



NISICHAWAYASIIHK CREE NATION OKEMAWIN

ORDER IN COUNCIL

(ITASOWEWIN)

Date: June 25, 2021

Number: OIC-313-2021-9

Authorized by: Chief and Council

WHEREAS:

1. The COVID-19 pandemic declared by the World Health Organization on March 11, 2020 is continuing to evolve not only globally but also within Manitoba.
2. On March 20, 2020, in accordance with section 7 of the *Nisichawayasi* Emergency Measures Law, 2020, c. E-1, Chief and Council declared a State of Emergency to minimize the risks related to the COVID-19 pandemic.
3. On June 11, 2021 the State of Emergency was extended to June 25, 2021 and may be extended further.
4. Additional restrictions or community lockdowns continue to be needed to quickly respond to rapidly changing COVID-19 conditions.
5. Chief and Council have been required to, and will continue to be required to take action to address issues arising from this unprecedented pandemic which continues to pose serious risks to the health and safety of NCN Citizens and other residents on NCN Lands.
6. Public health officials have indicated that efforts must be made to combat COVID-19 by limiting potential exposure through vaccination and policies of physical distancing, ongoing sanitization measures and wearing masks for the foreseeable future.
7. Further Orders are required to address ongoing and emerging issues.

ORDER

Definitions

1. The following definitions apply in this Order

“community” means those persons who ordinarily live on or adjacent to NCN Lands at Nelson House, Manitoba;

“fully vaccinated” means a person who has received their second dose of a COVID-19 vaccine approved by Health Canada at least 14 days earlier and has a vaccine verification card issued by the NCN Health Director or designate or vaccine verification digital record or card issued by the Province of Manitoba;

“northern Manitoba” means the area of Manitoba located north of the 53rd parallel;

“NCN Lands” means the lands described in *Aski-Pumenikiwin*, 2017, c. A and in particular IR 170, 170A, 170B, and 170C;

“*N’tuskenan*” has the same definition as in *Othasowewin*, 2017, c. O-1; and

“southern Manitoba” means the area located south of the 53rd parallel;

Previous NCN COVID-19 Order revoked

2. NCN OIC 313-2021-8 is revoked and replaced with this Order as of 12:01 am on Saturday June 26, 2021.

State of Emergency in Effect

3. The State of Emergency declared on March 20, 2020 remains in effect unless revoked or amended by a subsequent NCN Order in Council. During this period of time, due to the rapidly changing nature of this pandemic, Chief and Council may by written notice posted on the NCN website and social media declare that a partial or full lockdown is in effect and the rules that must be followed in addition to or in place of the rules in this Order in Council until a new Order in Council is issued.

Travel and Entry NCN Lands - Fully Vaccinated Residents and Employees

4. The following persons who provide proof that they are fully vaccinated may travel within Canada and shall be allowed to enter and exit NCN Lands without obtaining prior written authorization or being required to isolate as long as they are not displaying any COVID-19 symptoms:

- (a) persons who are ordinarily resident on or adjacent to NCN Lands;
- (b) employees of *Nisichawayasi Nehethowuk Okemawin* (NCN government);
- (c) employees of an NCN Entity; and

- (d) NCN Citizens and members of their immediate families who are not ordinarily resident on NCN Lands.

Travel and Entry NCN Lands - Unvaccinated/Not Fully Vaccinated Eligible Persons and Employees

5. No person who is ordinarily resident on or adjacent to NCN Lands or who is employed by *Nisichawayasi Nehethowuk Okemawin* (NCN Government) or an NCN Entity and who is unvaccinated or are not fully vaccinated shall:

- (a) travel to southern Manitoba or elsewhere in Canada; or
- (b) be allowed to enter and exit NCN Lands without prior authorization from the Executive Director of Justice and Public Safety following consultation with the NCN Health Director and the Nurse in Charge or their designates,

unless they provide written confirmation from a doctor or nurse practitioner that they are unable to be vaccinated with an authorized COVID-19 vaccine for bona fide medical reasons. Except in emergency situations verified by the Executive Director of Justice and Public Safety in consultation with the NCN Health Director or their designates, travel authorizations under this section must be obtained at least 48 hours before the proposed travel.

