

# WEENUSK FIRST NATION



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**Omushkegowuk Weenuski-Inninowuk Otaskiwao**

## **TERMS OF REFERENCE**

**Community Based Land Use Planning 2017**

**November 20, 2017**

Prepared For:

Weenusk First Nation and the Ministry of Natural Resources and Forestry



## WEENUSK FIRST NATION

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# Weenusk First Nation Terms of Reference Community Based Land Use Planning

December 18, 2017

Weenusk First Nation and the Ministry of Natural Resources and Forestry are pleased to sign the Terms of Reference for the Weenusk First Nation Community Based Land Use Plan.

Approvals have been provided by:

- Weenusk First Nation Band Council Resolution; and
- Ontario, by the Minister of Natural Resources and Forestry administering the Far North Act.

As we begin this planning process, Weenusk First Nation and the Ministry of Natural Resources and Forestry affirm our commitment to work together with mutual respect and in good faith.

On behalf of Weenusk First Nation

A handwritten signature in black ink, appearing to be "Edmund Hunter", written over a horizontal line.

Chief Edmund Hunter  
Weenusk First Nation

On behalf of Ontario

A handwritten signature in black ink, appearing to be "Nathalie De Rosiers", written over a horizontal line.

Honourable Nathalie De Rosiers  
Minister of Natural Resources and Forestry

# Terms of Reference

## Community Based Land Use Planning Initiative

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## BACKGROUND

The people of Weenusk have lived in the Hudson Bay - James Bay lowlands for generations since time immemorial. Historically, the mouth of the Weenusk River was a gathering place in the spring and summer for our people. Into the 1970s, the village of Weenusk continued to be more a meeting place for families than a permanent settlement. Families would use the town with its Hudson's Bay Post and Catholic mission as a base, travelling from the mouth of the bay to their hunting grounds.

During the Hudson Bay Company era, Weenusk people traded with and sometimes worked for the fur traders, transporting goods, sailing boats and hunting for the post, but small family groups continued to move between their seasonal hunting grounds to take advantage of changing resources. These resources included large and small game, fishing, trapping fur bearing animals and migratory birds for spring hunt.

Early employment for Weenuski Inninowuk was primarily working for the Missionary in the saw mill and building of churches and houses. In 1953, the Army set up a radar base and donated housing to community members. This would become the Weenusk town site.

Seasonal flooding of Weenusk had been a regular problem since the site was established. Serious flooding occurred at the Weenusk town site in 1957 and again in 1966. On May 16, 1986 a disastrous flood washed away the community which resulted in the loss of two of its members. The community moved inland to a site known today as Peawanuck (Figure 1). The name Peawanuck means 'flint' and was named after Flint Rock which is a place within the community that has a large deposit of flint. Peawanuck is located near the confluence of the Weenusk and Shamattawa Rivers, about 30 km from the Weenusk River's end in Hudson Bay.

The nearest railway head is located in Moosonee, 525 kilometers to the southeast of Peawanuck and the nearest highway is located in Pickle Lake, 510 kilometers south west of Peawanuck. The community population is approximately 300, with overall membership around 595. The students and families that go to school in the south, for part of the year dwindle and increase during the summer months until the students graduate and make Peawanuck their hometown. An increase in population has occurred in the last 25 years as more people are returning to Peawanuck, depending on the availability of housing for individuals or families. The current size of the Peawanuck community is 1,300 acres or 526 hectares.

