“Duty to Consult” – A First Nation Community Perspective
2017 IMLA Conference

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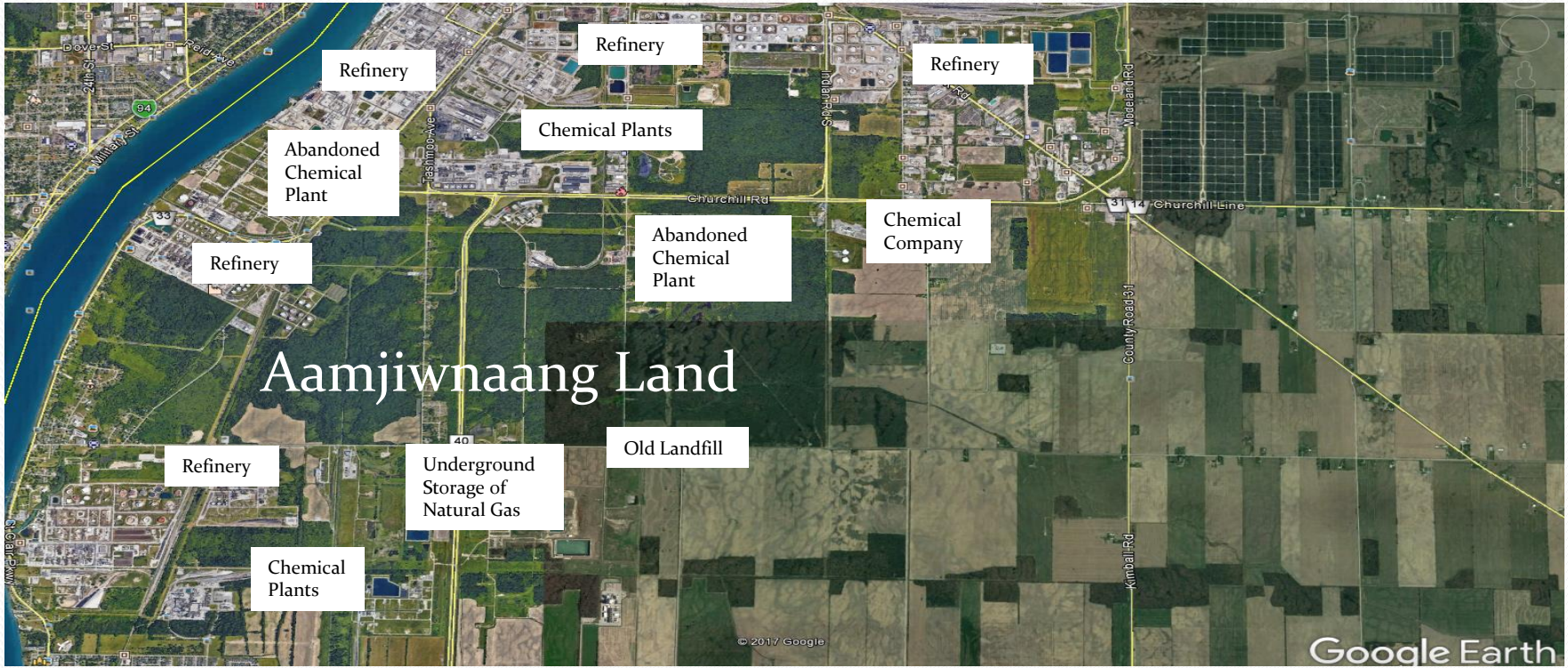
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Sarnia – Ontario's Blue Coast



Location of Aamjiwnaang First Nation



Refinery

Hazardous waste Landfill

Municipal – First Nation Relationships

Aamjiwnaang has community relationships with:

- City of Sarnia
- Village of Point Edward
- City of London

Municipal – First Nation Relationships

Regarding:

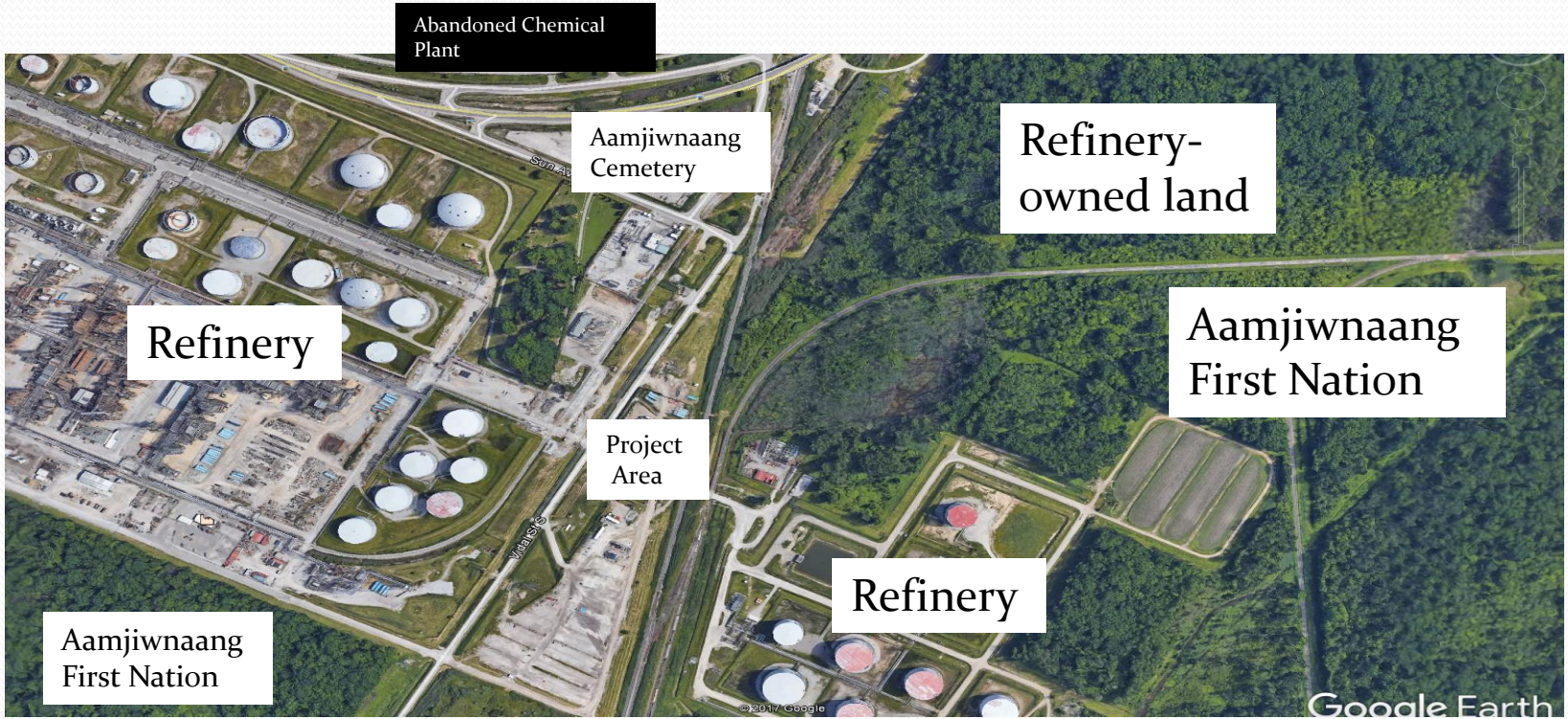
- Infrastructure ECA permits
- Archeological finds
- Habitat
- Repatriation of remains
- Native plant rescue

Standard protocol letters issued

Land Claims (Cameron Claims)

- All of South Sarnia proven in court that Aamjiwnaang has rights.
- Municipalities need to consult.
- Aamjiwnaang lands located in municipal boundaries.

