



**FIRST NATIONS  
LAND MANAGEMENT  
RESOURCE CENTRE**

**Environment & Enforcement Team**

# **Phase I Environmental Site Assessments under the Framework Agreement for First Nation Land Management**

**RC Presentation for Chief and Council  
2021**



# What is an ESA?

## Environmental Site Assessments

A process that looks at current and past land uses to identify and address areas of environmental concern (contamination)

Completed in Phases (I, II and III)

### Phase I Environmental Site Assessments and the *Framework Agreement on First Nation Land Management*

Conducted to fulfil ISC's requirements under the Framework Agreement to provide the First Nation with all information in Canada's possession regarding the environmental condition of the reserve lands

Provides the First Nation and Canada with a snapshot of the existing environmental conditions of the First Nation's reserve lands at a particular point in time, prior to the change in land management jurisdiction.

Phase I ESAs also include recommendations for further study (Phase II ESA), and the results of the Phase I ESA form part of the First Nation's Individual Agreement with Canada

Under the Framework Agreement, Canada remains responsible for any acts or omissions in relation to First Nation land that occurred before the First Nation's land code comes into force

# ESA Phases



## Phase I

### Identifies Areas of Potential Environmental Concern (APECs)

Records Review

Site Visit

Community Meetings and Interviews



## Phase II

### Confirms Areas of Environmental Concern (AECs)

Environmental Sampling & Analysis

Comparison to federal & provincial environmental standards and guidelines based on land and water use



## Phase III

### Managing or Remediating Contamination

Contamination delineation

Exposure pathways, conceptual models & risk assessment

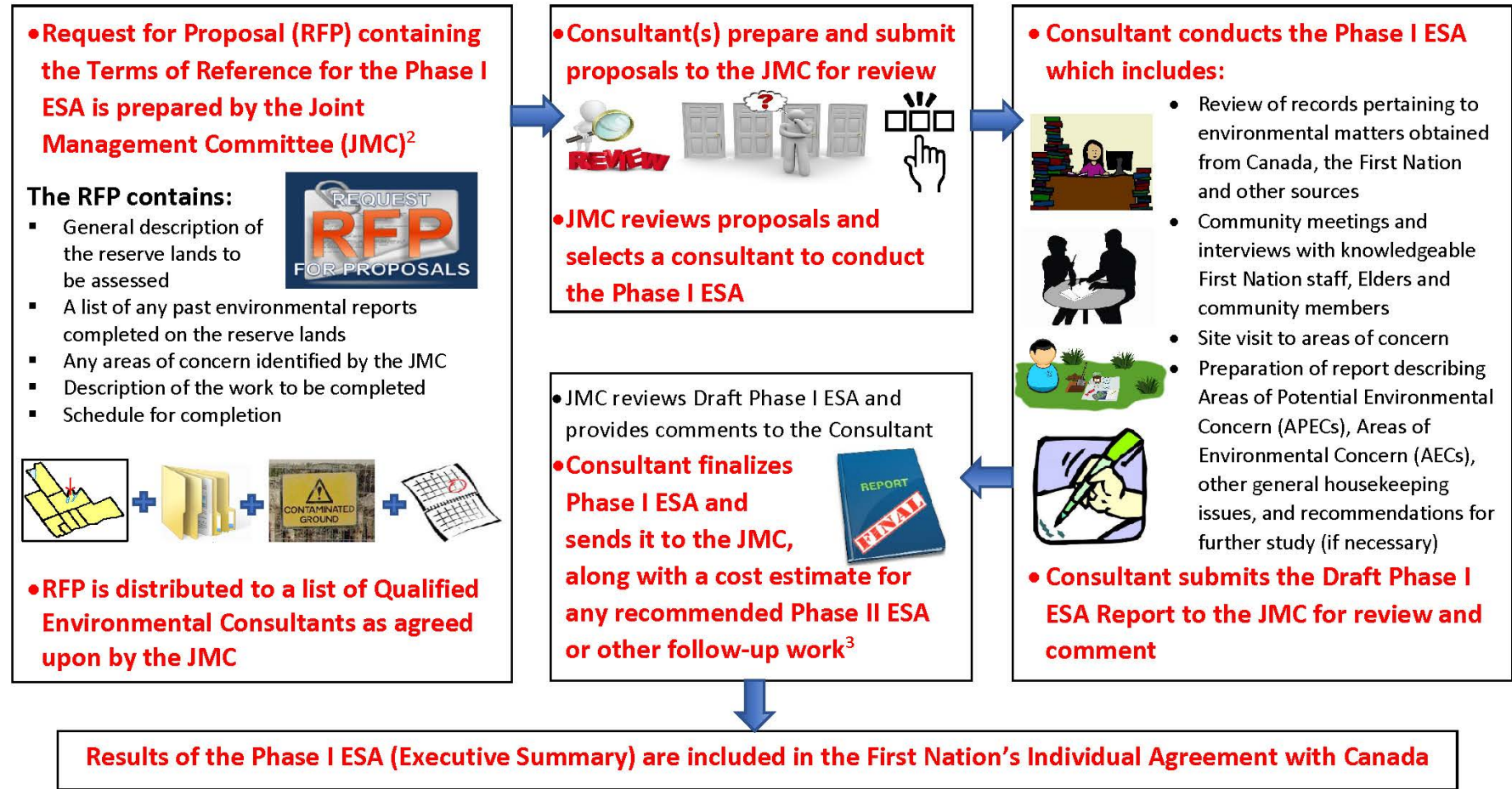
Containment or remediation works, as necessary