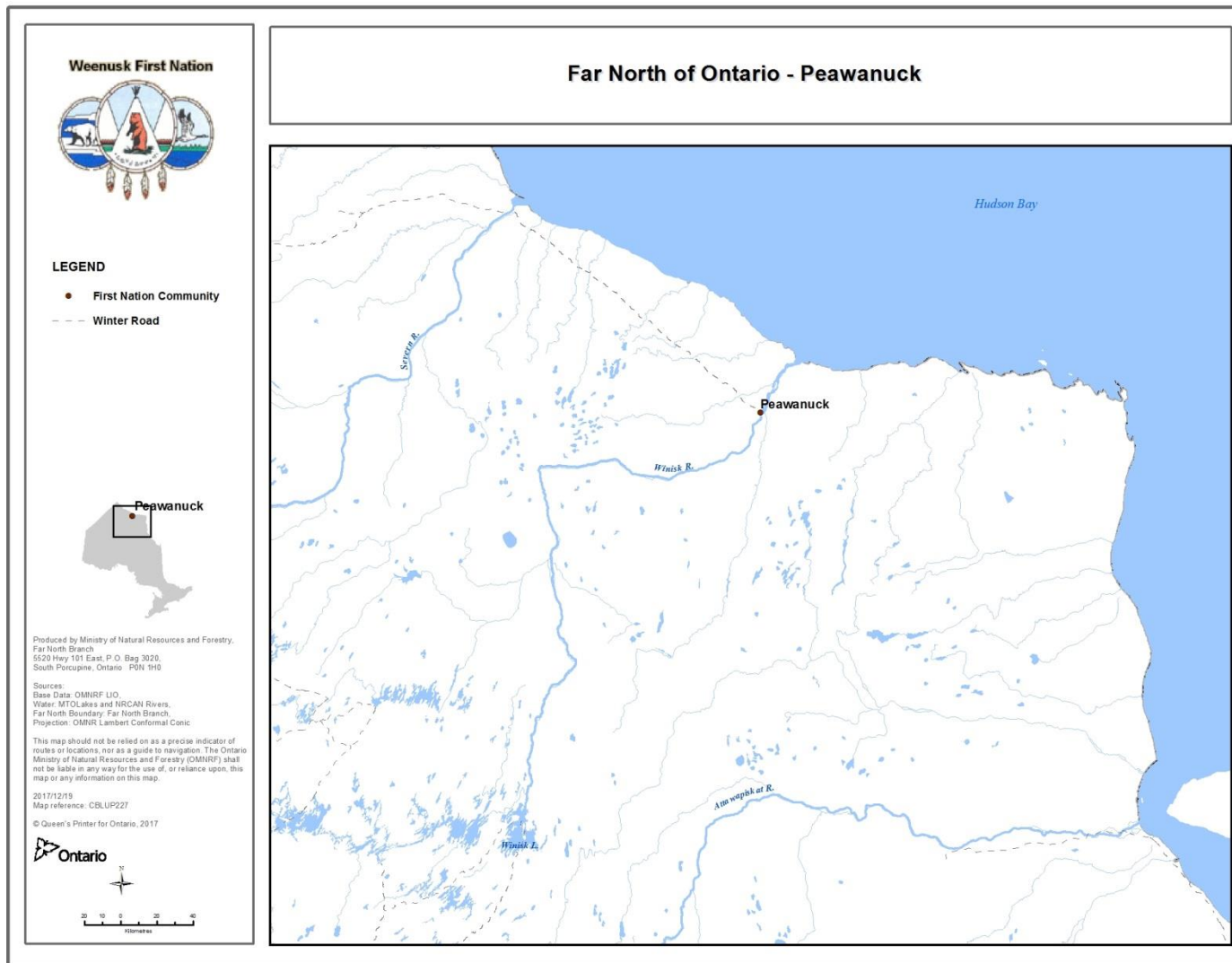


Figure 1 – Location of Peawanuck

## INTRODUCTION

Weenusk First Nation (WFN) is working jointly with the Ministry of Natural Resources and Forestry (MNRF), to prepare a community based land use plan. Weenusk is bringing forward knowledge of land use planning that dates back many generations. Today, this knowledge is the foundation for the community's vision for planning and will ensure that future generations carry on being Stewards of the Land.

*To ensure the health of future generations, our land and water by maintaining traditional lifestyle, guided by the knowledge of our elders, harvesters and hunters. By protecting what the ancestors preserved, our future generations may live in a healthy environment.*

Weenusk First Nation reasons for planning include:

- Protection of the traditional area of Weenuski Inninowuk for future generations.
- Protection of historical holistic landmarks including portage and trails.
- Protection of animals and surrounding traditional areas to support species be it fur bearing, waterfowl, aquatic, insects, as well as plants and vegetation.
- Protection of Weenuski Inninowuk, animals, and land from toxic water levels due to possible chemical spills, fuel leaks and other carcinogens including radionuclide, cyanide compounds and other pesticides.
- Protection of cultural identity, connection to the land, and resources.
- Identify any new plant and wildlife species that have evolved, including fur bearing, migratory birds/waterfowl, aquatic, and insects.
- Identify, research, support community development and economic opportunities for future generations
- Educating Weenuski Inninowuk on the Planning Subjects to build internal capacity that might lead to future job creation.
- Documentation of information on the community's historical use and traditional relationship to the land.