Project and Surrounding Areas



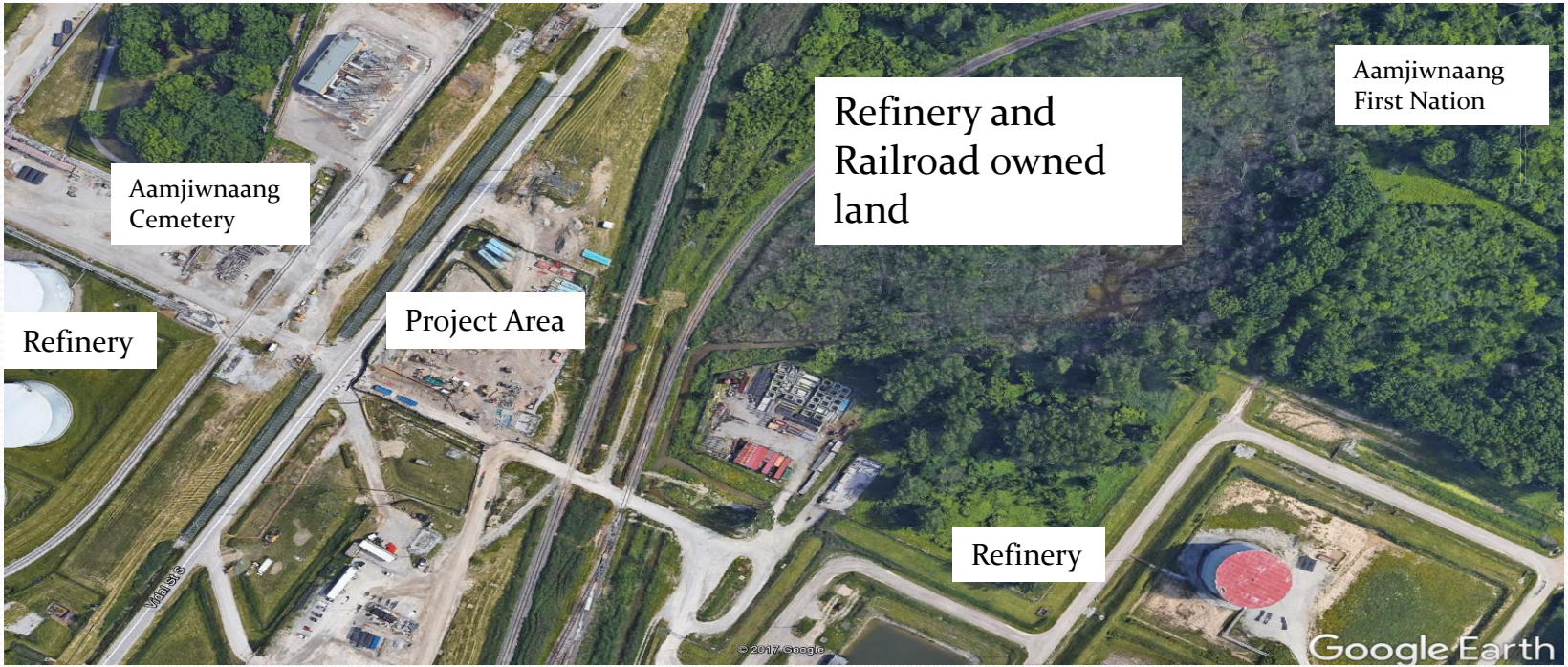
Brief Project History

- February 2006 – Benzene identified in soil in East Vidal Street Ditch.
- 2006 – Soil excavated, ditches lined with clay, environmental investigation, recovery wells, remedial pumping initiated.
- 2006 – present - Aamjiwnaang provided with monthly update briefs regarding pumping.
- July 2013 – Low concentrations of benzene detected in Vidal Street Ditch during storm water sampling activity.
- August 2013 – Current engagement and collaboration process begins.

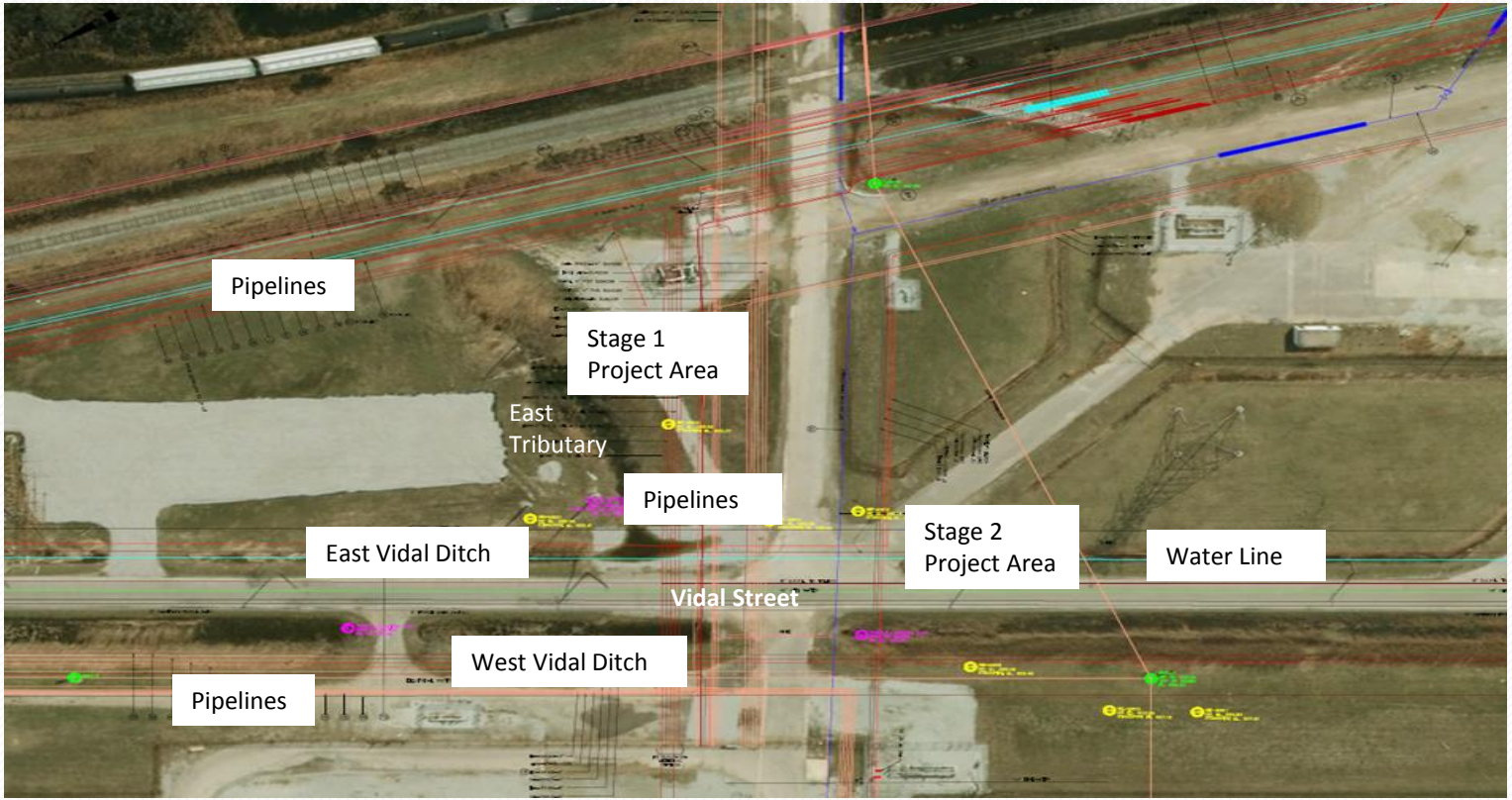
Community Concerns

- Benzene air emissions.
- Proximity to Aamjiwnaang First Nation cemetery.
- Benzene migrating to surface water (ditches).
- Benzene in soils and groundwater in the Vidal Street right-of-way.
- Groundwater pumping had been conducted for seven years with limited success.
- Community did not feel it was receiving enough information on the progress of the initial remedial pumping program.

Project Area



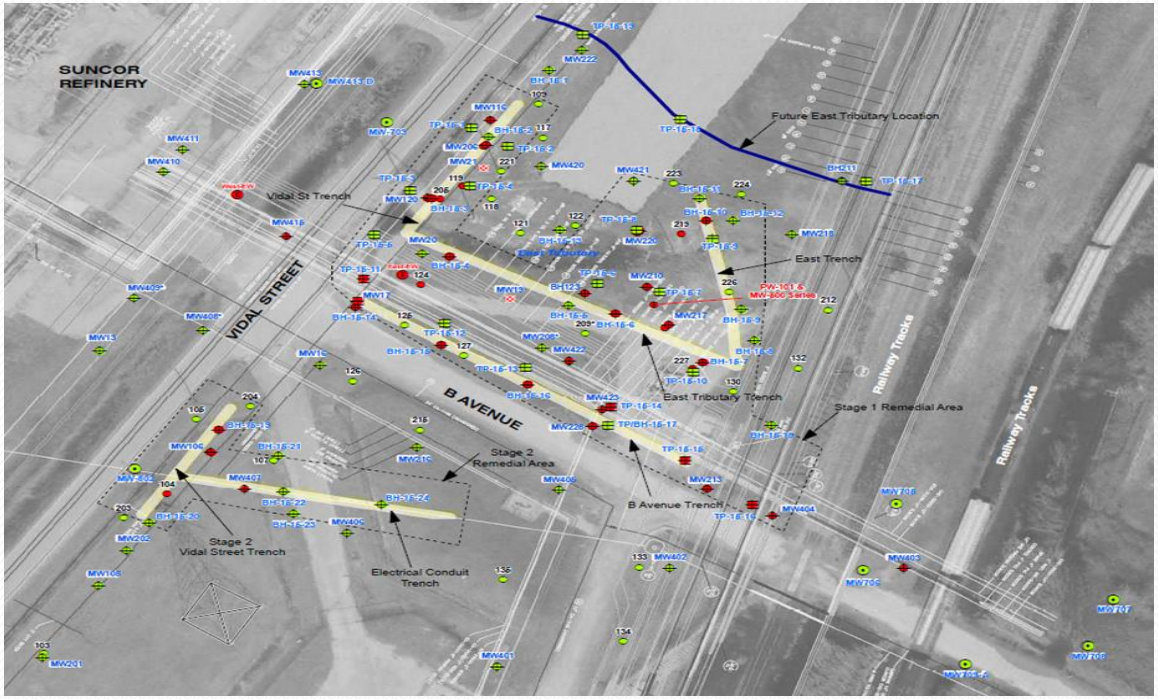
Pipelines and Services – complex considerations



Facts

- Benzene source not known.
- Approximately 80 pipelines. Six reported as containing benzene (including de-commissioned lines).
- Clayey Silt Till soils.
- Water table at approximately 1 metre (3.1 feet) below grade.
- Benzene migrating with groundwater into ditches.
- Existing City of Sarnia water line in project area. Line re-routed free of benzene impacts. Drinking water testing did not indicate benzene impacts.

