

**TOWARDS AN INDEPENDENT FIRST NATION FOR O-PIPON-NA-PIWIN CREE NATION**



*OPCN'S LONG ROAD TO BECOMING AN INDEPENDENT FIRST NATION IS NEARING A SUCCESSFUL END.*

**A Message from NCN Chief and Council**

**T**ansi. We're very pleased to be able to provide you with this update on negotiations between NCN and our Members in South Indian Lake towards the creation of a new and separate First Nation.

As you know, the idea for South Indian Lake to become an independent First Nation has been talked about for almost 100 years, and has had the long-term support of many NCN Chiefs and Councils on behalf of our Members over the years. As early as 1914, there is a written record of a separate parcel of reserve land at Southern Indian Lake being discussed.

An important milestone in negotiations was a 1995 memorandum of understanding signed between the Government of Canada, the Province of Manitoba, SIL representatives and NCN Chief and Council to pursue a process to have SIL recognized as a Band under the Indian Act and to set aside lands to create a separate reserve.

Because the Government of Canada is the key player in the creation of any new reserves, with involvement from the Province of Manitoba, the largest part of negotiations has been directly between SIL representatives and the two governments, which has involved several separate agreements that have no bearing on NCN.

NCN's part in negotiations has been focused on developing a Separation Agreement between NCN and SIL that defines how assets will be divided between NCN and OPCN.

Once the new reserve is created, NCN Members living in South Indian Lake can transfer their membership to OPCN at which time responsibility for their entitlements will transfer from NCN to the new First Nation. Those Members will no longer vote in NCN elections or referendums, but will participate in OPCN self-government and elections.

*"WE WISH OUR BROTHERS AND SISTERS OF OPCN WELL, FOR A BRIGHT AND PROSPEROUS FUTURE WITH THEIR NEW-FOUND INDEPENDENCE."*

We anticipate all details will be finalized shortly with formal recognition possible this summer. While this has been a long time developing, we wish our brothers and sisters of OPCN well for a bright and prosperous future with their new-found independence.

Please read further in this newsletter for a more complete outline of the agreement to create OPCN.

Ekosi.  
*NCN Chief and Council*

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## A Message from Headman Chris Baker



O-PIPON-NA-PIWIN CREE NATION

The First Nations people of South Indian Lake have been seeking formal recognition as an independent First Nation since the time of the Treaty when we were amalgamated with all other First Nation people trading out of the Hudson's Bay Company post at Nelson House.

We are now at the stage when all the efforts of our people, and the generations of support from the community of Nelson House are about to pay off. Now we need to confirm in written form the people of Nelson House's historic support for our independent recognition and finalize our binding agreement to go our own way. This historic agreement will confirm to Canada and Manitoba that NCN is firmly committed to First Nation status for the people of South Indian Lake and our goal of independent recognition.

With independence, I believe our two communities will maintain our close relationship into the future. While we have evolved differently and have different interests, we are still in many ways like a family. We will do what we feel is best to protect and develop our independent resource areas and partner on common regional interests, but I know we will remain close and cooperative.

After almost 100 years of being amalgamated within the Nisichawayasihk Cree Nation at Nelson House,

the First Nations people of South Indian Lake are on the verge of being recognized by Canada as a separate and distinct Cree Nation – a Nation of people who still occupy their traditional lands around South Indian Lake and who built their livelihood from the resources of those lands and waters.

This Nation will have a Government whose rights are protected in the Constitution of Canada and that will fight for the rights of the people of those traditional lands. It will be a

Nation that will do everything possible to protect their traditional lands around South Indian Lake and ensure the original people of those lands are the first to benefit from the resources and

economic development of those lands and waters.

We know those lands are our traditional lands. We know our roots lie deep in the lands and waters around South Indian Lake.

We respect the People of the Nisichawayasihk Cree Nation and we are grateful for your support for our independence. Our history and our People will always be together even as we seek our independent ways.

Ekosi.