## PURPOSE

The purpose of the Terms of Reference is to identify an area of interest for planning and direct the preparation of a community based land use plan.

Planning will proceed in a manner that respects Weenuski Inninowuk traditional activities. Inherent and treaty rights will play an integral part with local membership to respect their rights to their way of life.

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We the Omuskegowuk Weenuski Inninowuk Otaskiwao have been here for centuries. We have lived, walked, and harvested in our traditional territory that is still present today. We still continue to practice our rights of harvesting in our traditional territory and still depend on our watersheds to drink fresh water and this is to be protected. Weenusk will continue to carry on and promote its responsibility to respect the land, water, trees, waterfowl and animals.

Planning will include but not limited to:

- Planning will be carried out in a way that respects and is consistent with inherent Aboriginal and Treaty Rights, as protected under the Constitution Act.
- Planning will be an ongoing, long-term process that promotes continuous learning while maintaining current cultural and traditional practices.
- Planning will adapt to change while being consistent with traditional values.
- Planning will emphasize climate and environmental change and their impacts on loss of wildlife species habitat, and invasive species.
- Planning may be used to support community initiatives that are created to help future generations understand what the Stewardship of the land means, so that they can be stewards of the land.

The Terms of Reference identifies requirements to complete the mandatory components of a plan, as specified under the Far North Act, 2010. Objectives under Section 5 of the Far North Act, 2010 have been considered in the preparation of the Terms of Reference, and will continue to be considered during the creation of the draft and final community based land use plan. As set out in the Far North Act, these objectives for planning are:

- A significant role for First Nations in the planning;
- The protection of areas of cultural value and the protection of ecological systems by including at least 225,000 km<sup>2</sup> of the Far North in an interconnected network of protected areas designated in community based land use plans;
- The maintenance of biological diversity, ecological processes and functions, including the storage and sequestration of carbon; and
- Enabling sustainable economic development that benefits First Nations.

## EXPECTED OUTCOMES

The land use plan is expected to define land use areas and desired and compatible activities, and provide strategic direction for the manner in which activities should take place. This plan will inform decisions on proposals for land

and resource use in the future. Once the community based land use plan is approved, decisions must be consistent with the land use designations and permitted uses in the plan. The plan does not provide any project-level authorizations or approvals (e.g. environmental assessment processes). Weenusk First Nation intends to establish agreements with project proponents, which will include exit clauses.

The expected outcomes of the land use planning process include:

- The plan shall document the heritage, history, and the story of the Weenusk First Nation community.
- Record and share traditional knowledge (as appropriate and where determined by Weenuski Inninowuk), to communicate the relationship of Weenusk First Nation with the land and water.
- Continued involvement and dialogue with community members is very important to the development of the Weenusk First Nation community based land use plan. The plan shall express the vision and goals of all members, from Youth to Elders.
- Setting out guiding direction, e.g., goals, objectives and principles for decision making, including protection of the environment.
- Through planning, confirm a final planning area for development of the community based land use plan.
- Support positive ongoing relationships with surrounding communities and Ontario.
- Identify geographic areas in the planning area by traditional names.
- Confirm a final planning area.

## SCOPE OF PLANNING

### Planning Area

Weenusk First Nation has identified an area of interest for planning. This preliminary area has been drawn based on an understanding of historical and traditional use. The Weenusk First Nation area of interest for planning is 5,302,486.87 hectares in size (Figure 2). This area of interest for planning is mapped in order for Weenusk First Nation to lead preparation of a community based land use plan for this area. The land use plan will not alter traditional understandings and relationships to the land with adjacent communities.



