

# A VOICE AND A PLAN

## *Key Steps toward Economic Development*

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Gold! It was discovered on the shores of Opapamiskan Lake on the traditional lands of North Caribou Lake First Nation in remote Northwestern Ontario, and an opportunity was born.

North Caribou and the other five First Nations who belong to the Windigo First Nations Council had long been concerned about lands and resources issues. Located several hundred kilometres north of Pickle Lake, these communities are members of the Nishnawbe Aski Nation. Most are served by all-season airports and a winter road for two months in the winter.

The traditional lifestyle is important to members of these First Nations. Sustenance hunting and fishing, commercial fishing, trapping and gathering are highly valued. But Ontario's system gives them no official voice in off-reserve issues regarding the traditional or encroaching economy and lifestyle.

In 1987 Windigo First Nations Council negotiated an Impacts and Benefits Agreement for a mine to be developed in its territory. The second agreement was signed in 1989. These agreements were a learning process for all the partners — First Nations, mining companies, governments.

The negotiation of the third agreement, for the Musselwhite Mine on Opapamiskan Lake, created an opportunity to address the long stand-

ing concern about First Nation involvement in lands and resources issues. And so in 1992 a separate agreement was signed called the Windigo-Shibogama-Ontario Planning Agreement.

The agreement created two Planning Boards which are unique in Ontario. Each board is made up of two communities and a tribal council which would be impacted by the proposed mine, and Ontario. Each has this mandate, given by an Ontario Government Order-in-Council.

The Board shall advise the Minister by:

- (a) developing a plan for land-use and resource development in the planning area
- (b) reviewing and commenting on development applications
- (c) identifying potential opportunities for resource-based economic development and the practice of traditional economic activities
- (d) developing community participation models suitable for use in remote northern Ontario.

Membership in the Windigo Interim Planning Board consists of three Windigo representatives (one each from the member communities of Cat Lake and North Caribou Lake First Nations and one representing Windigo First Nations Council) and three representatives on behalf of the Government of Ontario. The

Ontario members have backgrounds in mining, tourism and planning. The Chair, the seventh person on the Board, (and author of this article), is independent.

The Ontario/First Nation agreement provided the Board with a five-year life, 1993 to 1998. The original goal was to use the first five years as an experimental period so that a more permanent structure could be put in place based on the learning from the original work.

At the time of writing this article, early 1998, now four and one half years into the mandate, what has been done and accomplished? We will examine that question by looking at each of the four mandates of the Board.

#### **MANDATE (a)**

##### **Developing a plan for land-use and resource development in the planning area**

The planning area is the traditional lands of North Caribou Lake and Cat Lake First Nations. During the first two years of the Board's mandate, the Board struggled with the question of what a land use plan for this area might look like. We knew we didn't want it to look like any kind of land use plan that any of us had ever seen. We found it easier to define what we did not want it to be like than to decide what we did want it to be like. At first, none of us could clearly see what the whole picture would be like so we found a place to start and invented as we went. The picture gradually came into focus.

What were the basic beliefs and values on which the plan would be based? We worked together on this statement, with lots of review and input by First Nations people.

**The land is an integral part of the cultural, economic and spiritual existence of First Nation people. Its character has been principally wilderness used by First Nations people in a sustainable way. This relationship between the people and the land must be the cornerstone of the future decision making in the Windigo Planning Area.**

With that statement in mind we started to work on principles which should guide any future development. It had quickly become apparent to us that we couldn't predict what kind of development pressure/opportunity there might be, so instead we focused on how decisions should be

made and under what conditions the First Nations would want to see development occur.

Here is a sampling of some of the principles:

#### *Social and Cultural:*

- Traditional First Nations decision making systems were based on consensus, i.e., discussing, listening and reflecting until all members are committed to one course of action. Consensus is a highly-valued method of decision making and one which should be incorporated into resource development processes.
- In any resource use projects, the potential impact on the community's social and cultural fabric must be considered.

#### *Resource Protection:*

- The perspectives of the First Nation regarding the land and development are considered, e.g., regard for the environment, respect for traditional activities.
- Development will be controlled and implemented in a planned way so that sustainable development can occur.