*Chris Baker, Headman*

## An Overview of the Status of South Indian Lake

A process to create O-Pipon-Na-Piwin Cree Nation as an independent First Nation is nearing completion following almost a century of discussions.

### A Long-time Connection With NCN

South Indian Lake, 130 kilometres northwest of Thompson and 64 air kilometres from Leaf Rapids, has long been a centre for Cree People with historic ties to the Nisichawayasihk Cree Nation.

### Population and Government

South Indian Lake was recognized as a Northern Affairs community in 1971 and was incorporated as a municipality in 1999.

Today it has a population of nearly 1,000 with NCN Members comprising approximately two-thirds of SIL residents. There are currently no reserve lands at South Indian Lake.

All residents are currently governed by an Incorporated Council under the Northern Affairs Act consisting of an elected mayor and councillors.

NCN Members in SIL are currently represented in negotiations by Headman Chris Baker, who came to office after NCN established its own Election Code in 1998. Before that,

the Headman had traditionally been appointed by NCN Chief and Council.

CASIL (Community Association of South Indian Lake) administers revenues from the 1992 settlement agreement between CASIL, the Province of Manitoba and Manitoba Hydro related to northern flooding.





## A Brief History of Negotiations, Consultations and Agreements

SOUTH INDIAN LAKE IS CLOSER  
THAN EVER TO ACHIEVING ITS  
DREAM OF INDEPENDENCE.



**N**egotiations and consultations to create a separate First Nation have been ongoing for nearly 100 years.

Following the signing of the Adhesion to Treaty 5 in 1908, the Nelson House Band took steps to choose reserve land, including reserve land in Nelson House and the expectation of additional lands in the future.

The written record is clear that by 1914 a separate parcel of land at South Indian Lake was under discussion.

In 1929, NCN Chief Albert Moose requested four additional parcels of land, including a piece on the north side of South Indian Lake, which was described as:

*"... while not suitable for gardening it is splendid for fishing and we could use it as a basis for our northern trapping".*

In 1958, NCN Chief Kenneth Spence reported that Members living at SIL:

*"... expressed their wish to become a band of their own, with their own Chief and Council."*

### **An Early Resolution to Form a New Band**

At a January 5, 1960 Band Meeting in Nelson House, NCN Chief and Council passed a resolution agreeing to NCN Members at South Indian Lake forming their own Band.

By 1988, once Article 3 of the Northern Flood Agreement was resolved, NCN agreed to provide SIL

with 2,000 acres of its lands covered by the Northern Flood Agreement (NFA) exchange lands.

This agreement was eventually reflected in the 1996 NFA Implementation Agreement signed by NCN.

### **1995 Memorandum of Understanding Formalizes Process**

On April 4, 1995, a memorandum of understanding (MOU) was signed between the federal and provincial governments, SIL representatives and NCN Chief and Council to formalize a process to have SIL recognized as a Band under the Indian Act and to set aside lands to create a separate reserve at South Indian Lake.

This MOU formed the basis for the current negotiations, which are almost complete.

### **Manitoba Keewatinook Ininew Okimowin Gives Support**

On July 22, 1998, with support from NCN Chief and Council, MKO passed a resolution to recognize the South Indian Lake First Nation.

In May 2001, NCN and Canada agreed to finance the independent Land Capability Use and Selection study for the newly-named O-Pipon-Na-Piwin Cree Nation. The purpose was to identify all lands available to OPCN for reserve selection from various sources (i.e. TLE, 1996 NFA Implementation and CASIL agreements) for the establishment of reserve lands at South Indian Lake.

## Current Status of Negotiations

As of early May 2005, 1,155 First Nations Members have signed letters of intent to become OPCN Members, including 867 who are resident in SIL.

### Negotiating a Separation Agreement

NCN is working with SIL representatives to conclude a Separation Agreement that establishes how assets will be divided between NCN and OPCN. Most of the assets have been previously agreed on and include:

- 8,500 acres of the 1992 CASIL agreement lands
- the already mentioned, 2,000 acres of the 1996 NFA Implementation lands
- 17,675 acres of the Treaty Land Entitlement (TLE) lands
- \$430,096, which is based on 22.25 per cent of NCN's share of the TLE settlement

The separation agreement is the only one in which NCN has a direct interest.