Investigation Locations



43 probing points

120+ monitoring wells

+ soil borings (many)

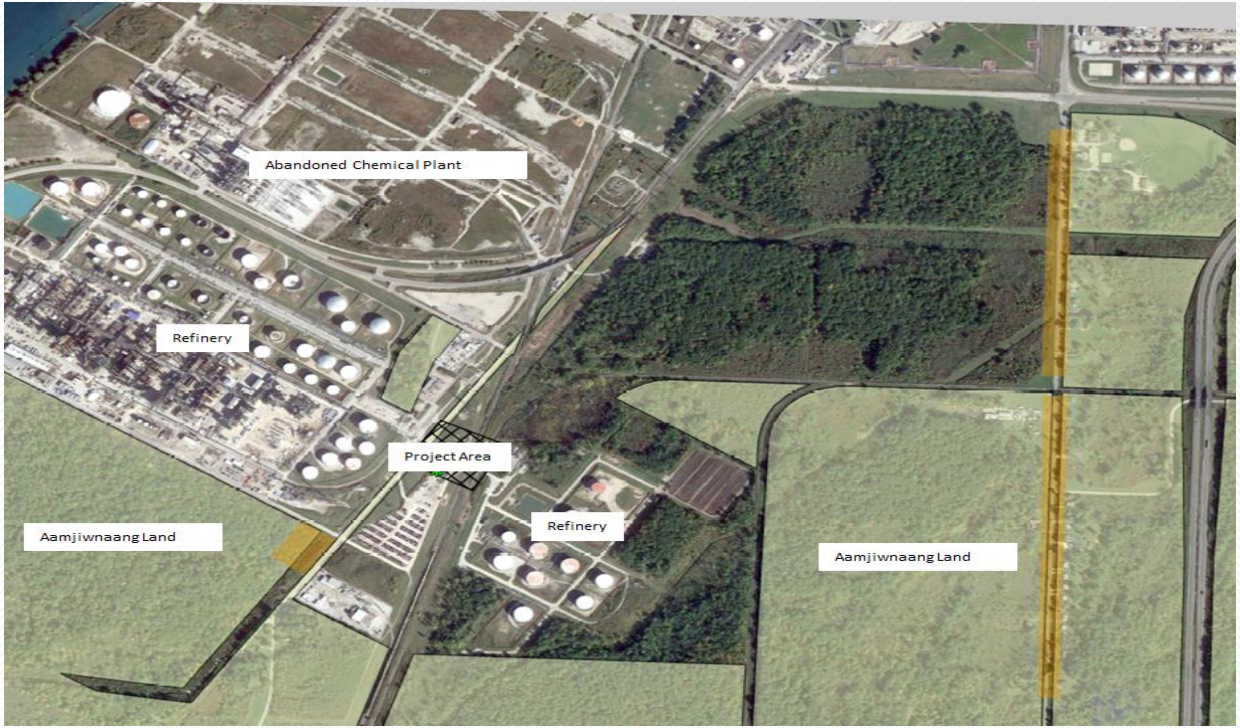
Remedial Design



Remedial Design

- Majority of impacted area covered with Geosynthetic Clay Layer (GCL), clay cap, vegetation.
- Groundwater collection trenches and recovery wells.
- Groundwater treatment system.
- During construction, multilayered air monitoring, foam suppressants, soil roll-off boxes sealed.

Air Monitoring During RAP Installation



-Regular use of vapour monitors (ground-level, at site)

-5 Area RAE monitors

-4 Summa Canisters

-Meteorological station

- Approx. 300 days monitored

Current Project Status

- Remedial system construction complete.
- System pumping and treating groundwater.
- Monitoring progress of remediation system.
- Ongoing monthly reports shared with Aamjiwnaang Environment Department.
- Presentations to community (Envirofest).

Collaboration & Engagement to find an effective solution

- Regular meetings of Cross Functional Team (CFT).
- Agreed upon objectives.
- Discuss plans, issues/concerns.
- Timely responses/resolutions to issues/concerns.
- Respectful dialogue.
- Transparency.

Dragun Role

- Technical advisor/support to Aamjiwnaang First Nation.
- Conduct peer reviews – Work plans, reports, sample collection procedures/protocols, remedial designs.
- Observe portions of field work in order to help ensure the collection of valid soil and groundwater data.
- Educational presentations of project to community.
- Provide seminars to community observers.
- Collaborative working relationship with Suncor (transparent information sharing allowed Dragun to address community concerns).

What does co-operation look like?

- Involve First Nations early (initial planning).
- Engage the community to hear all concerns.
  - Opportunity to answer questions and help increase understanding of complex and technical issue.
- Share data – some industries reluctant.
- Providing capacity financing is customary.

Value of Collaboration & Engagement

- Transparency builds trust.
- Sharing data creates community confidence, provides feeling of being part of the solution.
- Knowledge and understanding foster greater acceptance of and support for the project.
- Provides ‘real time’ third party review.

Aamjiwnaang First Nation Goal for Collaboration & Engagement

- To co-create a meaningful relationship between Aamjiwnaang and our industry neighbours through respect, inclusion, trust, and engagement.
- Leverage the Duty to Consult/Accommodation process a catalyst for Reconciliation through mutually-beneficial understandings.
- For Indigenous and non-Indigenous peoples to partner together for success in projects situated in First Nations territories.
- To transform the consultative process so that our children and grandchildren can live together in dignity, peace, and prosperity on these lands we now share.

Suncor Goal for Collaboration & Engagement

“Our relationship with our local Aboriginal communities over the past 65 years has been a journey. We know that earning trust and support is foundational to our business. Therefore, our goal for this project was to align to our values and guiding principles every step of the way. Our approach is a direct reflection of our Aboriginal Relations policy that makes our commitment to working closely with Canada’s Aboriginal Peoples very clear. Aamjiwnaang is our closest neighbour, therefore we continually strive for a relationship built on transparency, mutual trust and respect.”

-Mark Hiseler
Vice President,
Suncor Sarnia refinery

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DATE: **July 28, 2017**
Updated:

ITEM:	**REFERENCE:**
2017-0058 Town of Ingersoll Victoria Street Culvert Improvements Municipal Class EA	2017-0057

CHRONOLOGY:

July 12, 2017 – Received letter of Notice of Study Commencement. MTO is inviting AFN to participate in project and assist with identifying the environmental, social and cultural value we have within the Project Area.

STATUS:

Information to committee on August 29, 2017

RECOMMENDATION / FOLLOW-UP:

☐ Following this presentation it was decided that this project will be forwarded to council on __/__/____.

Environment Committee also recommended that (proponent) contact the following committees:

☐ Management RE:
☐ Housing RE:
☐ Development RE:
☐ Community Services RE:
☐ Health RE:
☐ Education RE:

DATE: **August 24, 2017**
Updated:

ITEM:	**REFERENCE:**
2017-0058 MTO-Highway 401 Rehabilitation of Structural Culverts- County of Elgin GWP 3043-11-00	2017-0058

CHRONOLOGY:

July 12, 2017 – Received letter of Notice of Study Commencement. MTO is inviting AFN to participate in project and assist with identifying the environmental, social and cultural value we have within the Project Area.

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Important Notice to Aamjiwnaang Community

Aamjiwnaang Shoreline Softening Project

Notice – Starting July 24, 2017 – to be complete by September 1, 2017

During the shoreline softening construction Aamjiwnaang's fishing pier area will be fenced off for safety and will not be accessible to anyone for a period of six weeks. During this time Facca Construction will be working with the St. Clair River Conservation Authority and Aamjiwnaang's Environment Department. Dennis Plain will be onsite during the period of construction or monitoring. If you have any concerns please call the Environment Department at 519-336-8410, or stop by our office at the Band Office. This project will also use the Inkejig area as the lay down area for materials to be transported to the work site along the shoreline for use on the project.

Up to 25 metres of shoreline will be softened, by removing sheet pile and installing rocks, grass, and aquatic plantings around the existing fishing pier. This will increase fish habitat for resting and spawning. The habitat pod will also improve access to the river for community members, and wildlife.

Additional funding has been secured to install groynes that will extend no more than 10 feet into the water as a way of creating additional fishing or relaxation areas. It is hoped that after funding contingencies the remaining funds will be used to create a removable swimming platform.

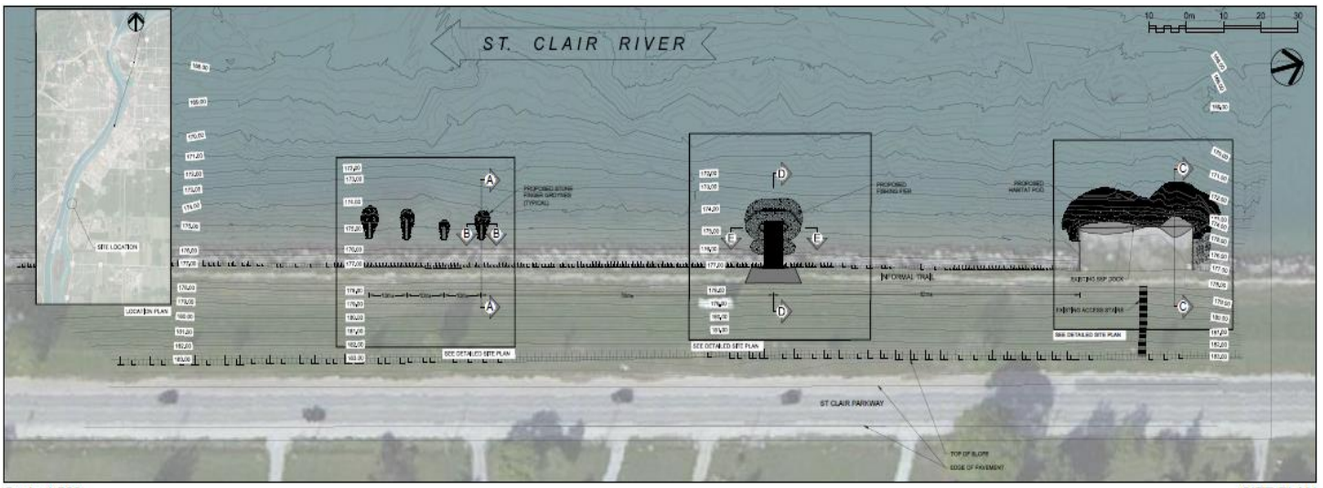
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Aamjiwnaang Environment Staff:

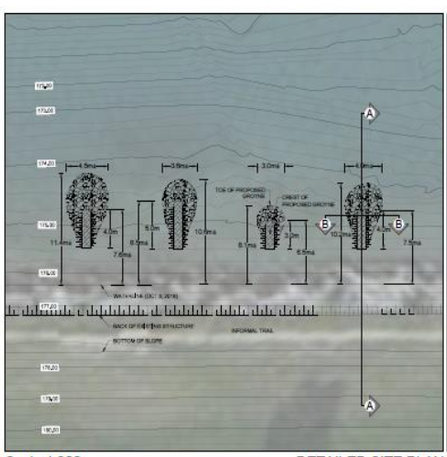
Sharilyn Johnston, Coordinator
Christine Rogers, Consultation Worker
Courtney Jackson, Environment Worker
Dennis Plain, Species at Risk Technician
Niki Cottrelle, Environment Assistant

Office located at:

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https://www.facebook.com/AamjiwnaangEnvironment/

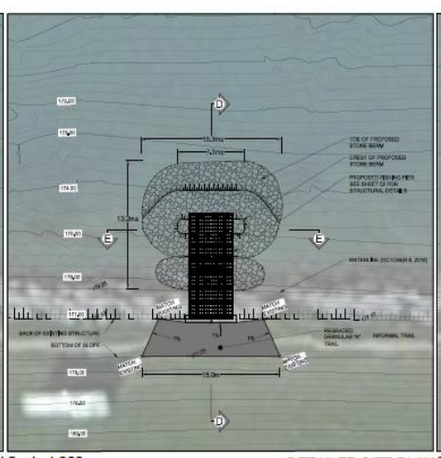


Scale 1:500 SITE PLAN

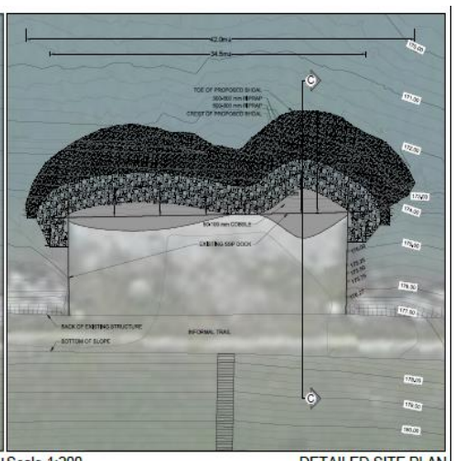


Scale 1:200 DETAILED SITE PLAN FINGER GROYNES

SPECIFICATIONS:



Scale 1:200 DETAILED SITE PLAN FISHING PIER



Scale 1:200 DETAILED SITE PLAN HABITAT POD



Consultation Protocol

Aamjiwnaang Consultation Discussion Document

Environment Department

The Aamjiwnaang Environment Department was established in 2007 with a mandate to:

- study, preserve, and protect traditional species and their habitat
- provide technical expertise to Chief and Council regarding Environmental impacts that infringe on aboriginal lands, resources, and treaty rights.
- to implement community engagement around environmental projects and to provide outreach and education regarding projects proposed in the area.

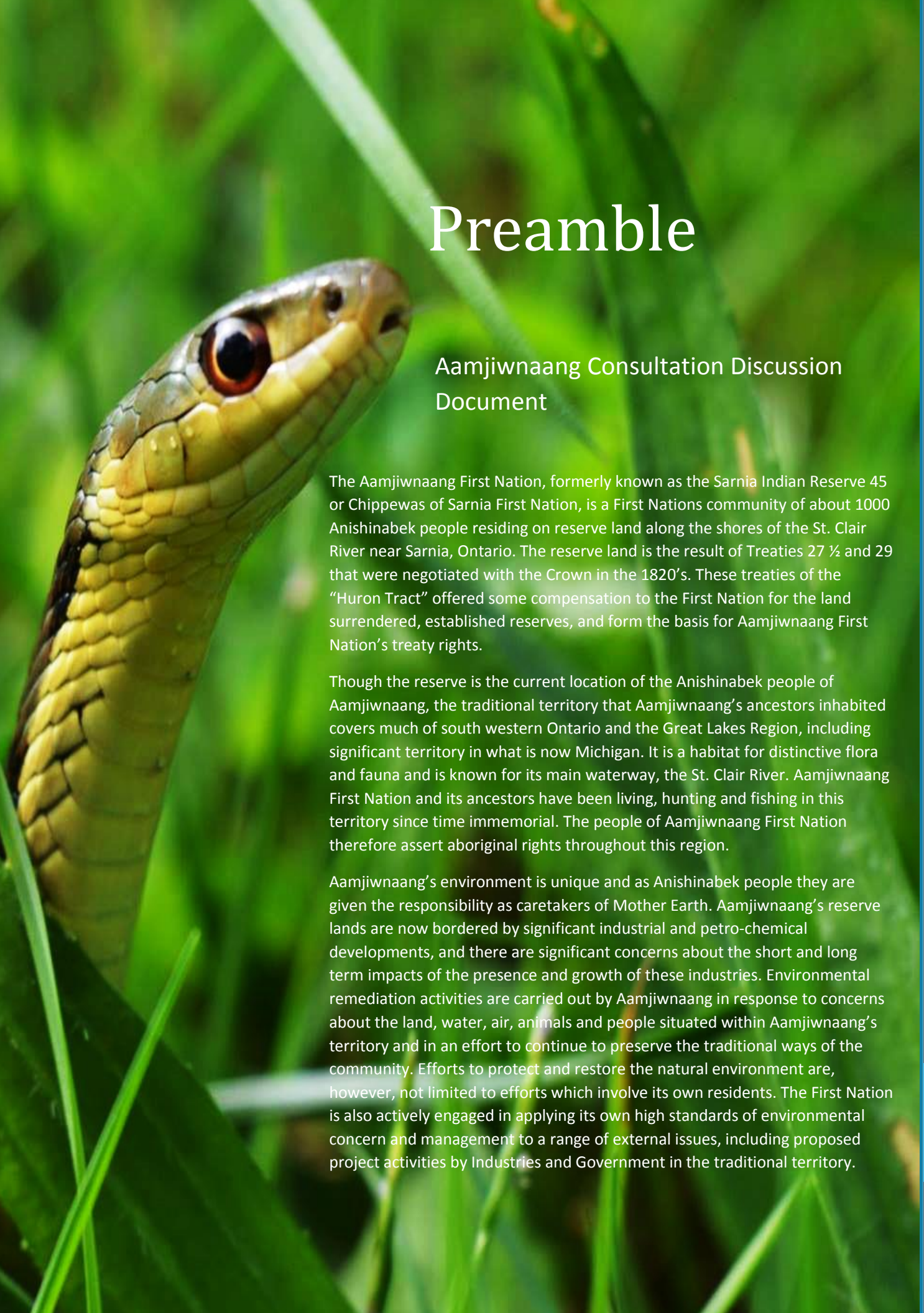


Christine Rogers, Sharilyn Johnston, Niki Cottrelle, Courtney Jackson, Kyle Williams, Dennis Plain

"As the First Peoples of this territory, we are intimately connected to our lands, water and resources. We have an inherent and sacred responsibility to manage and protect our lands and resources. Our existing Aboriginal and Treaty rights, our perspectives, interests and obligations of stewardship must inform the development of any proposed project, which may potentially impact these rights."