Travel Exemption - Children

6. Children under the age of 12 years of age who are travelling with persons over 12 years of age who are all fully vaccinated will be allowed to enter and exit from NCN Lands but if they have travelled out of province they must be tested for COVID-19 immediately upon entry to NCN Lands and again 10 days later and may be required to isolate in a location determined by the NCN Health Director or designate.

Isolation Upon Return

7. Any person who
- (a) is not fully vaccinated and who has received a travel authorization must self-isolate at home until assessed by the health team after which they will be directed to either self-monitor or be required to continue to isolate at home or in an isolation unit; or
 - (b) is returning from international travel, whether they are fully vaccinated or not must isolate for a period of 14 days at a location determined by the NCN Health Director or designate.

No Travel if Full Lockdown

8. No travel will be allowed except for emergency medical reasons verified by the Nurse in Charge if Chief and Council have issued a written notice that a full community lockdown is in

effect or the number of active COVID-19 cases outside of the community make it unsafe for such travel to continue.

Travel conditions

9. Prior to entering and leaving the community, all persons who intend to travel and plan to return to the community must agree to:

- (a) observe all gathering size limitations, physical distancing, sanitization, mask and hand washing measures during travel and while out of the community;
- (b) abide by any self-monitoring or isolation directives the NCN Health Director or designate may issue;
- (c) abide by all NCN Laws, the provisions of this Order and any additional specific rules outlined in written notices posted on the NCN website; and
- (d) have their vehicles and supplies searched at the check-stop upon their return; and
- (e) co-operate during any searches,

but any person who has previously violated NCN Laws including any previous NCN Order in Council and is subject to a fine or other penalty will not be allowed to travel or transport alcohol or cannabis onto NCN Lands until the fine has been paid or alternate arrangements such as community service have been completed.

Ban on Entry

10. Unless authorized by other provisions in this Order, no person who

- (a) is not ordinarily resident in the community; or
- (b) was ordinarily resident in the community but refused to remain in the community during the lockdown,

shall be permitted to enter NCN Lands unless they are fully vaccinated.

Essential Workers and Visitors

11. The Executive Director of Justice and Public Safety or designate shall issue a special entry pass to the following persons after consultation with the NCN Health Director as long as such persons have arranged to be vaccinated, are not displaying any COVID-19 symptoms, are not waiting for COVID-19 test results and have submitted a mitigation plan that has been approved:

- (a) those persons providing essential services in accordance with NCN's Pandemic Plan;
- (b) medical personnel;

- (c) designated NCN advisors;
- (d) workers engaged in construction, maintenance or assessment of critical infrastructure; and
- (e) any other personnel designated in writing following consultation with Chief and Council.

Mandatory Screening Prior to Community Entry

12. All persons arriving at the check-stop must be screened prior to entry into the community for tracking and monitoring residents and visitors leaving and re-entering the community to ensure compliance with this Order.

Sports Teams Require Pre-approved Plan

13. Players, coaches, managers, training, technical and medical personnel employed by or affiliated with sports teams and participants in individual athletic competitions sponsored by the NCN Recreation department or others, will only be allowed to participate in events on NCN Lands if

- (a) a written COVID-19 safety plan has been submitted to the Executive Director of Justice and Public Safety or designate at least 7 days in advance of the start of the proposed season or event;
- (b) written approval of the plan has been obtained from the Executive Director of Justice and Public Safety after consultation with the NCN Health Director or designate; and
- (c) a full lockdown of the community is not in effect.

Participation in Sports and Other Activities

14. No person who is over 12 years of age and

- (a) who is ordinarily resident on or adjacent to NCN Lands; or
- (b) who is visiting NCN Lands with fully vaccinated persons over 12 years of age,

shall participate in any activities, tournaments or other sporting events on NCN Lands unless they are fully vaccinated.

Medical Exception – Participation Sports/Activities

15. Persons who are unable to be vaccinated with an authorized COVID-19 vaccine for bona fide medical reasons shall provide written confirmation from a doctor or nurse practitioner that they are unable to be vaccinated and the program director shall consult with the NCN Health

Director or designate to confirm whether the person shall be allowed to attend work or participate in the activity or event having regard to the safety of the person and the other participants.

Schools

16. NCN schools and ATEC will remain open in accordance with the plans and any amendments approved by the NCN Health Director or designate in consultation with Chief and Council and the NNCEA or ATEC Directors or their designates as the case may be as long as such plans are consistent with this Order or a full lockdown is in effect in accordance with section 38 of this Order in which case they must close.