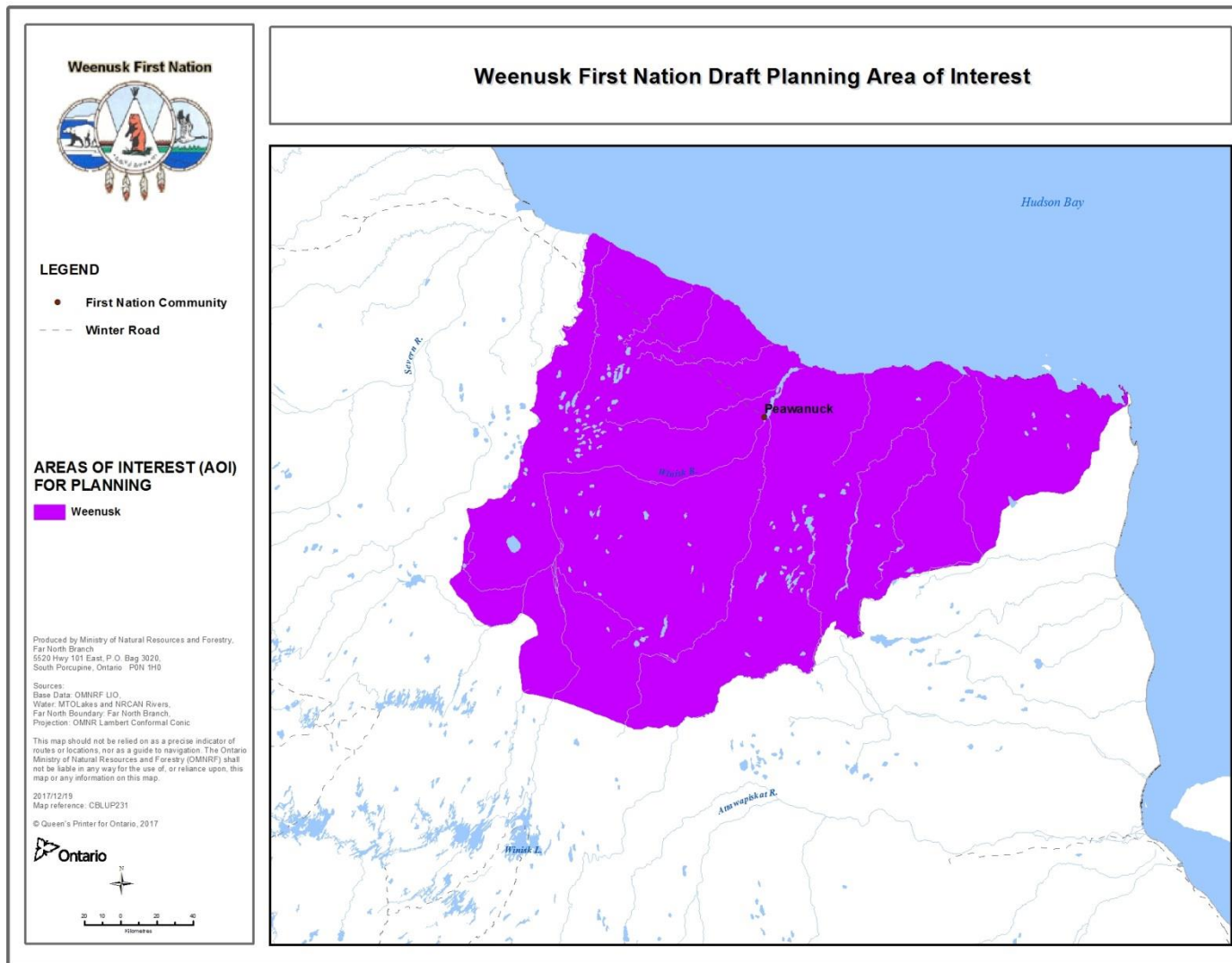


Figure 2 – Weenusk First Nation Area of Interest for Planning

First Nation communities located adjacent to the area of interest for planning are Fort Severn, Kasabonika, Webequie, and Attawapiskat. The area of interest for planning mapped in Figure 2 shall be discussed with these adjacent communities and modified as needed. Dialogue with these communities will continue throughout the planning process in order to build an understanding of shared areas and to support the designation of the planning area at the Draft Plan stage (for example, Weenusk and Webequie First Nation continue to build consensus for the shared planning area).