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Preamble

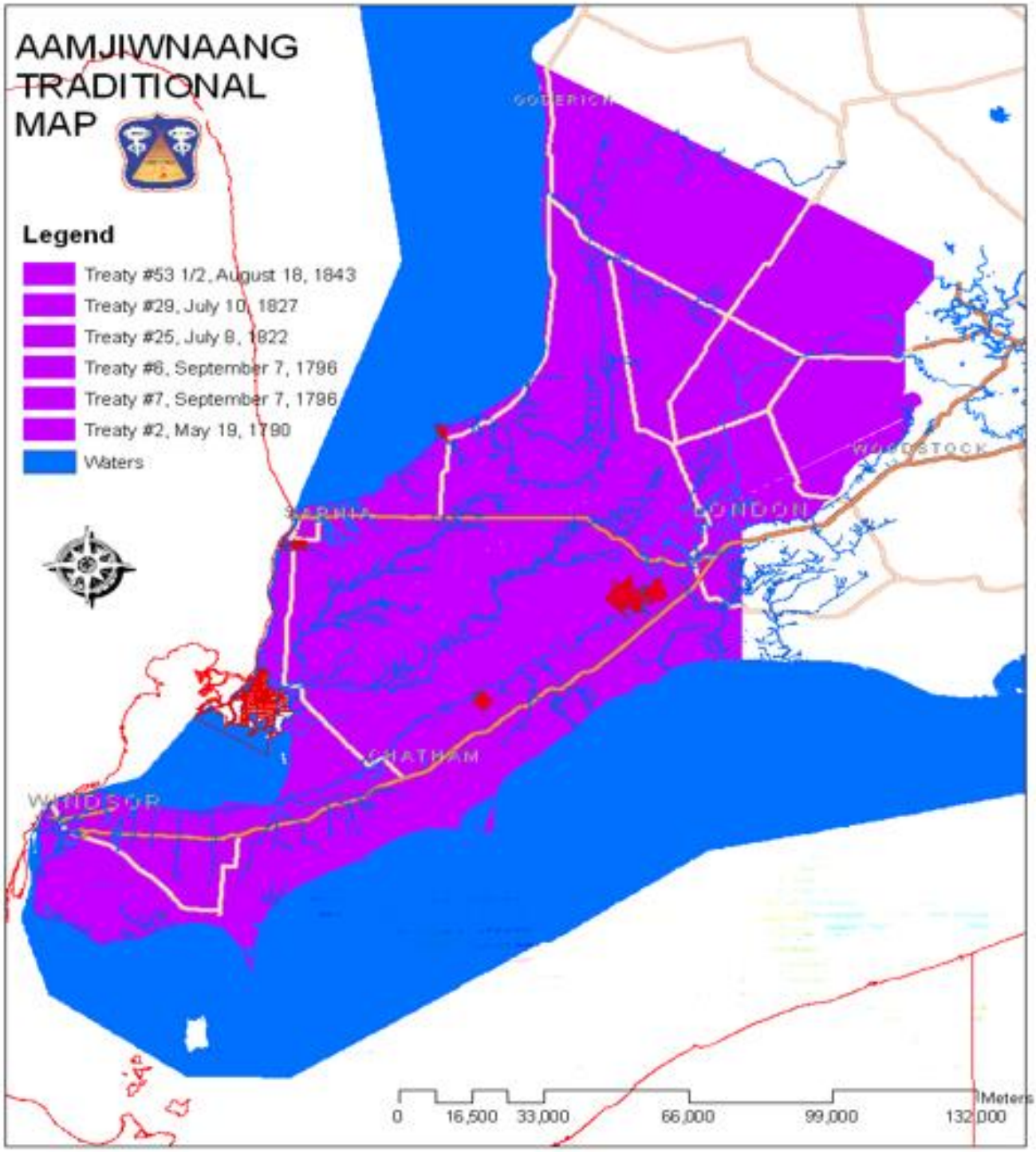
Aamjiwnaang Consultation Discussion Document

The Aamjiwnaang First Nation, formerly known as the Sarnia Indian Reserve 45 or Chippewas of Sarnia First Nation, is a First Nations community of about 1000 Anishinabek people residing on reserve land along the shores of the St. Clair River near Sarnia, Ontario. The reserve land is the result of Treaties 27 ½ and 29 that were negotiated with the Crown in the 1820's. These treaties of the "Huron Tract" offered some compensation to the First Nation for the land surrendered, established reserves, and form the basis for Aamjiwnaang First Nation's treaty rights.

Though the reserve is the current location of the Anishinabek people of Aamjiwnaang, the traditional territory that Aamjiwnaang's ancestors inhabited covers much of south western Ontario and the Great Lakes Region, including significant territory in what is now Michigan. It is a habitat for distinctive flora and fauna and is known for its main waterway, the St. Clair River. Aamjiwnaang First Nation and its ancestors have been living, hunting and fishing in this territory since time immemorial. The people of Aamjiwnaang First Nation therefore assert aboriginal rights throughout this region.

Aamjiwnaang's environment is unique and as Anishinabek people they are given the responsibility as caretakers of Mother Earth. Aamjiwnaang's reserve lands are now bordered by significant industrial and petro-chemical developments, and there are significant concerns about the short and long term impacts of the presence and growth of these industries. Environmental remediation activities are carried out by Aamjiwnaang in response to concerns about the land, water, air, animals and people situated within Aamjiwnaang's territory and in an effort to continue to preserve the traditional ways of the community. Efforts to protect and restore the natural environment are, however, not limited to efforts which involve its own residents. The First Nation is also actively engaged in applying its own high standards of environmental concern and management to a range of external issues, including proposed project activities by Industries and Government in the traditional territory.

Aamjiwnaang Traditional Territory



Guiding Principles

Aamjiwnaang Consultation Discussion Document

Aamjiwnaang First Nation understands the following basic principles to be a key part of any consultation and accommodation discussion.

	Principles	
a.	The Guidelines listed in this document are the minimum requirements for consultation and accommodation and are the expectations of Aamjiwnaang with respect to consultation and accommodation.	
b.	Aamjiwnaang has inherent treaty rights and aboriginal rights as well as a traditional territory and must be consulted with on any project that will or might have an impact on these rights.	
c.	All parties must recognize that the duty to consult and accommodate with Aamjiwnaang rests with the Crown (Federal and Provincial Governments) and that all authority for decision-making and approvals will remain on a government-to-government basis.	
d.	All proponents must commit to satisfying all environmental regulations and to seek best practice solutions and to use best available technology as regards any environmental concerns on any project within Aamjiwnaang's traditional territory. Aamjiwnaang must be made aware of any real or potential risks to health and safety, and every measure should be provided to avoid impacting the health of the Aamjiwnaang people.	
e.	Proponents, the Crown, and the First Nation will approach meetings in good faith, with respect, and with a desire to be flexible and seek a fair agreement for all parties.	
f.	Proponents, in their desire to complete projects in a reasonable time frame, should seek to satisfy all relevant federal and provincial guidelines and legislation for the project.	
g.	Consultations and negotiations should be held with full disclosure that includes, but should not be limited to, detailed project reports, details about regulations and fees that relate to the property or development in question, and any information given also to the Crown to satisfy regulatory measures.	

Guiding Principles – cont.

h.	All consultation and negotiation should be free of all coercion (including financial and time constraints), and should begin as soon as possible to ensure First Nations are included before irreversible decisions are made.	
i.	That all parties recognize that consultation is an on-going process that spans the life of a project through construction, operation, and decommissioning. Therefore, any agreements resulting from this process should allow for the possibility of renegotiation if the circumstances surrounding the agreement change.	
j.	Decisions should be made by consensus wherever possible. There must be a willingness to provide accommodation for the reasonable concerns of Aamjiwnaang before the project proceeds.	
k.	Nothing in this document shall offer any justification for taking away or superseding treaty and/or aboriginal rights within the meaning of Section 25 and 35 of the Constitution Act, 1982 or the duty to consult and accommodate.	
l.	Nothing in this document shall be considered an endorsement by Aamjiwnaang of any current legislation, regulations, policies, procedures, or practices of the Crown or proponents in Aamjiwnaang's traditional territory where Aamjiwnaang has no meaningful role in their development or administration, or do not reflect the reconciliation of the relationship between the Crown and Aamjiwnaang.	
m.	Nothing in this protocol implies consent or approval of any past, existing, new, or ongoing activities within Aamjiwnaang's traditional territory.	





Definitions

Aamjiwnaang First Nation: Means the aboriginal people within the meaning of section 35 of the Constitution Act, 1982, which is a First Nation, and a Band pursuant to the Indian Act. The First Nation is formerly known as the Chippewas of Sarnia. The First Nation's reserve is located near Sarnia, Ontario and is un-ceded land.

Aamjiwnaang Rights (Aboriginal Rights): Aamjiwnaang members have Aboriginal rights within the meaning of Section 25 and 35 of the Constitution Act, 1982 which are collective and not individual. The rights belong to the community and arise from presence, occupation and practice on the land prior to European contact. These rights continue to exist unless modified or extinguished by treaty.

Aamjiwnaang Title (Aboriginal Title): is a common law property interest in land. Aboriginal title arises from occupation of Canada by Aboriginal peoples prior to the *Royal Proclamation of 1763*. Aboriginal title is a collective right to land held by all members of an Aboriginal nation.

Accommodation: An amicable agreement achieved by consultation between two or more parties to deal with concerns and to avoid irreparable harm or to minimize the effects of infringement by seeking compromise in an attempt to harmonize any conflicting interests.

Activity: Any legislation, regulation, policy, procedure, plan, tenure, grant, license, permit, restriction, amendment, approval, authorization, transfer, transaction, operation, or other activity, which may have an impact on Aamjiwnaang's Aboriginal Title or other Aboriginal Rights.

Consultation: A deliberation, in good faith, on a matter involving two or more parties having concern for the consideration of a First Nation's wishes in planning and acting; with a mutual goal of arriving at an agreeable decision prior to any undertaking by any party.

Crown: Her Majesty in right of Canada and Her Majesty in right of Ontario and their respective governments and agencies.

Information: Refers to materials that can be disclosed in accordance with applicable law

Impact: Any adverse effect that any activity may cause to the Environment within Aamjiwnaang's traditional territory or the health of Aamjiwnaang or any of its members or any Aamjiwnaang right.

Proponent: A person, including corporations, which may include the Crown, who proposes a project to be implemented that may affect Aamjiwnaang interests.

Reserve: Refers to the un-ceded land near Sarnia, ON that was set aside under Treaty 27 ½ and 29 for the Sarnia band, now known as Aamjiwnaang First Nation and formerly known as the Chippewas of Sarnia.

Traditional Territory: The Traditional Territory of Aamjiwnaang is not confined to its reserve boundaries, but rather to the area of past occupation and land use. For this purposes of this consultation protocol, the Traditional territory of the Aamjiwnaang First Nation stretches along the shores of Lake Huron, north to Goderich, east to Stratford and south to Point Pelee.