Facilities

17. The Norman Linklater Multi-plex, Family and Community Wellness Centre Fitness Centre and the Gilbert McDonald Arena shall open in accordance with mitigation plans approved by the Executive Director of Justice and Public Safety in consultation with the NCN Health Director or their designates but only fully vaccinated persons or children under the age of 12 shall be allowed to participate in activities at such facilities.

VLTs and Beer Vendor

18. If allowed by Provincial licensing authorities, the VLT Centre and Beer Vendor may open in accordance with an approved mitigation plan approved by the Executive Director of Justice and Public Safety in consultation with the NCN Health Director unless Chief and Council has issued a written notice that they must close.

NCN Employees

19. Employees of NCN Entities and *Nisichawayasi Nehethowuk Okemawin* are allowed to work in the community if they:

- (a) are fully vaccinated;
- (b) are unvaccinated but have been granted a special entry pass;
- (c) have provided confirmation from a doctor or nurse practitioner that the person can not be vaccinated with an approved COVID-19 vaccine for bona fide medical reasons;
- (d) are not displaying any COVID-19 symptoms;
- (e) have met the requirements in the Self-Isolation Order for Persons Entering Manitoba;
- (f) if required, have isolated in any location directed by the NCN Health Director or designate for 14 consecutive days;
- (g) are not subject to an order under the Quarantine Act (Canada); and

- (h) neither the employee or any person they live with are not waiting for COVID-19 test results.

For greater certainty, no employee of an NCN Entity or *Nisichawayasi Nehethowuk Okemawin* shall attend a meeting with other employees unless they are fully vaccinated or they have provided written confirmation from a doctor or nurse practitioner that they are unable to be vaccinated with an approved COVID-19 vaccine for bona fide medical reasons. Upon receipt of such medical information a risk assessment shall be undertaken in consultation with the NCN Health Director or designate to determine if it is safe for the person and other employees for the person to attend such meetings.

Construction Workers

20. Contract and construction workers can enter and exit the community on the condition that each person observes all practices in a plan approved by the NCN Health Director in consultation with Chief and Council for that group of workers which plan must comply with this Order.

Masks

21. Masks that cover the mouth, nose and chin without gapping shall be worn at the following indoor or outdoor public spaces:

- (a) all retail or commercial establishments on NCN Lands;
- (b) offices and other buildings owned or operated by NCN or NCN Entities;
- (c) motor vehicles used for public transportation on NCN Lands, including buses, taxis or other vehicles for hire;
- (d) outdoor spaces if the Northern Health Region has been designated as either Orange or Red under the Pandemic Response System; and
- (e) any other location the NCN Health Director or designate determines is required to protect the health and safety of NCN Citizens and residents and the NCN Health Director or designate has provided at least 24 hours notice on the NCN website and Facebook and social media pages.

Alcohol and Drug Prohibitions

22. All prohibitions on bootlegging or buying, selling and transporting illegal drugs as outlined in the *Nisichawayasi Community Protection Law 2019, c. C-1* and federal or provincial legislation continue to apply during the State of Emergency and anyone bootlegging, transporting or selling illegal drugs may be evicted or banished from NCN Lands.

Bear Mace and Machetes

23. No person shall be allowed to bring bear mace or a machete onto NCN Lands except in accordance with a regulation approved by Chief and Council.

Gathering Sizes – Indoor and Outdoor

24. Subject to paragraph 38 indoor and outdoor gatherings on or adjacent to NCN Lands are limited to:

- (a) the persons ordinarily resident in a household if the persons in the household who are eligible to be vaccinated are not fully vaccinated but a person from outside the household may provide emergency services including home repairs, child care, elder care or other health and social services to a member of the household;
- (b) 25% capacity of the facility plus the officiants for regular services, weddings, wakes and funerals and fully vaccinated persons from elsewhere in Manitoba can apply to attend the funeral of a family member or close friend;
- (c) fully vaccinated people at sweats and ceremonies including Sundance ceremonies and other community events; and

persons who are fully vaccinated may visit other households where all persons who are eligible are fully vaccinated as long as each household visited maintains a logbook with the names, dates and times of each visit recorded in order to facilitate contact tracing should that become necessary.