# Phase I ESA

# General Process Diagram

## General Overview for the Preparation, Review and Approval Process for a Phase I Environmental Site Assessment (ESA)<sup>1</sup>



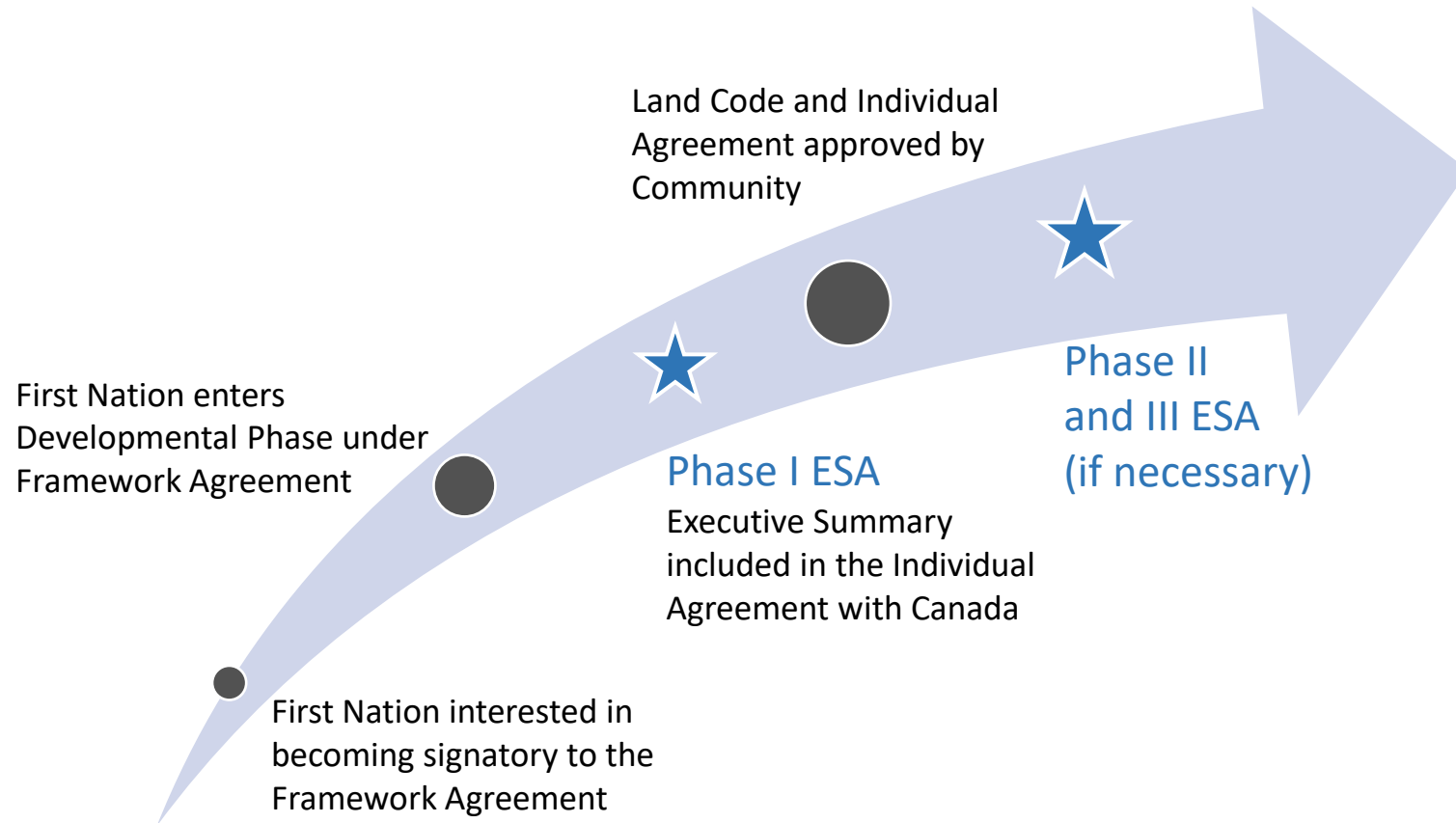
### Notes:

<sup>1</sup> Phase I ESAs are conducted to fulfil Canada's responsibility under Section 6.3(c) of the *Framework Agreement on First Nation Land Management* which requires Canada to provide the First Nation with "all existing information, in Canada's possession, respecting any actual or potential environmental problems with the proposed First Nation land".