Consultation Principles

The Crown must initiate consultation at the earliest stage in the decision-making process before decisions are made that infringe on Aamjiwnaang title or rights, and without Aamjiwnaang first having to raise questions about the proposed activity. Consultation must occur at all stages of any proposed activity that potentially impact on asserted or recognized rights of Aamjiwnaang, including legal or policy changes, strategic planning, scientific or technical decision making, operational decisions, environmental assessments, impact assessments, approvals which may lead to a permit, license, lease, or change in land status, and any amendment to any such decisions.

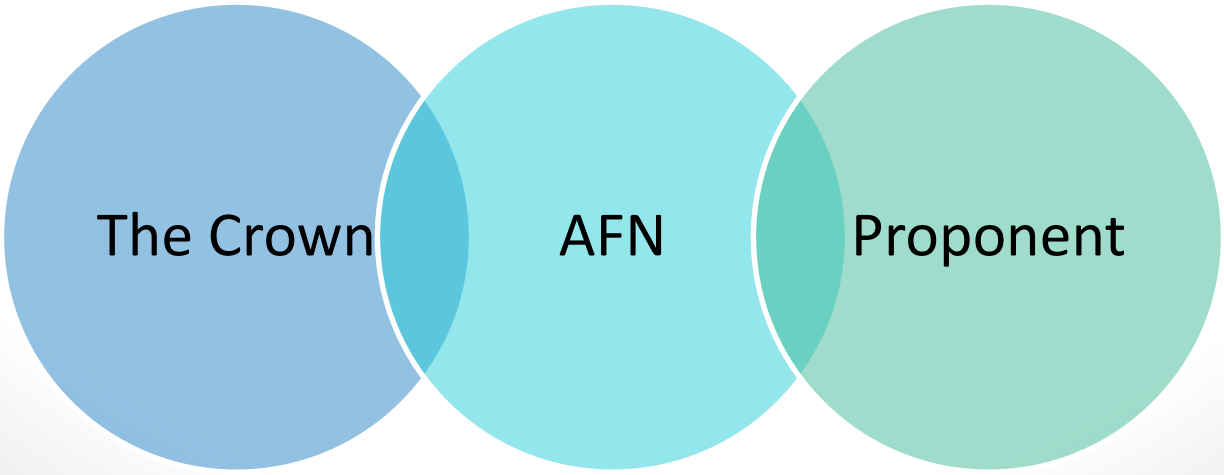
The consultation process, while involving non-crown proponents, shall have an ongoing government-to-government relationship based on the recognition and affirmation of the aboriginal and treaty rights and aboriginal title of the people of Aamjiwnaang. The concerns, interests, and ideas of Aamjiwnaang must be integrated into the decisions or developments that impact their territory, rights, or title.

Consultation with Aamjiwnaang must be separate and distinct from consultation with other interest groups.

The Crown or its designate shall provide all necessary financial or other resources required by Aamjiwnaang in order to effectively participate in all aspects of the consultation.

All discussions must be undertaken in good faith, and all alternative options must be available, including a “no-activity” option if the impacts of the decision or development are expected to cause undue infringement on Aamjiwnaang’s rights, title, or people.

Aamjiwnaang must be prioritized in any strategic level decisions, before operational decisions are undertaken. Resources and time must be provided to Aamjiwnaang in order to conduct the necessary studies or reviews to better understand the potential impacts or infringements that may occur as the result of an activity.



Anticipated Outcomes

It is the desired hope that all consultations will result in fair and mutually beneficial meetings that are conducted in good faith, without prejudice, and designed to incorporate Aamjiwnaang into the decision making process. It is further expected that the Crown and Proponents must accommodate and/or mitigate any activity that may infringe on Aamjiwnaang's Aboriginal title, rights, or interests.

Common types of Accommodation include, but are not limited to:

- Modification of the project, including scope, scale, or technology changes
- Employment
- Joint Ventures
- Co-management of resources
- Joint land use planning
- Training
- Limiting resource extraction and harvesting
- Conservation measures
- Hunting access
- Environmental protections and ongoing monitoring
- Alternate land arrangements
- Relocation
- Alterative food source compensation
- Equity in companies
- Preferential contracts for services
- Community-use buildings
- Financial compensation
- Compensatory damages for past infringements or impacts
- Other arrangements

Notes:

Responsibilities of Each Party

Crown **The Crown is responsible to:**	
• Respect and uphold the treaty and aboriginal rights enshrined in the Constitution Act, 1982 related to First Nations.	
• Consult with and seek accommodate for Aamjiwnaang whenever there is an activity that may or will impact the treaty and aboriginal rights of the community.	
• Work with Aamjiwnaang on a government-to-government basis.	
• Uphold the honour of the Crown.	
• Consider and give reasonable consideration to Aamjiwnaang rights and interests.	

Proponent(s) **The Proponent is responsible to:**	
• Recognize that Aamjiwnaang is a level of government that seeks to uphold the treaty and aboriginal rights held by Aamjiwnaang community members.	
• Ensure that good faith consultation and flexibility guide relations with the Aamjiwnaang community with an aim to seeking mutually beneficial solutions.	
• Recognize that an activity cannot be permitted within Aamjiwnaang's traditional territory without consultation and accommodation with Aamjiwnaang.	
• Recognize that the duty to consult rests with the crown and that any decision or agreement reached must ultimately be made on a government to government basis.	

Responsibilities of Each Party – Cont.

Proponent (s) Con't.	
▪ Provide contact persons and all information in a timely manner to ensure that good communication is the cornerstone of effective and transparent consultation.	
• Provide adequate details and information about the project and any associated timelines or project schedules.	

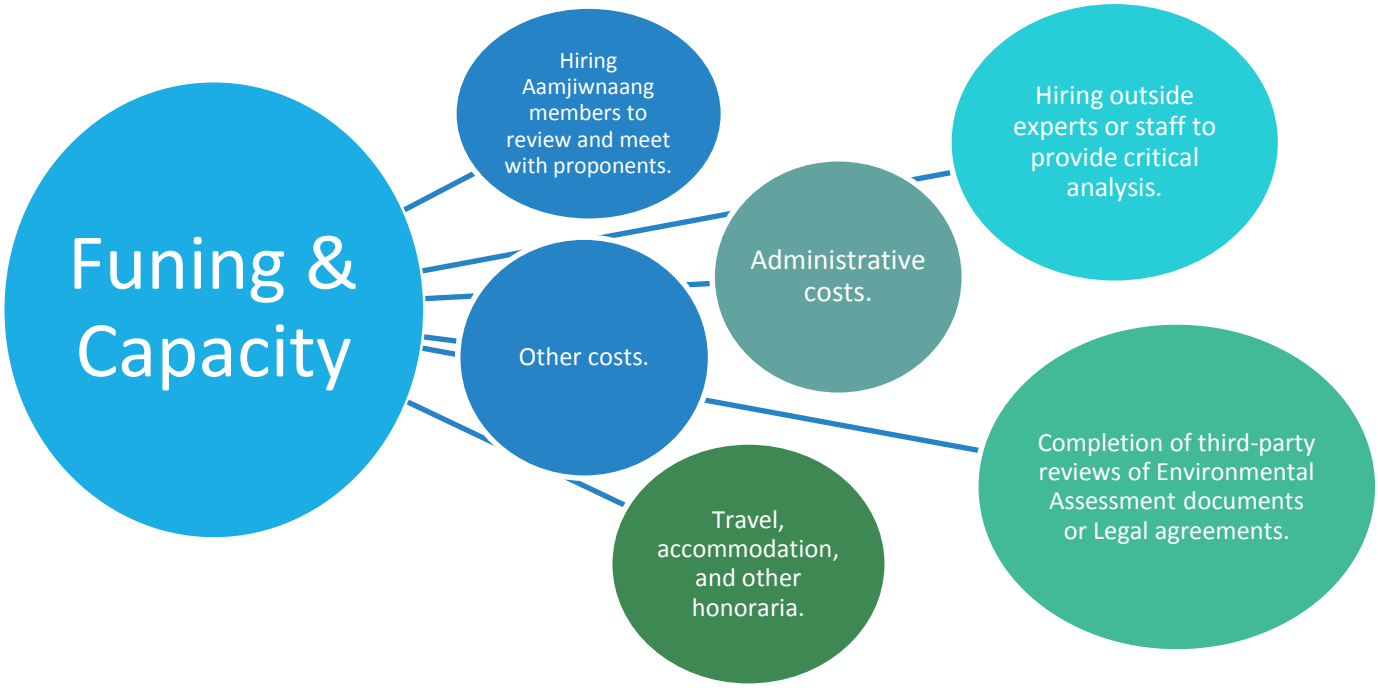
Aamjiwnaang **Aamjiwnaang is responsible to:**	
• Provide information to Proponents and the Crown when asked related to the Aboriginal Rights and Treaty Rights asserted on or near the activity under discussion.	
• Provide contact person(s) for whom inquiries could be made regarding the status and execution of the consultation process of Aamjiwnaang.	
• Represent the views of community members at all times.	
• Make a reasonable effort to provide Aamjiwnaang members with adequate notice of all major projects and time allowances for comments.	
• Monitor compliance by all parties of the consultation and accommodation process.	
• Operate in good faith and with a desire to seek mutually beneficial outcomes wherever possible.	
• Provide information and guidance in order to ensure that activities are undertaken with consideration of the land-use principles and potential impact on sites of cultural, spiritual, or heritage interest.	