For greater certainty, in accordance with paragraph 38, during a full lockdown no gatherings will be permitted and church services shall be closed to the public but remote services may take place using the radio, internet or other forms of social media.

Visitors Not Ordinarily Resident in the Community

25. NCN Citizens and their immediate families who are fully vaccinated may visit and stay overnight with other fully vaccinated persons ordinarily resident in the community upon providing proof at the checkstop that they are fully vaccinated.

Exception – Children

26. Children under the age of 12 who are not fully vaccinated may visit and stay overnight in the community if they are accompanied by their fully vaccinated parents or guardians.

Home-Based Businesses

27. If the Northern Regional Health region has been designated as Red under the Pandemic Response System:

- (a) owners of a home-based business must remain closed unless all eligible persons in the household are fully vaccinated;

- (b) if all eligible persons in a household are fully vaccinated, the home based business may open as long as

only one person at a time is allowed to enter a home-based business for supplies or services and the person and the business owner must both wear masks and maintain physical distancing.

Retail Businesses

28. Unless given written notice to close, a business owned by NCN and operated on NCN Lands may remain open if the operator of the business:

- (a) follows the mask requirements in paragraph 21;
- (b) implements measures to ensure members of the public can maintain a separation of two metres or 6 feet from other persons at the business;
- (c) limits the number of members of the public at the business to 50% of the usual capacity of the premises;
- (d) follow any other rules applicable to the business under Provincial public health orders.

NCN Government and Wellness Offices

29. The NCN Government and Wellness offices shall remain open to deliver services to the community during a partial or full lockdown but in consultation with the NCN Health Director or designate may restrict access to the public and impose public health measures to be followed by employees working in these offices.

Curfew

30. A curfew shall be in effect from 11:00 pm to 7:00 am daily for children and youth unless an emergency arises that affects the health or safety of the child or youth in which case the parents or guardians may exercise their discretion and no snowmobiles or ATVs shall be operated on or adjacent to NCN Lands from 11:00 pm to 7:00 am.

Patrols Within *N'tuskenan*

31. Patrols of all access roads, trails, rivers and waterways within *N'tuskenan* that lead to NCN Lands, including searches of vehicles and other personal property will continue to be in effect.

32. Community safety patrol officers and peace officers are authorized to seize and impound any motorized or non-motorized vehicles including boats, operating on NCN Lands or adjacent to NCN Lands including such waterways, access roads and trails described in paragraph 31, if

- (a) the vehicle is an ATV operated after 11:00 pm; and

- (b) the community safety patrol officer or a peace officer believes on reasonable grounds that the person operating the motorized or non-motorized vehicle including boats, may be involved in criminal activities or activities that are contrary to NCN Laws and Orders on or adjacent to NCN Lands.

Persons Released from Jail

33. NCN Citizens released from jail and who are not subject to a banishment order are allowed to visit or reside on NCN Lands only with a special pass issued by the Executive Director of Justice and Public Safety in consultation with the NCN Health Director or their designates following a risk assessment and determination of appropriate conditions.

Pandemic Plans

34. The NCN Pandemic Response Plan as amended from time to time shall continue to be followed during this coronavirus (Covid-19) pandemic unless it differs from this Order in which case this Order shall prevail.

Facility and Asset Usage During Pandemic

35. The NCN Health Director in consultation with the NCN EMO Director is authorized to establish and designate NCN owned buildings and other facilities as emergency shelters, health treatment, isolation or quarantine centres or such other facilities as may be required to respond to the Covid-19 pandemic.

36. Isolation units at ATEC and other designated facilities shall remain in place on standby until further notice to facilitate issues that may arise on short notice.

37. Chief and Council may by written authorization, procure, use or distribute any assets or other resources owned by NCN or an NCN Entity as may be required to respond to the Covid-19 pandemic.

Rules if Active Case in Community

38. If there is a confirmed active case of COVID-19 in the community Chief and Council in consultation with the Executive Director of Justice and Public Safety and the NCN Health Director or their designates will determine the restrictions that must go into effect to protect the health and safety of the community and the community shall be given written notice of such restrictions by notice posted on the NCN website, social media and through any other reasonable means.