### **Planning Subjects**

The Joint Planning Team has identified subjects that will be considered during the preparation of the community based land use plan. The Joint Planning Team understands that this list may change as more information becomes available.

#### ***Indigenous Traditional Knowledge***

- Identify burial grounds and significant cultural and/or spiritual gathering areas.
- Document stories and legends of Weenuski Inninowuk.
- Document the historical use of the land and resources.
- Identify lakes and rivers, and other important areas by traditional Cree names.
- Identify places within the planning area that have certain bushes for medicinal medicines, assorted plant life for alternative teas, and trees that have certain medicinal fungi.

#### ***Protected Areas***

- Explore appropriate protected area opportunities within the planning area.
- Build an understanding of what protection and protected areas means to Weenuski Inninowuk.
- Build an understanding of community cultural values and locations that should be protected.
- Identify new protected areas and consider contributions to an interconnected network of protected areas.
- Habitat protection for all species.
- Review existing protected areas (Polar Bear Provincial Park, Weenusk River Provincial Park) with the possibility of recommendations for changes to existing boundaries and/or the type of protected area.

#### ***Waterways***

- Water is a primary interest for protection. Water includes lakes, rivers, creeks, and the water stored in the muskeg soils of the planning area.

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- Many community members source their drinking water from the Weenusk River and creeks draining from muskeg lands. The planning process will ensure the protection of these drinking water sources.
- Describe water resources and the importance of sustaining the integrity of water resources of all kinds (e.g., ground water, lakes, rivers, and muskeg).
- Describe waterways and their historical, cultural, and ecological significance.
- Identify waterway opportunities for recreation, tourism, and other uses.

### ***Fish, Wildlife and Plants***

- The Joint Planning Team will respect and follow traditional use of fish and wildlife in the planning area and maintain conservation efforts to ensure the continued use of these resources for the Weenuski Inninowuk.
- Planning will consider species at risk and their habitats.
- Protection of animals that are calving and rearing.
- Gather information on caribou migration routes, populations, and associated predator populations (i.e., wolves).
- Consider Important Bird Areas in protected areas design.
- Identify and protect medicinal plant areas.

### ***Mineral Resources***

- The Joint Planning Team will consider information relating to mineral resources such as bedrock geology, surficial geology, aggregate resources and areas of significant mineral potential.
- Identify existing mining claims.
- Achieve consensus on areas open for exploration and areas protected (withdrawn) from staking.

### ***Oil and Natural Gas***

- The Joint Planning Team will consider information relating to oil and natural gas resources

### ***Forestry***

- Assess potential for commercial forestry opportunities.

### ***Non-Timber Forest Products (NTFP)***

- Identify areas in which the community's NTFP interests for traditional or commercial purposes may be pursued
- Identify important natural medical sources from both land and water

### ***Tourism and Recreation***

- Identify existing and future opportunities for tourism (i.e., youth land-based learning camp).
- The plan will address how tourism activities should remain respectful of Weenuski Inninowuk.
- Identify existing and potential recreation opportunities.

### ***All-Season Roads and Infrastructure***

- The plan will consider existing and future infrastructure needs and opportunities for the community, including: all-season roads, winter road upgrades, and transmission lines.

### ***Renewable Energy***

- Identify potential for renewable energy (wind, solar, hydroelectric).

### ***Climate Change***

- The traditional knowledge of Weenuski Inninowuk will be shared and taken into account.
- The Joint Planning Team will identify climate change research and monitoring, mitigation and adaptation approaches through the planning process.

## **PLANNING PROCESS**

Community based land use planning follows a consensus building approach for decision making that is based on the principles of fairness, openness, and respect. It is a stepwise process that includes the following:

Planning Initiation and Engagement: 2011 to 2016

Terms of Reference: Late 2016 to Mid 2017

Draft Community Based Land Use Plan: Mid 2017 to Mid 2019

Final Community Based Land Use Plan: Mid 2019 to 2020

Implementation: 2020 onwards

### **Planning Structure**

Weenusk First Nation has identified a structure to support the plan, support community engagement, and build consensus throughout the planning process (Figure 3).