<sup>2</sup> The Joint Management Committee consists of 1 representative from the First Nation and one representative from Indigenous Services Canada (ISC). At the request of the First Nation, the Resource Centre may attend all meetings and participate in the JMC as a non-voting member.

<sup>3</sup> When required, Phase II ESAs are typically completed after the ratification and coming into force of a First Nation's Land Code.

# Timing of ESA Phases



## ESA Timing

- Phase I ESA occurs during the Developmental Phase
- Phase II ESA (if necessary), occurs during the Operational Phase, typically within one year of ratification, and depending on availability of funding (ISC)
- Phase III ESA (if necessary), occurs later, timing depending upon severity of contamination, potential impacts to human health and the environment, and availability of funding (FCSAP, other sources)

# What happens if APECs are identified on reserve?

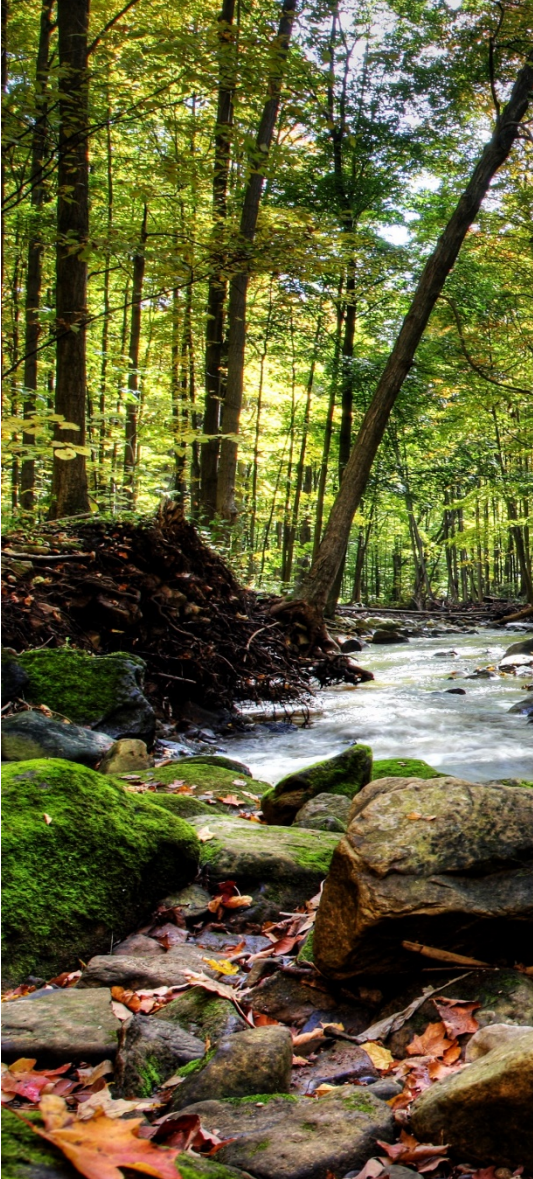


- Executive Summary of Phase I ESA identifying APECs is included in the First Nation's Individual Agreement with Canada
  - This is Canada's official acknowledgement of the existing environmental conditions of the reserve lands
- If necessary, and depending on available funding, a Phase II is conducted following Land Code ratification to determine if contamination is actually present at the identified APECs
- If contamination is confirmed, additional studies are completed to determine the extent, concentration, severity, and risk of exposure to contamination
  - Contaminated sites are scored and entered into the Federal Contaminated Sites Registry – this registry includes all contaminated sites on federal lands (not just on reserve lands)
  - Sites are prioritized for action – sites with highest risk for exposure and that contain contaminants most likely to cause adverse health and ecological effects are typically dealt with first
  - Funding for this work generally comes from Canada through the Federal Contaminated Sites Action Plan (FCSAP)
- If FCSAP funding is not available for a site, the RC has other funding sources that may be able to assist
  - Legacy Funding, Solid Waste Management Funding, Environmental Management Plan Development and Implementation Funding



# Questions?





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**THANK YOU!**

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