Application of Order

39. This Order applies to all individuals and businesses on NCN Lands including the Mystery Lake Lands in Thompson.

Penalties

40. Failure to comply with this Order, with the exception of paragraph 21 unless a full community lockdown is in effect, constitutes an offence and will result in evictions, banishments, fines of \$500.00, removal of benefits or other penalties consistent with NCN Laws, which penalties shall be in addition to any fines or other penalties imposed for violations of orders issued pursuant to section 67 of *The Public Health Act* (Manitoba) or the *Quarantine Act* (Canada).

41. In addition to the penalties in paragraph 40, any employee of NCN or an NCN Entity who violates this Order or an NCN Law will be disciplined in accordance with NCN personnel policies.

Regular Review of Order

42. This Order will be reviewed on a regular basis while it remains in effect and may be modified, revoked, or extended in whole or in part.

AUTHORITY

Nisichawayasi Nehethowuk Othasowewin, 2017, c. O-1 states:

CHAPTER 4

JURISDICTION

4.1 Jurisdiction

The jurisdiction of the *Nisichawayasi Nehethowuk Okimawin* extends over all persons, including *Nehetho* (Citizens), property, lands, air, water, resources and activities occurring on lands used by *Nisichawayasi Nehethowuk*.

The *Nisichawayasi Emergency Measures Law*, c. E-1, 2020 states:

PART III

STATE OF EMERGENCY

Emergency Powers

12 Upon the declaration of and during a state of emergency, Chief and Council may make such orders or regulations it believes is necessary to deal with the emergency:

- (a) the regulation or prohibition of travel to, from or within any specified area of N'tuskenan or NCN Lands or part of either N'tuskenan or NCN Lands;
- (b) the evacuation of persons and the removal of personal property from any specified area and making arrangements for the adequate care and protection of persons and property;
- (c) control or prevent the movement of people and property;

- (d) authorize the entry into any building on NCN Lands without a warrant or order under the Nisichawayasi Community Protection Law;
- (e) authorize the procurement, use and distribution of essential resources, services and personnel and provide for reasonable compensation for in respect of the resources or services provided;
- (f) regulate and provide for the distribution and availability of essential goods, services and resources;
- (g) authorize and make emergency payments;
- (h) direct or authorize the closure of schools, businesses, and other facilities;
- (i) establish emergency shelters, health treatment, isolation or quarantine centres, or such other facilities as may be required;
- (j) assess the damage to the environment, any works, undertakings, infrastructure or other structures and the costs to repair, replace or restore the environment, such works, undertakings, infrastructure or other structures;
- (k) expend such sums as are necessary to pay expenses caused directly or indirectly by the emergency; and
- (l) evict, banish, imprison or impose fines consistent with the Nisichawayasi Community Protection Law 2019, c. C-1.

PREVIOUS NCN COVID-19 OICs

NCN OIC 313-2020-4 approved March 20, 2020

NCN OIC 313-2020-5 approved March 27, 2020

NCN OIC 313-2020-6 approved April 17, 2020

NCN OIC 313-2020-7 approved April 23, 2020

NCN OIC 313-2020-8 approved May 2, 2020,

NCN OIC 313-2020-9 approved May 8, 2020

NCN OIC 313-2020-10 approved May 20, 2020

NCN OIC 313-2020-11 approved May 21, 2020

NCN OIC 313-2020-12 approved May 29, 2020

NCN OIC 313-2020-13 approved June 5, 2020
NCN OIC 313-2020-14 approved June 18, 2020
NCN OIC 313-2020-15 approved July 17, 2020
NCN OIC 313-2020-16 approved on August 30, 2020
NCN OIC 313-2020-17 approved on September 4, 2020
NCN OIC 313-2020-18 approved on September 30, 2020
NCN OIC 313-2020-19 approved on October 30, 2020
NCN OIC 313-2020-20 approved on November 13, 2020
NCN OIC 313-2020-21 approved on December 11, 2020
NCN OIC 313-2020-22 approved on December 22, 2020
NCN OIC 313-2021-1 (inadvertently numbered as NCN OIC 313-2020-23) approved on January 8, 2021
NCN OIC 313-2021-2 approved on February 5, 2021
NCN OIC 313-2021-3 approved on March 3, 2021
NCN OIC 313-2021-5 approved on April 1, 2021
NCN OIC 313-2021-6 approved on April 30, 2021
NCN OIC 313-2021-7 approved on May 28, 2021
NCN OIC 313-2021-8 approved on June 11, 2021