Funding and Capacity to meet Consultation Needs:

The Crown is responsible for providing funding and capacity to enable First Nations and Proponents to hold meaningful discussions about activities and for both parties to understand the issues at stake. This funding is critical for the consultation process in order to proceed without delays.

Proponents must recognize that the Aamjiwnaang First Nation often does not have the internal capacity or resources necessary to meet all consultation goals without outside funding. Proponents must recognize that Aamjiwnaang does not receive adequate resources to undertake all consultation requests received. Proponents may be asked to provide capacity for various portions of the consultation process.

Consultation needs are often extensive, including:



The necessity of consultation and accommodation and the lack of capacity of Aamjiwnaang requires proponents to meet many of the capacity and consultation costs associated with the process to ensure the meeting of deadlines and deliverables in a timely manner. Costs may also rise or decrease depending on the size, scope, and community involvement necessary to hold adequate and good faith consultations. Proposed budgets will be developed and shared with the proponent throughout the process.

Notes:

General Consultation and Accommodation Steps

The following outlines the general process of consulting and accommodating Aamjiwnaang.

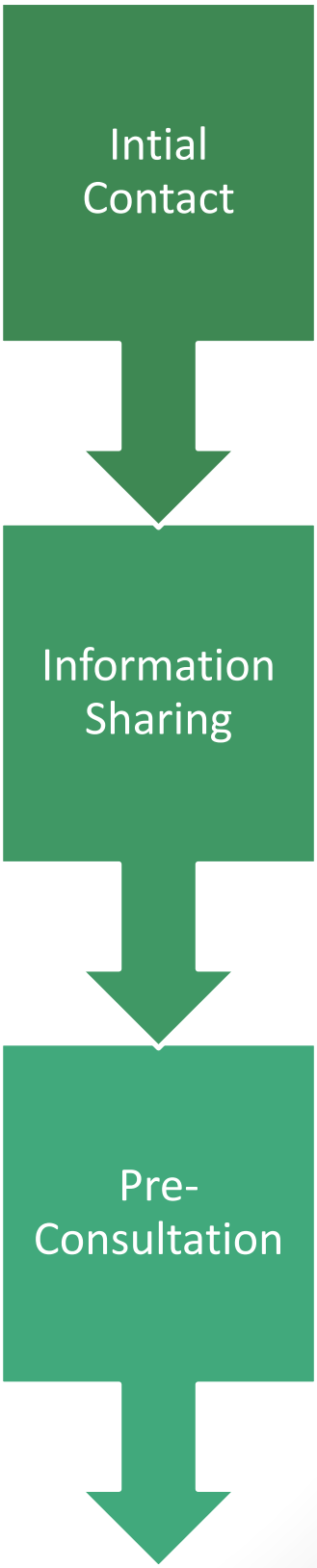
1. **Initial Contact**: Notice of a proposed project or decision is made to Aamjiwnaang. Any notice must be submitted to the Chief, the Council, and the Health and Environment Committee. Proponents must submit adequate information and details about the proposed activity including:

    1. The appropriate contact person and his or her contact information
    2. Reference maps of the proposed project site or area
    3. Information about the activity and potential impacts in plain language format, including potential impact on resources and land
    4. Information on the anticipated economic impact on Aamjiwnaang and on surrounding communities
    5. The timeframe or activity schedule with critical dates identified
    6. Information about the potential impacts on treaty or aboriginal rights

2. **Information Sharing:** Following an internal review, a response will be sent to the proponent, indicating the next steps and the appropriate contact person at Aamjiwnaang. This will likely take one of three forms:

    1. More information is required from the proponent or the Crown to adequately assess the proposal
    2. At this time Aamjiwnaang is not interested in entering into a full consultation process, however the proponent should continue to inform Aamjiwnaang throughout the process, especially if there are any changes in scope or expected impact.
    3. Aamjiwnaang is considering entering into a full consultation process and requires more information and capacity.

3. **Pre-Consultation:** If the response is to consider entering a full consultation process, the Proponent will be asked to provide more information and attend meetings. Details of the process, budget, and information required will be discussed. This stage in the process will lead to one of three responses
    1. More information is required from the proponent or the Crown to determine whether there are potential or real impacts on constitutional rights or title issues.
    2. At this time Aamjiwnaang is not interested in entering into a full consultation process, however the proponent should continue to inform Aamjiwnaang throughout the process, especially if there are any changes in scope or expected impact.



General Consultation and Accommodation Steps – Cont.



3. Aamjiwnaang requires the proponent or Crown to enter a full consultation process.

4. **Consultation:** If the response following pre-consultation is 3, the proponent may be asked to sign a consultation agreement or memorandum of understanding. This agreement will identify the process and requirements to complete the consultation and accommodation process, and may include:
   1. A request for more information, including plain language summaries
   2. A request to participate in meetings with Chief and Council, the Health and Environment Committee, the community as a whole, or other groups as required.
   3. A request for capacity to undertake the necessary review of the proposal, including expert legal, technical, or other advice
   4. A request to undertake more studies, or to expand on existing studies.

   Following the consultation process, an internal analysis of the potential or real impacts will be undertaken. The results of this analysis will determine whether there is a need to progress to the next step, accommodation and mitigation.

5. **Accommodation and Mitigation:** Following the further studies and analysis undertaken in step 4, Aamjiwnaang will negotiate with the proponent or Crown to determine the requirement to develop mitigation strategies or accommodations for the potential or real impacts.

6. **Reconciliation:** Following the end of the consultation process, Aamjiwnaang will provide a response to the Crown and proponent indicating that the consultation process has been completed, and whether the interests and rights of Aamjiwnaang have been accommodated. The response may include agreeing to the proposal as described, agreeing to the proposal with conditions and accommodations, agreeing to abandon or postpone the proposed project, or no agreement.

Dispute Resolution

In order to avoid resorting to the court system, if at any point throughout the consultation process the parties feel that an agreement cannot be reached they may opt to pursue a dispute resolution process.

Any dispute resolution process must be:

- Conducted in a manner where Aamjiwnaang has equal decision making power;
- Conducted in an impartial and mutually acceptable manner; and
- Conducted in a timely manner.

The process of consultation shall cease for the duration of a dispute resolution process.

The Crown, Aamjiwnaang, and the Proponent must be parties to any dispute resolution process.

If the parties required in a dispute resolution by subsection 15.4 deem it appropriate they may agree to grant standing to any Aamjiwnaang Member or party in a dispute resolution.

A third party may receive standing in a dispute resolution.

A dispute resolution process may be sought where the end result of the consultation process is 'no agreement.'

Existing Activities Affecting and Impacting Aamjiwnaang

The Crown must work with Aamjiwnaang to review past decisions about activities undertaken in Aamjiwnaang's traditional territory and reserve lands that were made without honourable consultation and accommodation and continue to affect and impact Aamjiwnaang in the present.

The Crown or Third Parties must inform Aamjiwnaang about existing activities undertaken by the proponent or Crown in the traditional territory or reserve lands of Aamjiwnaang when proposing any new activities or changes to existing uses.

Review and Amendment

Aamjiwnaang shall review this policy regularly on at least an annual basis.

Ongoing consultations are not affected by this policy that began before the signing date unless agreed upon by all parties.

This agreement was approved on June 22, 2010. The First Nation reserves the right to establish new procedures, fees, or consultation measures at any time.

ENVIRONMENT COMMITTEE MEETING

Tuesday, March 7, 2017
5:00 PM – 8:00 PM
Community Center
Chair: Ralph Nahmabin

Agenda

Item #1: **Call to Order:**

Item #2: **Presentation**

a) Walker Southwest Landfill EA 5-6pm

Item #3

b) Municipal Class Environmental Assessments for City of Sarnia 6-7pm

c) Sanitary Pump Stations in Sarnia and Bright's Grove

Item #4: **Minutes – Approve February 7, 2017 Minutes**

- Moved by:
- Second by:

Item #5: **Consultation** *(see Attached Pink Sheet)*

Item #6: **Staff Updates:**

a) Written Submission of Aajiwnaang First Nation to the Standing Committee on Tansport, Infrastructure and Communities.

b) Written Submission of Aajiwnaang First Nation to the Standing Committee on Fisheries and Oceans on the Review of the Changes to the Fisheries Act.

