station
 - Infrastructure upgrades – water/sewer
 - Community multi-plex
- Priority on new sub division, including water/sewer – consider leasehold home ownership
➔



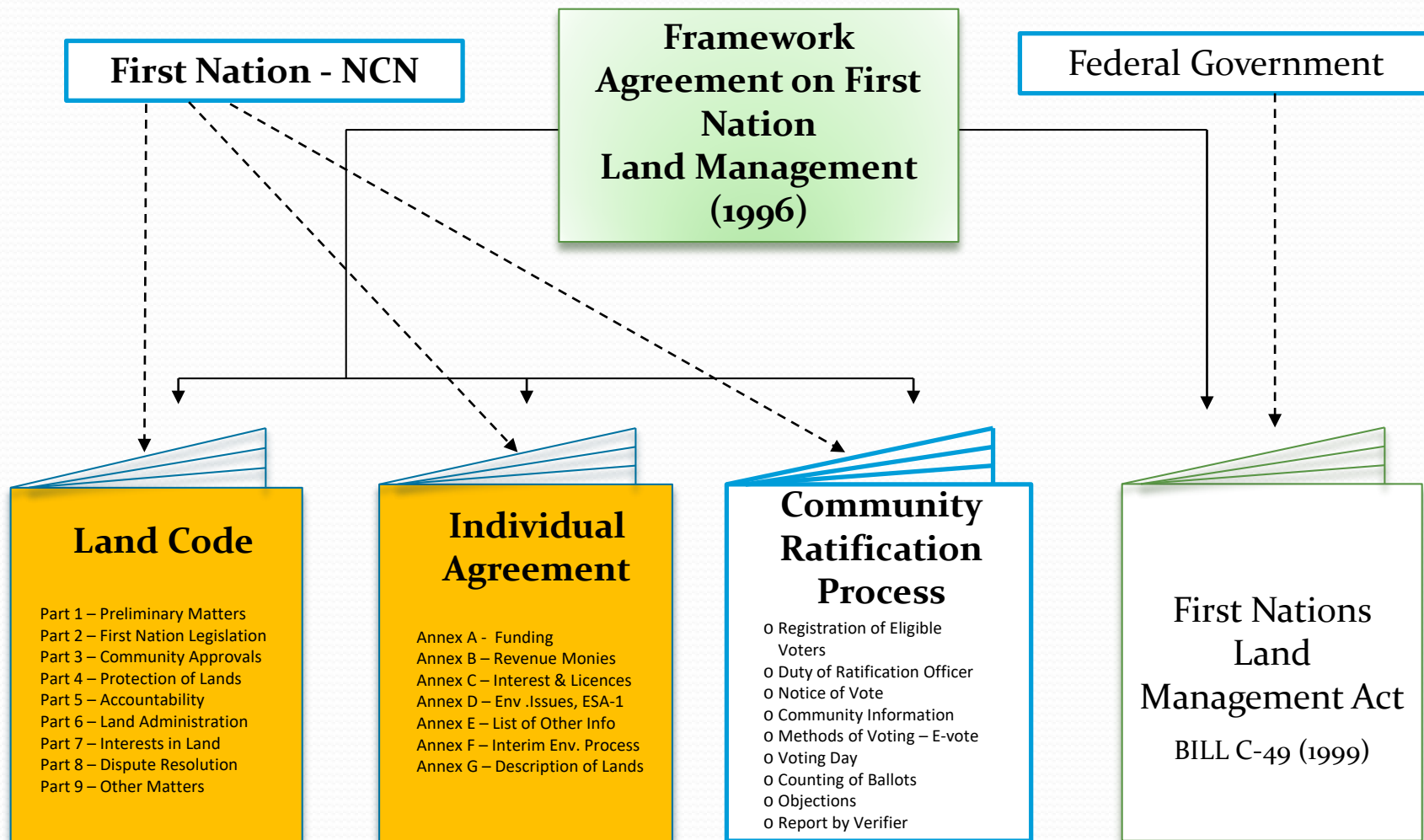
NCN Land Code Process – *Aski* *Puminekiwin*

- Land Code Development Process – took 34 months total (October 2014 to August 2017)
- Incremental step to Self Government – need control of Land most important to Self governing nation, tired INAC delays and bureaucratic processes, more control of reserve(s) and Territory, “Its about time” (elders)
- **5,086** member population at time of vote
- **3,302 eligible voters** going into the land code vote (half on reserve, half off reserve) – required 825 ‘yes’ votes (25%+1)
- Vote locations on & off reserve polls – 4 locations: Lead Rapids, Thompson, Winnipeg & Nelson House (10 voting days)

NCN Land Code Process cont'd.