### Other Agreements in Negotiation

SIL Headman Chris Baker and his team are working with the governments of Canada and Manitoba to finalize several other agreements related to the creation of a new First Nation with reserve lands. These include:

- *Municipal Service Delivery Agreement*
- *Community Capital Upgrading Trust Fund Agreement*
- *Tuition Agreement*
- *OPCN/Canada Funding Relationship Agreement*

In addition, Canada and Manitoba require OPCN to have a number of codes and policies established to cover such things as:

- *Elections*
- *Administrative structures*
- *Housing and land use*
- *Land Transfers*
- *Third-party interests*
- *Community development*



OPCN'S FIRST NATION STATUS WILL HAVE MANY FINANCIAL BENEFITS.



## Projected Benefits for OPCN

### Millions of Dollars for Trust Fund

First Nation status will have specific financial benefits for OPCN:

- *\$29.2 million trust fund for capital improvements, as the Canadian government will not accept the community of South Indian Lake in its present below-standard condition.*
- *Community Council's \$550,000 debt will be forgiven by the Province of Manitoba.*
- *On-reserve taxation exemptions from taxes, property taxes and sales taxes*
- *OPCN will no longer be subject to administration fees paid to NCN.*

### Direct Government Funding

OPCN will be entitled to INAC First Nation Program Funding for:

- Operations and Maintenance for municipal services and public buildings
- Postsecondary education for OPCN children
- K-12 education for schools and education
- \$600,000 a year for housing and small building projects

### New Health Funding

OPCN will be entitled to previously unavailable First Nations & Inuit Health Branch funding for a number of social and health-related programs.

### A New Reserve of Over 28,000 Acres

The agreement will allocate over 28,000 acres or 44 square miles to OPCN. (See page 5)

The selection of reserve lands is expected to result in over 20 OPCN Reserves strategically located throughout the territory.



## Implications for NCN Members Transferring to OPCN

All NCN Members living in South Indian Lake who sign statements of intent will, upon recognition, become OPCN Members and will no longer be NCN Members. They will be removed from the NCN membership list.

Only NCN Members will be eligible to vote in future NCN elections and referendums.

NCN Members will not be entitled to any past, present or future OPCN assets, including its trust from the 1992 settlement and Big Sand Lake Lodge.

## Implications for Existing NCN Membership

There are no outstanding issues regarding the separation agreement with SIL.

All matters regarding the allocation of land and trust fund moneys were settled in the past and approved by past Band Council Resolutions

NCN will not be required to divide any other past, present or future assets including any trust moneys.

NCN will lose the administration fee paid by NCN Members at SIL, since it will take responsibility for its own affairs.

## Widespread Support for Separation

There is, and has been, widespread ongoing support for this Separation Agreement, particularly among Elders, many of whom have passed on without realizing their dream.

NCN Members are being asked to support Chief and Council's

recommendation that First Nation recognition proceed without the need for any more formal processes, considering the people in SIL have been waiting a very long time to take control of their own destiny.

## What's Next

### Additional Consultation with SIL Members

Finalization of a Separation Agreement between NCN and OPCN is near completion. Chief and Council will continue to meet with Headman Baker and other OPCN Members to finalize details.

### Formal Recognition

The federal and provincial governments will have to give formal recognition. First Nation status is expected to come this summer.

### OPCN Elections in Nine Months

An election will be held within nine months from the time OPCN receives First Nation status.

During the nine-month period a transitional council will be in place.



## NCN Chief and Council



Jerry Primrose,  
*Chief*



D'Arcy Linklater,  
*Councillor*



Shirley L. Linklater,  
*Councillor*



Agnes M. Spence,  
*Councillor*



Jimmy Hunter-  
Spence, *Councillor*



W. Elvis Thomas,  
*Councillor*



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