The overall planning initiative is led by the Joint Planning Team with key support from community and family groups. Chief and Council provide direction on administration, report updates, and ongoing support of the planning process. The following are roles and responsibilities of each group within the planning structure:

***Community and Family Groups:***

Family groups will be visited from time to time to engage on traditional history, grave sites, and identify values (i.e., tea branches for consumption). The community will be heard as a whole membership to support the planning process.

The Weenusk community based land use plan will reflect information and knowledge from the community membership and family groups as they have strong connections to the land. They will be invited to support and approve the plan with ongoing dialogue, information sharing, and plan review during all stages of plan development.

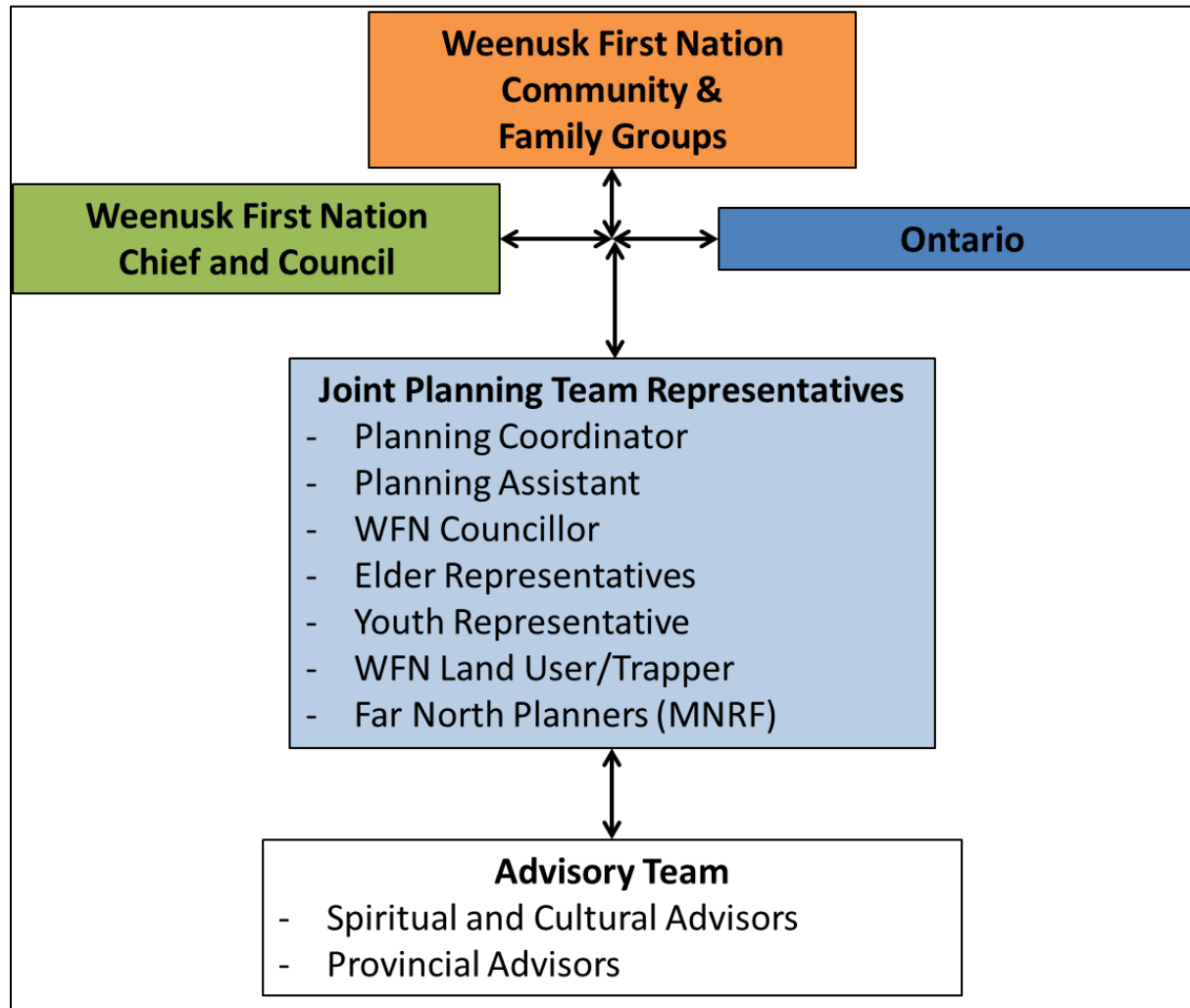


Figure 3 – Weenusk First Nation Planning Structure

***Weenusk First Nation Chief and Council:***

The Chief and Council will appoint a Council member to oversee the community based land use planning process and inform the land use planning coordinator on any items related to planning (i.e., relevant information on planning subjects). This Council member will also inform the Chief and Council of the overall consensus set by the Joint Planning Team and Weenuski Inninowuk.

Chief and Council will support and advocate for the overall community based land use planning process and provide necessary political support. Chief and Council will provide approval to engage in planning, provide ongoing input and direction into the planning process and/or approve major planning milestones (Terms of Reference, Draft and Final Plan).

Chief and Council will also support or offer direction to the Joint Planning Team in engaging neighbouring communities in shared area dialogue. The objective for dialogue will be to establish a common understanding of land intent and capability for areas that are common to the traditional cultural heritage of more than one First Nation.

***Joint Planning Team***

Joint Planning Team has prepared the Terms of Reference and will facilitate the planning process this will include but not limited to, the development of the land use plan as well as amendments. The Joint Planning Team will ensure the best available information is used to support decision making and build consensus on recommendations.

The Joint Planning Team is comprised of Weenusk First Nation (WFN) and Ministry of Natural Resources and Forestry (MNRF) members. The composition of the Joint Planning Team is as follows:

- WFN Planning Coordinator
- WFN Planning Assistant