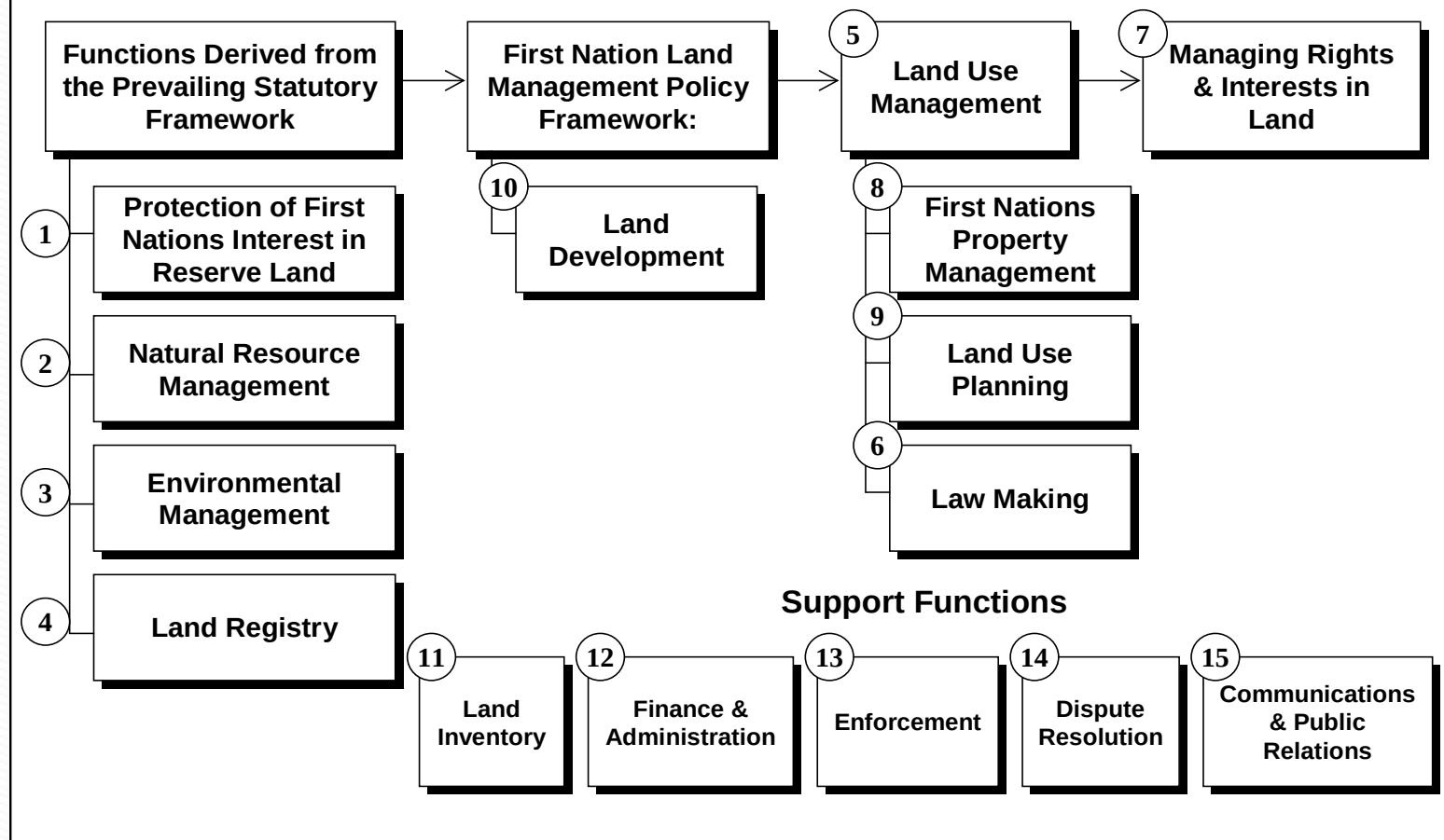
- Cost of community votes range from \$80,000 for a trustee election to \$250,000 for Chief & Council Election – important to get land code threshold in first vote
- Official vote result – **1332** total votes
 - **1188 YES** (89% approval)
 - 133 NO
 - 9 spoiled
- 2nd First Nation in Manitoba to use electronic E-vote platform – close to 400 voters used evote
 - 76th land code first nation in Canada

Land Code Development Process



15 Functions of Land Management

A Logic Model for First Nation Land Management



Indian Act Facts

- **QUOTE:** *"The great aim of our legislation (Indian Act) has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change."* - **John A Macdonald, 1887**
- The *Indian Act* sole purpose was to assimilate and colonize First Nations people.
- With the introduction of the *Indian Act* came the bureaucracy of Indian Affairs.
- It has been widely criticized and attacked by First Nations people and communities for its regressive and paternalistic nature.
- It was made by parliament, not by First Nation peoples.
- Can be amended without First Nations consent – requires ministers approval for many decisions we can make locally.
- The Indian Act was essentially intended to exclude us from Canada's economy, isolate us and take over the rest of our land & resources.