Item #7: **New Business**

Item #8: **Adjourn:**

Upcoming Meetings:

- **Next Environment Committee Meeting - Tuesday March, 21/ 2017 (5-8 pm at the Centre)**

		Project Name	***Brief description***	***Actions from Meeting***
1)	*2016-0037 (info in packages)*	Dawn 156 Pool Storage Dawn-Euphemia Township Union Gas	**October 25, 2016** – Addendum letter received. As explained in letter, two additional wells will be deepened from their original letter dated Oct. 3, 2016.	-
2)	*2016-0090 (info in packages)*	First Nation Deer Harvest Clear Creek Forest Provincial Park Ontario Parks – Ministry of Natural Resources and Forestry	**November 7, 2016** – Delaware Nation at Moraviantown has notified the MNRF that they would like to harvest deer in Clear Creek Forest Provincial Park. Safety measures were identified and MNRF are asking public not to enter park during scheduled harvest days.	- ***FYI***
3)	*2016-0091*	Municipal Class EA for Improvement to Bridges 21 & 22 Municipality of Meaford, County of Grey	**November 4, 2016** – Received letter. Municipality of Meaford has issues a Municipal Class EA to improve Bridges 21 & 22. **November 10, 2016** – Sent Thank you letter and mentioned outside our traditional territory but consider other First Nations in the area.	- ***Sent Thank you and outside our traditional territory***
4)	*2016-0092 (Info in packages)*	Creation of Cambridge Pressure Zone 1W Schedule Class Environmental Assessment City of Cambridge, Region of Waterloo	**November 1, 2016** – Notice of Study Commencement received. The Region of Waterloo has initiated a study to create a new pressure zone in the City of Cambridge.	-
5)	*2016-0093*	Markham Road Sanitary Sewer and Fairtree Sewage Pumping Station and Forcemain Improvements Schedule B Class Environmental Assessment City of Markham	**October 27, 2016** – Received PIC info. The City of Markham is undertaking a Schedule B Class EA Study. PIC is scheduled for November 14, 2016 in Markham.	- ***Sent Thank you and outside our traditional territory***
6)	*2016-0094 (info in packages)*	Agricultural Soil Health and Conservation Strategy Ministry of Agricultural, Food and Rural Affairs	**October 24, 2016** – Received letter, the Ministry of Agricultural, Food and Rural Affairs is hosting an engagement session with First Nations on November 25, 2016 for participation in the development of an	- ***Deadline to register is November 18, 2016***

Staff Updates List
Environment Committee Meeting
July 11, 2017

	Item	Brief description	Staff	Actions from Meeting
a)	Water Gathering and Toxic Tour	Received letter from Lindsay Gray	Christine	-
b)	Meeting Reports	Update to committee from meetings recently attended	Christine Courtney	-
c)	Plant Study		Christine Kyle	-
d)	Drinking Water and Wastewater Systems Conference	Draft program received for small remote communities tentative for Fall 2017 or Spring 2018.	Sharilyn	- ** info not in packages. Will received at meeting
e)	Federal Participant Funding Update	Approval by Committee to submit application	Sharilyn	-

Notes:

Aamjiwnaang First Nation

Environment/ Species at Risk

978 Tashmoo Ave.
Sarnia, Ontario
N7T 7H5
Phone: (519) 336-8410
Fax: (519) 336-0382

BRIEFING NOTE

Subject: Item #1, Drone Footage. Item #2, AFSAR Final Report
Prepared by: Dennis Plain
Date: **August 15, 2017**
Submitted to: Chief and Council

ISSUE: Item #1, On Aug 1st and Aug 13th, David Cooke of CANDA Inc. provided drone his services to assess areas of concern around Aamjiwnaang.

Item #2, AFSAR Final Report for 2015-2017 has been finalized and is to be submitted to Environment Canada as of Sept 30, 2017.

BACKGROUND: Item #1; On June 24th, 2017 Mr. Cooke filmed the community canoe launch with his drone. The footage was made available to the community via social media. Mr. Cooke offered 2 days of fly-overs free of charge and the Environment Department used those days to assess wetland health, Phragmite spread, dirt pile mass, and potential/existing species habitat. An estimated 80% of the territory was photographed or filmed from 400 ft.

Item #2; After some technical difficulties, the Final Report for the AFSAR program, 2015-2017, has been concluded. The information contained therein is property of Aamjiwnaang First Nation, but that information is of critical importance when it comes to potential industrial activities on the territory. Many of the Environmental Assessments obtained by industry when various infrastructure needs arise, claim that no species at risk occur on the First Nation and have not occurred here for 20 years. This information strengthens mitigation efforts and promotes proper restoration of altered habitat. The environment that is Aamjiwnaang has been proven to be a very critical ecosystem (one of the last) in Southern Ontario.

RECOMMENDATION: That this Chief and Council supports the Environment Department/Species at Risk in producing a short video of the fly-over and providing it to the community through various means. I.e. Social Media, EarthDay. That the AFSAR Report with it's crucial information be submitted to EC so that the importance of the ecosystem can be included/updated when it comes to potentially harmful industrial activities.

FREE!!

FAMILY EVENT

AAMJIWNAANG Presents ENVIROFEST

Celebrating Water

Saturday, July 29, 2017 from 10 AM – 1 PM

ECO-FRIENDLY

Crafts + Activities + Face Painting

Visit information booths and have a chance at winning some awesome prizes!!

** **VOLUNTEERS NEEDED** **

Please contact the Environment Department at (519) 336-8410.

Various Presentations, Species at Risk, Traditional Land Use Study Update, Maajiigin Gumig Greenhouse Tours/Activity, Raptor Nesting Platforms, Aamjiwnaang Shoreline Update, Habitat Creation, Fenceline Monitoring Program, Aamjiwnaang Water Stories, Fun Environmental Outdoor Games & Activities, *AND SO MUCH MORE!*

More Info – Contact the Environment Department or check us out on Facebook: Aamjiwnaang Environment



Please sign up team (limit of 5/team). Best combined total time wins the prize. Must have a youth participating. The Race is an outdoor activity. Weather Permitted.

*** Children must be accompanied by a parent or guardian. Transportation is available. ****

Bring a non-perishable food item for donation to Aamjiwnaang Food Bank and receive an extra ballot for door prize.

To end this amazing event, we will be serving Indian Tacos at 12:00 pm.

Community Centre - Bear Park

AAMJIWNAANG FIRST NATION

978 Tashmoo Ave.
Sarnia, Ontario N7T 7H5
Ph.: 519-336-8410
Fax: 519-336-0382

June 28, 2017 Our File # 2016-0066

Romney Energy Centre Limited Partnership
c/o EDF EN Canada Inc.
53 Jarvis Street, Suite 300
Toronto, ON, M5C 2H2

Attention: Mark Gallagher
Senior Developer

Re: Romney Wind Energy Centre

Dear Mark Gallagher:

Thank you for the information that you recently provided regarding the above noted proposed project dated May 15, 2017. The information has been logged into our consultation system.

The information was reviewed by our staff and unfortunately due to scheduling conflicts there was no one available to attend the scheduled Public Community Meeting held on June 7, 2017 but Aamjiwnaang First Nation request a copy of information presented. Please continue to forward all relevant information pertaining to this project to:

Chief Joanne Rogers
Aamjiwnaang First Nation
978 Tashmoo Avenue
Sarnia, Ontario, N7T 7H5
Office: (519) 336-8410

Sharilyn Johnston
Environmental Coordinator
Aamjiwnaang First Nation
978 Tashmoo Avenue
Sarnia, Ontario, N7T 7H5
Office: (519) 336-8410
Email: sjohnston@aamjiwnaang.ca

Aamjiwnaang First Nation is committed to facilitating a flexible, clear, and reasonable process for reviewing information in relation to the proposed project and will participate fully in responding to the information provided. This letter does not abrogate or derogate Aamjiwnaang First Nation's continuing ability to assert and exercise its Aboriginal Rights and Title to all parts for its Reserve and Traditional Territory.

Sincerely,

Courtney Jackson - Environment Worker
Aamjiwnaang First Nation
cjackson@aamjiwnaang.ca

DATE: **August 23, 2016**
Updated: **January 26, 2017**

ITEM:	**REFERENCE:**
Green Street Pump Station – Bright's Grove City of Sarnia	2016-0068

CHRONOLOGY:

July 25, 2016 – Received letter that Sarnia has initiated a Class EA to upgrade the existing ageing station.

January 16, 2017 – Received letter of Notice of Public Meeting held on January 25, 2017.

January 26, 2017 – Sent letter requesting a presentation to the Environment Committee.

STATUS:

File Created. Information sent to committee on February 7, 2017

RECOMMENDATION / FOLLOW-UP:

☐ Following this presentation it was decided that this project will be forwarded to council on __/__ /____.

Environment Committee also recommended that (proponent) contact the following committees:

☐ Management RE:
☐ Housing RE:
☐ Development RE:
☐ Community Services RE:
☐ Health RE:
☐ Education RE:

AAMJIWNAANG FIRST NATION

978 Tashmoo Ave.
Sarnia, Ontario N7T 7H5
Ph.: 519-336-8410
Fax: 519-336-0382

May 5, 2017

Our File # 2014 -0006

Bryan Prouse
City of Sarnia
651 Devine Street
Sarnia ON N7T 1W9

Attention: Bryan Prouse

Re: Bedford Pump Station Replacement and the Environmental Assessment for the Green Street Pump Station in Bright's Grove

Dear Mr. Prouse:

Thank you for the information regarding this project dated March 7, 2017. Our staff has recorded this information in our log. The information package was presented to Aamjiwnaang's Environment Committee at a recent committee meeting for their review, consideration and comments.

As part of the rebuilding after improvements have been completed in the project area, Aamjiwnaang First Nation (AFN) would like to have native plants and species planted or re-planted in the areas that remain as natural areas within or near the project area. Also, AFN requests that any habitat areas that have been disturbed or removed as a result of the project be restored, where possible. AFN realizes that this may not be possible within the project area. AFN would like an equal or greater area be established in an alternate location. Any wildlife corridors that are disturbed due to the project be restored as much as can be after completion of the project. This includes the area in the vicinity of Howard Watson Trail.

We also have concerns regarding storm water management options and the inclusion of any modern improvements within the project area, specifically near Howard Watson Trail. We also request that appropriate Phragmites control be used when implementing the project plan.

Aamjiwnaang First Nation continues to assert and exercise our Aboriginal Rights and Title to all parts of our Reserve and Traditional Territory in regards to lands and resource issues.

Sincerely,

Christine Rogers

Environment Consultation Worker

Aamjiwnaang First Nation