- 2 MNRF Planners
- 1 WFN Councillor
- 2 WFN Elders
- 4 WFN Land User/Trapper
- 1 WFN Youth Rep

***Advisory Team:***

This team supports the Joint Planning Team by providing information, analysis, and advice on all planning subjects as needed. The team can support

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consideration of broader social, cultural, spiritual, economic, and environmental matters:

- Spiritual advisor(s) will be instrumental when it comes to land and water protection, as well as sharing their knowledge of traditional lands.
- Cultural advisors are to be identified as needed to assist the planning team and community with relevant information. These cultural advisors may further support community dialogue and enhance understanding on a certain topic related to lands and waters.
- Provincial advisors are to be identified as needed to assist the planning team and community with relevant information. For example, MNDM will provide information related to geology, mineral potential and mineral exploration and mining. They will use this data to inform the Joint Planning Team on areas that may offer mining opportunities in the planning area and help inform land use designations.

### *Technical Support:*

Weenusk First Nation will need a translator for the incoming land use planning information, community sessions, and major planning milestones (Terms of Reference, Draft and Final Plan).

If needed, lawyers or consultants may be required to review and consult on items related to land use planning.

### **Approvals**

Any Band Member living on and off reserve must provide written documentation to the Joint Planning Committee, impacted Family Group, and Chief and Council of all conversations pertaining to prospecting, mining, and other development interests within the planning area.

The Far North Act identifies requirements and authority for approvals, including for:

- Terms of Reference
- Planning Area
- Final Land Use Plan

Joint approvals for each of the above are required by:

- Weenusk First Nation Chief and Council
- Minister of Natural Resources and Forestry



Approval of the final plan shall be by Weenusk First Nation Band Council Resolution and Minister's Order under the Far North Act, 2010. Prior to approval of the final plan, and with joint endorsement, the planning area shall be designated by a Weenusk First Nation Band Council Resolution and under the Far North Act, 2010 via Minister's Order.

Once a community based land use plan is approved, decisions on land use activities must be consistent with the land use designations specified in the plan.

Upon endorsement of a final land use plan, Weenusk First Nation and MNRF will implement the direction in good faith.