Manitoba Land Code Nations

Taking Control of Land Governance

- There are currently 12 First Nations signatory to the Framework Agreement:
 - Developmental: Fisher River, **Norway House**, Sagkeeng
 - Operational: Brokenhead, **Chemawawin**, **Opaskwayak**, Swan Lake, **Misipawistik**, **Nisichawayasihk**, Long Plain
 - Newest Entrants: Gamblers First Nation, Poplar River, _____, _____
- Treaty 1, 3, 5

Brokenhead - Indian Act Burning Ceremony (July 18, 2015)



Misipawistik Cree Nation



'It just makes sense': Manitoba First Nation could be latest to take control of reserve lands

**Misipawistik Cree Nation
members set to vote on taking
control of administering
reserve land**

Tim Fontaine · [CBC News](#)
[March 10, 2017](#)



cbc.ca/beta/news/indigen



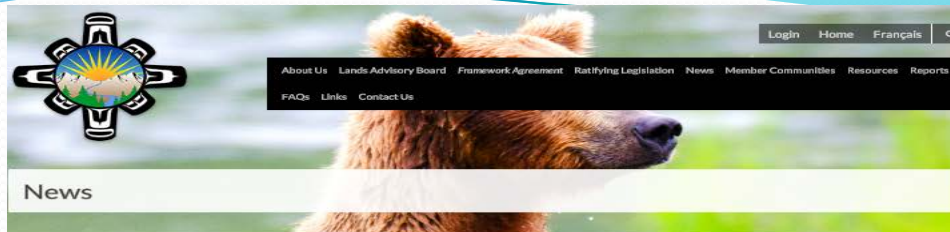
"We'll develop our own environmental laws, the chief and council will develop their own process with the membership to decide on land-use planning, zoning, rates for leasing," said Coun. Heidi Cook, Misipawistik's lands officer.

"It just makes sense. Why do we need the minister of Indigenous affairs to tell us where a business can locate on our reserve?"

'Cumbersome' Indian Act

The Indian Act, which recently turned 140, is a much-maligned piece of legislation used by the federal government to administer everything from laws to membership and elections in First Nation communities. It's still in

cbc.ca/beta/news/indigen



Misipawistik Cree Nation becomes the 73rd Operational Signatory to the Framework Agreement!

April 9th, 2017 saw Misipawistik Cree Nation become the 73rd Operational Signatory to the *Framework Agreement on First Nation Land Management*. Not only was the vote a tremendous success, with an overwhelming majority (94%) of participating voters choosing to ratify their community's land code, but it was also the first time that E-voting was used in a land code vote in Manitoba. The incredible show of support for the Misipawistik Cree Nation Land Code by the community's membership is yet another prime indication of their will to re-assume governance and jurisdiction over their reserve lands and resources. With the many tools provided within their land code, and the hard work and dedication of its membership, Misipawistik Cree Nation is poised to create many positive changes to the great social and economic benefit of the Nations people. Congratulations Misipawistik!

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Tuesday, April 18th, 2017

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 Vote "YES"

Long Plain First Nation



- August 15, 2017
- The First Nations Lands Management Resource Centre wants to Congratulate **Long Plain First Nation** for their overwhelmingly positive vote over the weekend (90% said yes!).
- With a membership base of 4273 people, and 4384ha of reserve lands, this Ojibway community is now the 75th First Nation in Canada to have voted to take over their own lands management jurisdiction.

Nisichawayasihk Cree Nation (Nelson House)



NISICHAWAYASIIHK CREE NATION

Nelson House, Manitoba



NISICHAWAYASIIHK

CREE NATION

23,708 hectares

18 reserves

5214 members

**Voted YES to the Nisichawayasi
Aski Pumenikewin (Land Code) on
August 25th, 2017**

Congratulations on becoming the 76th
Framework Agreement signatory to
ratify a community Land Code!

Land Code Next Steps

- **Administrative Framework:** Hire 3-4 new F/T lands staff, training and other jobs (ex. surveys, mappers, planners etc), advisory committee, tribunal
- **Environmental Management Plan/System priority** – environmental protection law, address outstanding environmental issues, jobs in enviro field monitoring & enforcement
- **New subdivision** to develop model reserve using land code (plan, surveys, leasehold interest) – true home ownership option; 2:1 plan
- **Urban Reserve in Thompson (4 acres)** – Hotel, Bar, new gas station, office complex/gathering center – explore purchasing additional lands in City of Thompson
- **Legal Framework (Land Code & Constitution)** - land, environmental and natural resource laws, Strengthen reserve and territorial Governance



Thank You/Ekosi/Mussi Cho

Ed Vystrcil

LABRC (Manitoba)

Operational/Developmental Support
Technician

Questions?

For further information:

Manitoba Technicians

Ed Vystrcil	Eugene Peterson
ed.vystrcil@labrc.com	eugene.peterson@labrc.com
431-754-3395	204-997-1385



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