#### *Resource Development:*

- In situations where infrastructure is created, attention will be given to taking a long term view and trying to create it in such a way that it has the highest possible long term value to the First Nations. Opportunities for shared infrastructure will be considered with interest.
- Developments will happen with the full knowledge and participation of adjacent communities. At the community level, decisions will be made based on accurate information in forums where all people and groups in the community have input.
- The First Nations will be particularly interested in developments which contribute to their ability to be self-sustaining and recognize the First Nation's determination toward self government.

A key element is the aspirations of the two individual First Nations. Each has a twenty-year vision. Here are some samples of each.

For North Caribou Lake First Nation: "... will be a healthy community which successfully combines the traditional with the modern ... will provide a better life for the community members by maximizing opportunities. It will take advantage of its location. It will maximize

employment opportunities. It will provide community members with the opportunity to gain skills through training. Money will circulate more in the community with more community businesses.”

For Cat Lake First Nation: “... New values adapted from the best of both cultures will be embraced by community members and these values will be taught and engrained in the youth so there is clear direction in the acceptance of changes.... Near the community and within the traditional areas there is an abundance of harvestable natural resources to guarantee economic business opportunities. During the 20 year transitional period the Band members will be involved heavily in joint ventures and co-usage and co-development of off-reserve resources.”

Keeping these aspirations and principles in mind, how and where should development occur? The land use plan identifies four areas which are defined as follows:

**Traditional Area:** Traditional areas are a combination of registered traplines and the traditional trapping, hunting, fishing and gathering grounds of families and established groups. The trapline areas registered to members of North Caribou Lake and Cat Lake First Nations, respectively, and the associated family lands form the traditional area of each First Nation. The area of interest of the Planning Board is the traditional areas of both communities.

**Intensive Subsistence Harvest Area:** The land traditionally used on a continuous basis by community people as part of their way of life, source of food, and spiritual and cultural connection to the land. Economic development may occur when it is consistent with the aspirations of the First Nations. Priority will be given to First Nation operated ventures.

**First Nation Economic Development Resources:** Based on the resources of the land and the aspirations of the First Nation, these are specific resources which are ear-marked for development and use by the First Nation.

**Protected Areas:** These are particular places where development should either not occur or be severely restricted. These are areas of particular importance for ecological, cultural or sustenance reasons. Examples are fish spawning areas, wild rice habitat, burial grounds, provincial parks and Areas of Natural and Scientific Interest.

The Planning Board's role is to advise the Provincial Government. So it will be up to Ontario to decide how it will be implemented. Much of the implementation work starts with the First Nations. They will be able to work on some of the key areas regardless of the approach taken by the Government.

#### **MANDATE (b)**

##### **Reviewing and commenting on development applications**

In this early days of the Board's mandate this work involved receiving requests for work permits and reviewing and commenting on them. These work permits might be for mining exploration, road building or creation of outposts, among others. In several cases the Board recommended conditions to the approval of the permit which the Ministry of Natural Resources agreed with and attached to the permit approval.

One of the benefits of this process was that First Nations became more aware of what was happening in their “own backyard.” Community work was done so that affected people, particularly the trapper for the area, as well as the community as a whole had an opportunity for input.

In one case the community and the Board were against mining exploration in a particular location. It was felt to be too close to the community, on a heavily travelled route, and on a river which leads into the home lake of the community. The Board asked that the work permit request be turned down. The Government agreed. This incident has been very contentious in the mining and exploration community. It stands as the only time in Ontario history that an exploration request on Crown land has been turned down.

The change in government in Ontario in 1995 brought an orientation to streamlining processes. In order to cut the cost of government and to smooth the path for businesses and investors, 80% of Ontario's permit requirements were removed. Among the ones removed were the ones relating to work permits.

Effectively, this left the Board, the First Nations and the government with no official mechanism for knowing what potential developers might be doing in an area. Most parties find this unsatisfactory. The Board has held some talks with exploration industry groups who are willing to work with First Nations on a notice system.

Does this sound as if the Planning Board is against development? It isn't and the First Nations aren't. Rather, the concern is that development happen in an orderly way, with appropriate involvement, participation and benefit for the First Nations.