Weenusk First Nation and MNRF recognize that the land and its environment are continuously changing. The needs and interests of the Community will also change over time. As new information becomes available, new laws are passed, and/or emerging direction is known, amendments to the plan might be required at any time. In this event the joint planning team would prepare recommended amendment(s). A formal review of the plan will take place every ten years and an interim review will take place every five years.

### **Issue Resolution**

The land use planning exercise has been structured to incorporate on-going dialogue and feedback throughout the process.

Weenusk First Nation recognizes that there are issues during plan production both within the First Nation Communities and with interested parties. A party bringing forward an issue shall provide it in writing to a member of the joint planning team. A response will be provided within 30 days following the review of the issue.

The joint planning team shall make decisions by consensus. Where they fail to reach consensus, they shall seek further guidance with Elders, Family Groups, Community Members, Chief and Council, and/or provincial advisory groups in reviewing the issue.

Written records of all decisions pertaining to the community based land use plan made as part of the planning process will be maintained and approved.

### **Information Management**

Weenusk First Nation values and appreciates the importance of collecting, documenting and sharing knowledge. It's recognized and respected that time is of the essence in retrieving and documenting Elders' knowledge and oral history. Great efforts have been and will be made, in preserving information for the purpose of sharing local history, cultural and traditional values with the

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community members, especially the youth. Products have been developed from previous information gathered to include: Indigenous Traditional Knowledge work, film productions, and other visual/audio products.

Information from a variety of sources will be continuously brought forward and considered to help support and inform the joint planning process.

All Indigenous Knowledge used to support the planning process and decisions will remain with the community unless the community deems it shareable with the MNRF. This would particularly apply to sensitive areas (i.e., ceremonial grounds, burial sites, sacred sites, medicinal plant locations, etc.) that the community does not want publicly identified.

MNRF will provide and support the Joint Planning Team with its best available information and data that will be used for the purpose of community based land use planning. In addition, the joint planning team will identify appropriate information management strategies for the information used to support the development of the plan.

The Joint Planning Team will ensure compliance with requirements for information under the authority of the Freedom of Information and Protection of Privacy Act, and the Archives and Record Keeping Act, 2006. Notices required for consultation purposes under the Environmental Bill of Rights will be the primary responsibility of MNRF.

The Joint Planning Team will oversee communications and delegate as required, including developing and ensuring public notices are submitted as required, compiling the appropriate mailing list, initiating mail out of planning phase information, providing notice of meetings, and any other information deemed appropriate.

Weenusk First Nation and MNRF will provide public notice of all supporting planning documents including the Terms of Reference, Draft Plan and Final Plan. All formal input and comments received during the planning process will be documented and available as an official planning record. Copies of all formal input and comments received during the process will be provided to the joint planning team.

## CONTACTS

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## REFERENCES

<http://www.ourvoices.ca/index/Weenusk>

Far North Act (<https://www.ontario.ca/laws/statute/10f18>)

Far North Land Use Strategy (<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTIxMTIx&statusId=MTgxMzE0&language=en>)

## GLOSSARY

**Aboriginal Rights:** The freedom to use and occupy traditional lands and resources to maintain a traditional Aboriginal way of life. Aboriginal rights are protected under the Constitution Act.

**Environmental Assessment:** A study under Ontario's Environmental Assessment Act or the Canadian Environmental Assessment Act that assesses the potential environmental effects (positive and negative) of a proposal. Conducting an environmental assessment promotes good environmental planning before decisions are made about proceeding with a proposal.

**Indigenous:** A collective name for the original people of a land and their descendants. Often used in an international context, the term has recently been adopted in Canada, recognizing First Nations, Métis and Inuit people of Canada as Indigenous.

**Planning Area:** Identifies a geography for the purpose of community based land use planning under the Far North Act.

**Species at Risk:** The categories of species listed by MNRF on its Index List of Vulnerable, Threatened, Endangered, Extirpated or Extinct Species of Ontario, as amended from time to time.

**Treaty Rights:** Rights held by First Nations people pursuant to a treaty. Treaty rights are protected under the Constitution Act.