**MANDATE (c)**

**Identifying potential opportunities for resource-based economic development and the practice of traditional economic activities**

During the Board's term it has acted to support various economic development initiatives by individuals and the communities. This included assisting entrepreneurs who were developing a tourist operation from an old residential school, setting up prospector training in each community, providing briefings on tourism industry options for remote communities, supporting commercial fishing, and ensuring trapper's activities are considered in any development.

Economic development is a responsibility taken on by each community so the Board's role deals with off-reserve issues, providing support and assistance, and identification in the plan rather than direct action. The plan contains a number of economic development ideas and options. The Board has done some background research on a number of them.

**MANDATE (d)**

**Developing community participation models suitable for use in remote northern Ontario**

The communities of the Nishnawbe Aski Nation are very remote from government decision making. The Board was asked to look into the question of what approaches to involvement and participation might work best.

As we worked through the planning exercise and as the economic climate in Ontario changed, it became clear that extra or costly structures were not affordable. In each community the Chief and Council are the people mandated by the community to lead. It is they who are the most appropriate interface with other parties on any issue.

These principles are particularly important:

- First Nations people wish to be involved in decision making regarding their traditional lands.

- North Caribou and Cat Lake First Nations wish to increase their degree of self-determination and self-sufficiency through involvement in economic development activities on their traditional lands.
- First Nations people prefer an orderly type of development which does not threaten the traditional uses of the land and which ensures ecological sustainability.
- First Nations decision making involves consensus. Consensus building requires accurate, timely and complete information, and it takes time.

The land use plan identifies roles for the First Nation, Tribal Council and Ontario Government in implementation issues. Potential developers have a special role. Increasingly, Canadian and Ontario society are realizing that government can't do everything. That realization has happened in First Nations as well. The First Nations realize that a key to their future economic success will be in establishing their own business ventures and in building effective relationships with potential developers. A set of guidelines were set up to guide developers in their interactions with First Nations. They include:

1. Early sharing of information
2. Responding to concerns expressed by community members
3. Seeking mutual benefits and economic spin-offs
4. Recognition of development aspirations
5. Respecting First Nations decisions and input
6. Formalized agreements for advanced activities.

## CONCLUSIONS

So what does it all mean? What difference has the Board made to the economies and quality of life of the people and communities?

It is a hard question to answer from the inside of the exercise. Others on the outside, and at a later date, may be able to provide a more clear answer. In preparing its fourth annual report, the Board generated these ideas to describe its accomplishments.

- Fostered dialogue between First Nations and potential developers, and First Nations and the Government.

- Assisted First Nations to become acquainted with the economic development possibilities of tourism and prospecting.
- Worked with the prospecting community to establish the need for communication with adjacent First Nations.
- Extensive mapping exercise with identification of traditional knowledge and traditional use information.
- Made communities aware of the potential of biomass heating so that they can consider alternate uses for adjacent forests.
- Reduced safety risk at an abandoned mine site with which the owners and Ontario were unwilling to deal.
- Increased community understanding of the concept of land use planning and how it might benefit the community in the future.
- Investigated how First Nations might become involved in commercial forestry as it moves north to the area near Cat Lake.

At the time of writing, the term of the Windigo Interim Planning Board has six months remaining. What will happen after the Board's

term ends? That remains an unknown. A large Ontario exercise called the "North of 51' Initiative" may have a place for land use planning and be a vehicle for both implementing this work and extending it beyond the two member communities to all the communities in Windigo.

The Nishnawbe Aski Nation was once seen as a far away land, distant from development, and relatively untouched. Technology, telecommunications, air transportation, winter roads and the advancing mining, forestry and tourism activities mean it is untouched and distant no more.

The Windigo Interim Planning Board is an expression of the communities' desire to take an active part in planning for and benefitting from development which occurs in their traditional areas. That desire will continue to be expressed with increasing strength and with an increasing sense of urgency as development encroaches ever more. Will there be effective mechanisms for dealing with these issues? We hope that the lessons of the Planning Board will be part of shaping new and better ways to create the kind of forums that will work for First Nations, potential developers and governments.